

Mayor Kovach called the meeting to order at 7:35 p.m.
The meeting started a little late due to the Council photo being taken.

Flag Salute.

Roll Call: Present – Carberry, Pendergast (7:39 p.m.), Rylak, Shea, Smith, Sosidka (left 9:15 p.m. for back pain following recent surgery), 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

A motion was made by Mr. Carberry, seconded by Mr. Shea to approve the minutes of October 8, 2013 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the Executive Session minutes of October 8, 2013 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF MONTHLY REPORTS – SEPTEMBER

A motion was made by Mr. Carberry seconded by Mr. Pendergast, to accept the monthly reports for the month of September as submitted: Police Report, Wastewater Treatment Plant, Treasurer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT - NONE

MAYOR’S COMMENTS – NONE

RESOLUTION #139-13 – CANCELLATION OF TAXES

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #139-13 as submitted:

**RESOLUTION # 139-13
CANCELLATION OF TAXES**

WHEREAS, Block 31, Lot 37 was never assessed until 2013;

WHEREAS, the Tax Assessor shows the ownership as “Unknown” and states that the property should be considered as an “Uncollectible”;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the taxes due on Block 31, Lot 37 in the amount of \$59.86 be cancelled, and

BE IT FURTHER RESOLVED that the Tax Collector be relieved from the obligation to collect that assessment.

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

Vote all ayes
Motion carried

RESOLUTION #140-13 – ANIMAL CONTROL OFFICER – HUNTERDON COUNTY

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #140-13 urging the Hunterdon County Board of Chosen Freeholders to initiate a study of the benefits of a County take over of the functions of municipal animal control officer. A majority of Hunterdon municipalities have already passed this resolution.

RESOLUTION 140-13

Resolution Requesting that the County of Hunterdon Undertake the
Animal Control Officer Responsibilities for Hunterdon County Municipalities

WHEREAS, the County of Hunterdon is composed of 26 municipalities whose populations range in size from the smallest, Stockton Borough, with a population of 538, to the largest, Raritan Township, with a population of 22,185; eight of the municipalities in the County have a population of under 2,000 and 22 of the 26 municipalities have a population of under 6,000. Accordingly, the vast majority of municipalities in Hunterdon County are smaller ones which do not have large administrative staffs; and

WHEREAS, notwithstanding the size of the majority of municipalities in the County, *N.J.S.A.* 4:19-15.16 requires the governing body of each municipality appoint a certified animal control officer responsible for animal control within the jurisdiction of the municipality and who shall enforce and abide by statutory requirements for such an office; and

WHEREAS, *N.J.S.A.* 4:19-15.16.a. establishes the certification requirements for animal control officers and mandates the establishment of rules and regulations for the training and educational qualifications for certified animal control officers; and

WHEREAS, *N.J.S.A.* 4:19-15.16 mandates municipalities take into custody and impound dogs and other animals which are believed to be strays, dogs off the premises of the owner, any off premises female dog in season, any dog or other animal which is suspected of being rabid, any dog off the premises of the owner judged by the certified animal control officer to be ill, injured or creating a threat to public safety or welfare; and

WHEREAS, *N.J.S.A. 4:19-15.16* establishes the procedure as to how the certified animal control officer is to take into custody and impound dogs or other animals required to be collected and further provides that those animals are to be turned over to a shelter, pound or kennel; and

WHEREAS, prior to the adoption of the more demanding requirements for certification of animal control officers and the collection of animals meeting the definition of the statutory requirements, dog and other animal control activities were often carried out by humane shelters or individuals known as dog catchers; and

WHEREAS, the increased professionalism required of animal control officers has decreased the number of suitable candidates for this position; and

WHEREAS, the number of shelters which are convenient to municipal locations willing to take dogs or other animals collected by the animal control officer has diminished for various reasons; and

WHEREAS, it has become increasingly difficult for municipalities in the County of Hunterdon to fulfill their statutory responsibilities with respect to stray dogs and other animals; and

WHEREAS, the State of New Jersey has a strong policy to encourage shared services to reduce the costs of municipal services; however, there are few economic benefits to be achieved by individual municipalities sharing an animal control officer because of the nature of the service. However, significant efficiencies of scale could be achieved if a county-wide animal control officer was created; and

WHEREAS, in larger municipalities the animal control officer usually reports to the municipal health officer; and

WHEREAS, in Hunterdon County most, if not all, municipalities do not have their own health officer, but delegate the administrative responsibilities of their Boards of Health to the County of Hunterdon Division of Public Health Services; and

WHEREAS, having a countywide animal control officer(s) under the jurisdiction of the Hunterdon County Division of Public Health Services will increase professionalism, reduce the cost of providing animal control services and provide for more efficient use of the vehicles and equipment.

WHEREAS, it would make sense for the County of Hunterdon to create the office of animal control officer within the Division of Public Health Services, which has the experience and administrative capacity to efficiently hire animal control officers and oversee their day-to-day activities.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

1. The Clinton Town Council strongly urges the Hunterdon County Board of Chosen Freeholders to initiate a study of the appropriate benefits of a County

take over the functions of the municipal animal control officer in any municipality which, by Resolution, requests that the County take over its animal control requirements; and

2. The Clinton Town Council requests that the State Senators and Assemblymen who represent municipalities in the County of Hunterdon, petition the State of New Jersey to provide funding for the study of a plan to have the County of Hunterdon take over the animal control responsibilities from municipalities which request that service; and
3. The Town Clerk is directed to send a copy of this Resolution to the following:
 - A. The Hunterdon County Board of Chosen Freeholders;
 - B. The Mayor and Governing Body of each of the 26 municipalities in the County of Hunterdon; and
 - C. Each State Senator and Assemblymen who represent any municipalities in the County of Hunterdon.

Vote all ayes
Motion carried

CLINTON FIRE DEPARTMENT

Fire Department Chief, Walt Dorf, and President, Scott Wintermute, attended this evening's meeting along with fire department members, Bill Wintermute, Jerry Malecki, George "Butch" Runyon and Jeff Hedden. Walt Dorf and Scott Wintermute spoke on behalf of the Fire Department and presented their request for funding of a new pumper at the cost of \$650,000.00 to replace to the 1991 pumper, called engine 45-2, which is in need of repairs with an estimated cost of \$14,200. The men distributed a folder to each of the council members with the information gathered to replace the equipment. They explained the need for safety for the firefighters. Council discussed options with the men and asked questions. Best case scenario, Council will have an answer for the department end of November, early December. Approximate wait time for delivery would be about 10 months.

Chief Dorf also announced a new fund raiser that will be held on December 21, 2013. Beginning at 10:00 a.m. until 4:00 p.m., the fire department will be driving Santa to homes that register for toy delivery to children. The form is available on the web site, clintonnj.gov. A donation of \$35.00 is requested and deliveries are limited to 35 families.

CORRESPONDENCE

Notification has been received from the State of New Jersey that the Town of Clinton has received \$277,600 through the Hazard Mitigation Grant Program – Energy Allocation Initiative. The Initiative is intended to support efforts to encourage enhanced energy resilience for critical assets and facilities in New Jersey, such as generators. In order to qualify, Mr. Phelan will have to attend a seminar offered to discuss the technologies available through the Energy allocation Initiative and information will be provided on the process for accessing HMGP Energy allocation Initiative funding, as well as opportunities to leverage other available funding sources to support resilient energy projects.

2. The Salvation Army West Central Region is hosting its First Annual Gala at The Hamilton Manor on Thursday, November 7, 2013 from 6:30 pm to 10:30 pm. Tickets are \$100.00 per ticket.
3. October is Pedestrian Safety Month in Hunterdon County and HART is offering programs to make our community safer and more pedestrian friendly. The Roads Committee has been working with HART
4. North Hunterdon Polytech has reported the highest in student attendance this year with 460 students.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Richard Phelan, Business Administrator

Mr. Phelan will be meeting with a representative from FEMA on Thursday, October 24, 2013 at 10 a.m. to close out documentation from Super Storm Sandy and to get final payment.

Attending a budget seminar with the Department of Local Government Services on Friday, October 25, 2013.

Kathy Olsen, CFO

Attending the budget seminar with Mr. Phelan on October 25, 2013.

Ms. Olsen publicly stated her appreciation to Deputy Tax Collector, Joy Wilson, and Allison Witt, for manning the office in her absence. They did a wonderful job keeping the office running efficiently.

Ms. Olsen asked Fire Department President, Scott Wintermute, to submit the LOSAP forms as soon as possible.

Councilman Smith

State of New Jersey, Division of Water Quality, made a Level 1 environmental review of the water main replacement project on Halstead Street and reported little or no adverse environmental impact of this project. The Department has made a decision to approve the planning information for the proposed action.

Councilman Shea

Roads Committee met at Exit 15 with representatives from Department of Transportation. A study is being made by DOT as to the number of vehicles travelling on West Main Street and going through the intersection. If it is determined that a right turn only lane is warranted, it could take up to six months to make changes regarding signage and the Town would be responsible for 25% of the cost. Also discussed during the meeting was the guard rail that is constantly being damaged on the right turn towards Union Township and sidewalks on West Main. Extra lighting was addressed, however, JCP&L will have to address that issue on West Main Street and near the Clinton House.

The Department of Transportation has approved changes for the handicap access ramps on Leigh Street, bids will be received November 8, 2013.

Shade Tree Commission – having a tree planting on Friday, November 8, 2013, on East Main Street at 2:00 p.m. A replacement tree will also be planted in front of the Municipal Building in

honor of Pat Lindsey. Awaiting a quote for removal of five trees. Three members of the Shade Tree Commission are going to attend training courses at the end of the month.

Clinton Guild – Pumpkin Festival Friday, October 25, 2013. Trunk or Treat to be held at Clinton Public School.

Councilwoman Sosidka

Historic Commission met and voted to have the Commission pay to replace the Historical Register sign on Center Street. A survey was discussed as to extending the historical register from Route 78 overpass to Olsen's Lane. The Historic Commission is also working on a baseline demolition ordinance, some ideas have been proposed but will need to be reviewed again and what to do with a historic structure. They discussed working as an advisory aspect, when homeowners ponder what to do with their historic homes. Possibly, instead of an ordinance maybe act as a source of information to keep the historic status.

Walter Hetzel, 36 West Main Street, Planning Board member, said the recommendations made by the Board was to keep the ordinance simple and have it apply to all properties. Mr. Hetzel stated that this is just to "slow down the process" in the long run, the homeowner can do what they like with their homes.

Ms. Sosidka said the commission has a slide presentation with Allie McGaheran as the narrator, unfortunately, several of the other tours, such as the cemetery tour or the Gebhardt Field re-dedication, were never documented and is a loss to the town's history. A suggestion was to contact Lowell Snare, long time reporter of the Hunterdon County Democrat, he has great knowledge of the history of Gebhardt Field, he may be willing to help.

Councilman Pendergast

Sewer Committee is in the process of applying for another NJEIT grant, (New Jersey Environmental Infrastructure Trust Fund Grant) for the purpose of emergency generators, electrical upgrades to a building and an infiltration system upgrade all totaling approximately \$2,000,000 plus engineering costs.

Clinton Fire Department reported 376 of hours of activity for September; 33 alarm responses, two fundraisers with 100 hours, 94 hours for two training sessions.

Councilman Rylak

Smart Growth Committee will hold their first preliminary meeting October 30, 2013 at 7:01 p.m. at Mr. Rylak's house, a great interest has been shown by the members who want to help. The committee works in with the Master Plan. A lot of work has been done by this committee in the past.

Councilman Carberry

Environmental Commission is seeking Sustainable Jersey grants.

Board of Recreation discussed the number of keys distributed for the Community Center and will consider an alternative.

Insurance Committee met and is recommending deleting some masonry buildings such as pumping stations and water towers that are not necessary to have fire insurance coverage, a savings of approximately \$18,000.00 to the Town. A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to delete the buildings as recommended.

Vote all ayes
Motion carried

Mr. Carberry brought up the subject of local fire companies that respond to fires to be reimbursed by insurance companies for services rendered. Some municipalities are doing this and an ordinance would have to be drawn up by the governing bodies to support them because they are a department of the town. Other fire departments that respond to incidents on the highway have sought reimbursement for chemicals used in oil spills or similar incidents. Chief Dorf and President Wintermute addressed Council and said they are not in favor of insurance reimbursements but will consider reimbursement for highway incidents involving hazardous waste

Mr. Cushing was concerned with a few details, especially, if challenged, having to pay back the residents or the insurance companies. Mr. Cushing felt there were a lot of gray areas, Mr. Carberry agreed that answers are vague. Mr. Cushing said it would have to be a judgment call for the Town.

Mr. Pendergast asked for input from the Fire Department and asked them to discuss it with their Executive Committee and make the final decision if they want Council to pursue looking into the details. Chief Dorf said he will check with surrounding municipalities that are doing it and Mayor Kovach will check with the League of Municipalities to see if they have any information.

EVENT INSURANCE

Carried over from a previous council meeting, insurance coverage for special events was discussed. Mr. Carberry said he is comfortable with the language on the new special event application and the statement that the Mayor and Council can make exceptions as they see fit. Mr. Carberry feels an exception should be made for the Guild and for Mr. Hooper for the parade, however, for an event displaying fireworks, the liability issue is high and the \$2,000,000 should remain for every applicant. Mr. Shea felt a baseline should be established in making decisions and not just to choose between profits and non-profits. Mr. Rylak agreed that a criteria should be set. (Ms. Sosidka left the meeting, 9:15 p.m.) Guild President, merchant and resident, Walter Hetzel agreed a baseline is a good idea and it should have guidelines. It was decided that an Ad Hoc committee would be formed consisting of Councilmen Shea, Rylak and Carberry to discuss and make a decision in December. Mr. Pendergast said that decisions should have the stamp of approval by the Chief Matheis. Mr. Carberry said he would be ok with profit v.s. non-profits as a baseline and all agreed that would be a good starting point. Mr. Carberry made a motion, seconded by Mr. Smith, that an exception be granted to the Clinton Guild tonight for the Christmas Parade based on profit versus non-profit as well as the fact that it serves a benefit to the community and it outweighs any profit consideration. Ad Hoc committee will report back before the end of the year.

Vote all ayes
Motion carried

STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the standby and overtime submitted for September 27 through October 10, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, Mayor Kovach
Vote all ayes
Motion carried

RESOLUTION #141-13 – CONTRACT NEGOTIATIONS / POTENTIAL LITIGATION

A motion was made by Mr. Carberry, seconded by Mr. Smith, to enter into Executive Session to discuss a matter of contract negotiations and potential litigation at 9:23 p.m.

Vote all ayes
Motion carried

RESOLUTION # 141-13

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, **THEREFORE**, BE IT **RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: Land Acquisition OR the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: _____ (estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes
Motion carried

ADJOURNMENT: Upon returning from Executive Session and there being no further business, a motion was made by Mr. Carberry seconded by Mr. Pendergast to adjourn the meeting at 10:10 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach