

Mayor Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Carberry, Duffy, Pendergast, Shea, Smith, Mayor Kovach

**STATEMENT OF ADEQUATE NOTICE:**

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

**APPROVAL OF MINUTES - TABLED**

Mayor Kovach announced that the minutes of December 27, 2012 were tabled to the next meeting.

**APPROVAL OF MONTHLY REPORTS – DECEMBER**

A motion was made by Mr. Shea seconded by Mr. Smith, to accept the monthly reports for the month of December as submitted:

Administrator’s Report, Buildings and Grounds Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Treasurer’s Report, Zoning Officer’s Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Walter Hetzel, 36 West Main Street, asked Mayor and Council to lean on the utilities that provide service to Clinton. Mr. Hetzel said “the utility companies need to be more robust”. Mr. Hetzel is grateful and said the Town was fortunate that we were not without power for extended periods of time however, the phone and cable were out for a long time. Information is made available to residents via email and facebook, but that is only an option if you can access it. Mayor Kovach said a meeting was held with JCP&L along with commissions from BPU. The representative were made aware of the issued that had impacted many communities. BPU said their hands are tied to a degree but can charge fines of \$100.00. There is pending legislation and BPU is making recommendation to legislators. An outside audit is being arranged and slow moving infrastructures changes are being made. Municipalities are urged to pressure our legislators.

**MAYOR’S COMMENTS**

Mayor Kovach announced the passing of former mayor, Town Historian, devoted resident, Allie McGaheran, on Saturday evening. Mrs. McGaheran passed the evening of her husband, Pat McGaheran’s funeral. Mr. Smith delivered a prayer and a moment of silence was held.

Mayor Kovach asked council liaisons to give the day and time of their regular scheduled committee meetings; reminded Council members to check their town emails regularly and to use the telephone to connect when subjects are questionable. Remember, emails are subject to the Open Publics Records Act (OPRA).

**REVALUATION UPDATE – FRAN KUCZYNSKI**

Tax Assessor, Fran Kuczynski, attended this evening's meeting to give an update as to the scheduling and progression of the town wide revaluation. To date, out of 857 residential properties, approximately 100 need to be inspected. Appraisal Systems, Inc. has done a fantastic job and plan to meet their deadline of February 28, 2013. Ms. Kuczynski met with the revaluation company and the state representative and everything is going smoothly. The reason for the re-valuation of the Town is to avoid tax appeals and follow the market values.

**RUN O' THE MILL – CLINTON SAINT PATRICK'S DAY 5K**

Julie Culley and Chris Farley, are presenting an application for a road race to be held Saturday, March 16, 2013. The race plans to begin 7:00 a.m. to 11:00 a.m. Beginning at the Community Center, heading south on Halstead Street, left on Center, right on New Street across East Main and Main Street, returning to the Community Center. Ms. Culley was not available to attend this evening's meeting so her friend, Chris Farley, presented the ideas to Council. Mr. Farley and Ms. Culley met earlier to discuss the event and was advised to make the presentation to council. Their anticipated attendance would be 500 participants. The sponsoring organization is the New Jersey New York Track Club. Contact has been made with the New Jersey Water Authority and permission was given to use their property to continue the race and for parking. Mr. Farley answered general questions from council and presented the formal application. The application will be on the agenda for January 22, 2013.

**RESOLUTION #40-13 – BYOB – YULETIDE BONFIRE**

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #40-13 permitting the consumption of alcoholic beverages at the Yuletide Bonfire Winter Festival.

**RESOLUTION # 40-13**

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Hunts Mill Park during the Town of Clinton Yuletide Bonfire Winter Festival to be held on January 19, 2013, rain date, January 26, 2013, beginning at 6:00 PM.

Vote all ayes  
Motion carried

**RESOLUTION #41-13- APPOINTMENT OF PUBLIC DEFENDER AND ALTERNATE**

A motion was made by Mr. Pendergast, seconded by Mr. Smith to adopt Resolution #41-13 as presented:

**RESOLUTION # 41-13**

**RESOLUTION APPOINTING THE MUNICIPAL COURT OF THE TOWN OF  
CLINTON PUBLIC DEFENDER AND CONFLICT/ALTERNATE PUBLIC DEFENDER**

**WHEREAS**, the Town of Clinton, Hunterdon County, New Jersey, has entered into an interlocal municipal services agreement for the creation of a shared municipal court with the Township of Clinton; and

**WHEREAS**, this court will be known as the Municipal Court of the Town of Clinton; and

**WHEREAS**, the Municipal Court requires the services of a Municipal Court Administrator for the Calendar Year 2013; and

**WHEREAS**, the Municipal Court of the Town of Clinton has authorized the appointment of the persons named herein as the Public Defender and the Conflict /Alternate Public Defender.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, hereby ratifies the Appointment of Scott Mitzner as the Public Defender and Anthony Rotunno as the Conflict /Alternate Public Defender of the Municipal Court of the Town of Clinton for the Calendar Year 2013.

Vote all ayes  
Motion carried

**RESOLUTION #42-13 – APPOINTMENT OF COURT STAFF**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #42-13 as presented:

**RESOLUTION # 42-13  
RESOLUTION APPOINTING THE MUNICIPAL COURT OF THE TOWN OF  
CLINTON COURT STAFF**

**WHEREAS**, the Town of Clinton, Hunterdon County, New Jersey, has entered into an interlocal municipal services agreement for the creation of a shared municipal court with the Township of Clinton; and

**WHEREAS**, this court will be known as the Municipal Court of the Town of Clinton; and

**WHEREAS**, the Municipal Court requires the services of a Municipal Court Administrator for the Calendar Year 2013; and

**WHEREAS**, the Municipal Court of the Town of Clinton has authorized the appointment of the persons named herein as the Deputy Court Administrator, and Violations Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, hereby ratifies the Appointment of Jennifer Budrewicz as the Deputy Court Administrator and Kimberly Marino as the Violations Clerk of the Municipal Court of the Town of Clinton for the Calendar Year 2013.

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #13-01 – CESSATION OF REGULAR MUNICIPAL  
COURT FUNCTIONS AND APPROVING SHARED SERVICES AGREEMENT**

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to introduce Ordinance #13-01 on first reading as submitted:

**ORDINANCE NO. 13-01**

**AN ORDINANCE APPROVING THE CESSATION OF THE REGULAR MUNICIPAL COURT CASE FUNCTIONS OF THE NORTH HUNTERDON MUNICIPAL COURT AND APPROVING THE SHARED SERVICES AGREEMENT TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION OF THE MUNICIPAL COURT OF NORTH HUNTERDON'S CASE FILES AND RECORDS AND THE CONTINUATION OF BUSINESS AS REQUIRED AFTER CESSATION OF REGULAR MUNICIPAL COURT CASE FUNCTIONS**

**WHEREAS**, the Municipal Court of North Hunterdon, 1322 Route 31 North, Suite 23, Annandale, New Jersey 08801, (hereinafter referred to as "**MCNH**"), will cease accepting new matters occurring after December 31, 2012 and will cease the active scheduling and trial of cases as of February 28, 2013; and,

**WHEREAS**, it is necessary to provide for the storage, security, servicing and administering of MCNH case files and records and for the continuation of MCNH business, as required, after the cessation of scheduling and adjudication of active cases; and,

**WHEREAS**, the Township of Clinton, (hereinafter referred to as "**Custodian Town**"), is in the position to store, service and administer the MCNH's case files and records and to continue MCNH's business, as required as of March 1, 2013 and as set forth in Appendix "A", attached; and,

**WHEREAS**, the Town of Clinton, Townships of Franklin, Lebanon, Tewksbury and Union, and the Boroughs of Glen Gardner, High Bridge, Bloomsbury, Califon Hampton and Lebanon, desire to establish a Shared Services Agreement for the administrative and financial terms by which the Custodian Town will assume the obligations of the MCNH as of March 1, 2013; and,

**WHEREAS**, the Shared Services Agreement shall be governed by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.,

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED** by the Mayor and Governing Body of the Town of Clinton, County of Hunterdon, State of New Jersey, as follows:

1. The MCNH will cease accepting new matters occurring after December 31, 2012.
2. The MCNH will cease the scheduling and adjudication of all matters after February 28, 2013. Between January 1, 2013 and February 28, 2013, the MCNH will continue to process and adjudicate its existing caseload which was generated prior to January 1, 2013, at its current court facility located at 1322 Route 31 North, Suite 23, Annandale, New Jersey 08801.
3. The storage, security, servicing and administering of all MCNH case files and records and the continuation of all other MCHN business shall be addressed pursuant to a Shared Services Agreement with the Township of Clinton, Hunterdon County, New Jersey, assuming the responsibility for all MCHN case files, records and business.
4. Subject to the approval and by Order of the New Jersey Superior Court, Vicinage 13 Assignment Judge, as of March 1, 2013, the MCNH will be located at and administered by the Clinton Township Municipal Court.

5. The Shared Services Agreement provides for the storage, security and administration of the Municipal Court of North Hunterdon's case files and records and the continuation of business, as required after cessation of actual municipal court functions is hereby approved.

6. The Mayor and Municipal Clerk are hereby authorized to execute the agreement on behalf of the Town of Clinton and to execute any further documents and to take any further action to accomplish the purpose of the Agreement.

7. The Municipal Clerk shall forward two executed copies of the Agreement and a certified true copy of this Ordinance to John R. Lanza, Esquire, 5 Main Street, P.O. Box 2520, Flemington, New Jersey 08822.

8. The Municipal Clerk shall maintain a true copy of the fully executed agreement with the records of her office, for inspection, during normal business hours.

9. The Ordinance shall be effective immediately to meet the MCNH's timetable for the orderly transfer of its files, records and business.

#### **APPENDIX A –**

##### **Responsibilities to be performed by Clinton Township Municipal Court on behalf of the Municipal Court of North Hunterdon:**

The following list is not exhaustive, but merely illustrative of the responsibilities to be performed by the Clinton Township Municipal Court on behalf of the Municipal Court of North Hunterdon.

- Notify - via memo and publication - law enforcement, members of the bar, public, Law Journal, Lawyers Diary, county directories, etc., that the Municipal Court of North Hunterdon is being operated by the Clinton Township Municipal Court as of March 1, 2013 – including address and phone number.
- Store and maintain court files and administrative records in locked filing cabinets or in a secure room that has access by court staff only.
- Schedule cases, manage case flow and adjudicate matters accordingly.
- Run, order and process all daily, weekly and monthly Page Center and Reports on Demand reports. This includes but is not limited to notices of delinquent time payments and proposed suspensions.
- Process other reports which include executed warrants, expungements, cases eligible for dismissal (parking) and cases on appeal reports.
- Request Failures to Appear, as appropriate.
- Request Driver License Suspensions, as appropriate.

- Issue warrants, appropriate.
- Accept payments in person, by mail, phone or web; this includes credit card payments.
- On a daily basis, balance out daily financial intake; print daily journal report & attach to bank deposit slips.
- Run and process cashbook and all related reports for financial account reconciliation on a monthly basis. This includes processing disbursements, overpayments, restitution, uncashed checks, and miscellaneous bank fees.
- On a monthly basis, balance and reconcile both general and bail accounts.
- Upon receipt of payment, notify defendant of new address for any future payments submitted.
- Backload pre-ATS/ACS tickets/complaints into ATS/ACS system when old case is re-opened.
- Process conditional discharge notices received from Probation Department.
- Process cases returned from Prosecutor's Office accordingly. Maintain all prior and recent reports and other court records in accordance with the retention schedule.
- Complete Judiciary records retention and destruction list accordingly.
- Follow expungement procedures accordingly.
- Perform any and all other duties and responsibilities as required to effectively and efficiently run a municipal court in Vicinage 13 of the State of New Jersey.

Due to the length of time since the inception of the Municipal Court of North Hunterdon, there are thousands of cases that will continue to need administration and/or adjudication. They include, but are not limited to: active cases in inventory that must be scheduled and adjudicated; adjudicated cases in time payment status; closed, but non-adjudicated, cases where the court has issued a warrant for the defendant's arrest; closed, but non-adjudicated, cases where the court has requested that the defendant's driver license be suspended by the Motor Vehicle Commission; fully adjudicated cases awaiting the lapse of a certain time period and Judiciary authorization for destruction or appropriate records retention; cases pending conditional discharge; cases pending Pre-Sentence Investigations; cases pending Probation review; cases sent to mediation that were neither settled nor adjudicated; and all other cases that need processing and were generated in the jurisdictions of the Municipal Court of North Hunterdon prior to January 1, 2013.

Vote all ayes  
Motion carried

A notice of this Ordinance will be published in the January 11, 2013 edition of the Courier News. Second reading and public hearing will be held January 22, 2013.

**RESOLUTION #43-13 – TRANSFER OF FUNDS**

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #43-13 as submitted:

**RESOLUTION #43-13**

**WHEREAS**, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriation Reserve in the last two months of 2012; and

**WHEREAS**, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that transfers in the amount of \$500.00 be made between the 2012 Budget Appropriation Reserves as follows:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
Streets & Roads		
Salary & Wages	\$ 500.00	
Utility Expense - Water		
Other Expenses		\$ 500.00
<b>TOTALS</b>	<b><u>\$ 500.00</u></b>	<b><u>\$ 500.00</u></b>

**ANIMAL CONTROL OFFICER – DISCUSSION**

Chief Matheis is recommending a new animal control officer be considered for the Town of Clinton. Current services are extremely limited and this new prospect is available 24/7/365. The person would be hired as a part time person for \$5,000.00 per year, not much more than we currently pay, but we could get much more assistance day and/or night. Questions of insurance liability, mileage, and creating the position were all discussed. Matter will be continued at the next meeting.

**SPECIAL EVENT - SPRINTIN' CLINTON**

Application has been received to hold the Sprintin' Clinton event on Sunday, July 14, 2013. The event will be held the same day at the Rubber Ducky Race. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the request as presented.

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. JCP&L has sent a response to our letter of December 18, 2012 in which the Town of Clinton expressed our thanks for restoring power following Super Storm Sandy. Don Lynch, President of JCP&L thanked Clinton and also recognized another colleague, Gerry, and looks forward to a continued working relationship with the Town.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Richard Phelan, PW/Business Administrator**

1. Provided additional information to FEMA regarding Super Storm Sandy and expect reimbursement possibly mid-year.

**Kathy Olsen, CFO**

1. Budget meetings to begin towards the end of February, at that time we will be able to see the impact of the revaluation of the Town.

**Councilman Smith**

1. Buildings and Grounds meeting scheduled for Friday, January 11. Meetings will be held the second Friday of each month at 8 a.m.
2. Water Committee will meet next Wednesday, January 16 at 8 a.m. Meetings will be held the third Wednesdays of each month.

**Councilman Shea**

1. SWAC – reviewing contracts with the County regarding waste haulers.
2. Roads Committee – meetings are the first Friday of the month at 8 a.m. Committee is currently following up with the State grant applications.
3. Shade Tree Committee – Meetings are the thirds Monday of the month at 7:30 p.m.
4. Clinton Guild meetings are every other Thursday at 8:30 a.m. at the stone mill.

**Councilman Pendergast**

Mr. Pendergast is now the Fire Commissioner. There have been a few changes to the junior fireman program, age is being changed from 16 years old to 15 years old. Two new members are Gabrielle Cruz from High Bridge and Jack Vita of Messig Road.

1. Fire Department meetings are the first Monday of the month at 7:30 p.m.
2. Sewer Committee meetings are the third Friday of the month at 8 a.m. at the Treatment Plant. Planning on scheduling the tour of the plant in February.
3. Smart Growth Committee – meetings to be announced.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Pendergast , seconded by Mr. Carberry to approve the standby and overtime pay attached to these minutes for December 22 through January 3, 2013.

ROLL CALL: Ayes: Carberry, Duffy, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Mr. Carberry seconded by Mr. Pendergast to approve the voucher list attached to these minutes.

Council Meeting  
January 8, 2013

ROLL CALL: Ayes: Carberry, Duffy, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Smith seconded by Mr. Carberry to adjourn the meeting at 8:20 p.m.

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach