

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

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Rylak, Shea, Smith, Sosidka, 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. Pendergast to approve the minutes of January 14, 2014 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Carberry seconded by Mr. Pendergast, to approve the Executive Session minutes of January 14, 2014 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – WASTEWATER TREATMENT PLANT**

A motion was made by Mr. Smith seconded by Mr. Carberry to accept the monthly reports for the month of December, 2013, for the Wastewater Treatment Plant as submitted

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Whitney Wetherill, 36 West Main Street, stated she was disappointed that Mr. Phelan was not in attendance at tonight’s meeting. Ms. Wetherill stated her displeasure with the lack of return phone calls and that leaves are still on West Main Street. Once again, Ms. Wetherill also said she would like to see a development of more responses a yes rather than a no, and the delay of just sending requests to committees for review and a response. Much of the assistance the Clinton Guild was familiar with is now put off or not at all. Mr. Rylak asked Ms. Wetherill to put a list of items she is referring to and present it to council. Mr. Rylak also commented that the Smart Growth Committee is looking to get more involved with the Town, to help with plants on Main Street and the gardens around the base of trees, but asked for time to get the committee working together. Ms. Wetherill said she will be putting a list together and will forward to the council. Mr. Hetzel asked the council to consider increasing the budget for the Town.

**MAYOR’S COMMENTS**

Mayor Kovach informed Council that an updated ordinance will be coming from the Historic Commission, Councilwoman Sosidka will be discussing this in her reports later this evening.

**PROCLAMATION – FRANCIS GALLAGHER**

Mayor Kovach called Mr. Gallagher from the audience and read a Proclamation thanking him for his years of service to the Planning Board as a member and chairman since 2002. Mr. Gallagher accepted the Proclamation and spoke briefly of his appointment made by Mayor Allie McGaheeran. Mr. Gallagher was recommended by Matt Holt, councilman at the time. Following a 2 ½ hour tour of the Town in 2002 by Councilman Bob Smith, Mr. Gallagher really got to know the Town and enjoyed being a part of the Board and a resident of Clinton. A round of applause followed!

**INTRODUCTION OF ORDINANCE #14-03 – ELIMINATING OPTION OF APPEALING GRANT OF “D” VARIANCE TO GOVERNING BODY**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #14-03 on first reading as submitted:

**ORDINANCE #14-03**

ORDINANCE ELIMINATING OPTION OF APPEALING GRANT OF “d” VARIANCE TO GOVERNING BODY AND AMENDING CHAPTER 88 ENTITLED “LAND USE” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

**WHEREAS**, N.J.S.A. 40:55D-17a provides that an interested party may appeal to the governing body any final decision of the Board of Adjustment approving a “d” variance, if such appeal is permitted by municipal ordinance; and

**WHEREAS**, Section 88-8 of the Town’s Ordinances permits such appeals; and

**WHEREAS**, by Ordinance 13-20, the Mayor and Council of the Town of Clinton (“Council”) consolidated the powers of the Board of Adjustment and the Planning Board into a single entity known as the Land Use Board; and

**WHEREAS**, the Mayor and Council desire to eliminate the option of appealing the grant of a “d” variance to the governing body, meaning such appeals shall be made directly to the Superior Court.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 88 entitled “Land Use” of the Code of the Town of Clinton (“Code”) is hereby amended as follows: (1) to eliminate the option of appealing the grant of a “d” variance to the governing body of the Town of Clinton; (2) those portions of the Code set forth below are hereby amended as follows; and (3) portions of the Code not set forth below shall remain unchanged:

**SECTION 1.** Section 88-8 of the Code of the Town of Clinton entitled “Appeals” is hereby deleted in its entirety and replaced with the following language:

All appeals from decisions of the Land Use Board shall be made directly to the Superior Court of New Jersey.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes  
Motion carried

Mr. Shea questioned the process applicants would now take if not appealing to the Council? It was explained that council members would have to review possibly months, or even years, of minutes and background of an application and in most cases, it would then be turned over to a higher court and an attorney would handle the appeal. Mr. Rylak gave his experience with such appeals and said it makes reasonable sense to follow this procedure.

Notice of this ordinance will be published in the February 12, 2014 edition of the Hunterdon Review. A second reading and public hearing will be held February 25, 2014.

**RESOLUTION #42-14 – NJEIT LOAN APPLICATION – WATER MAIN REPLACEMENT**

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #42-14 as submitted:

**RESOLUTION # 42-14**

**RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

**WHEREAS**, the Town of Clinton intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the replacement of the existing 4, 6 and 8-inch water mains in the Borough of Lebanon in four phases, totaling 26,970 linear feet with associated appurtenances, meters and service connections to provide safe and reliable water service.

**NOW, THEREFORE, BE IT RESOLVED** that Richard Phelan, Business Administrator be authorized to act as the Authorized Representative to represent the Town of Clinton in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at 43 Leigh Street, P.O. Box 5194, Clinton, New Jersey 08809, 908-735-8616.

Vote all ayes  
Motion carried

**RESOLUTION #43-14 – ANIMAL CONTROL OFFICER**

A motion was made by Ms. Sosidka, seconded by Mr. Carberry to adopt Resolution #43-14 as submitted:

**RESOLUTION #43-14  
ANIMAL CONTROL OFFICER**

WHEREAS, it is required by municipalities that a licensed and insured Animal Control Officer service the Town; and

WHEREAS, Kim Bennett, ACO, ACI, provides professional, humane and cost effective animal control services and employs certified staff members; and

WHEREAS, Ms. Bennett has vehicles equipped with professional and emergency supplies and are capable of handling all animal problems and emergencies; and

WHEREAS, the Clinton Police Department will be in charge of receiving all calls of stray animals and complaints and will be in direct contact with Ms. Bennett; and

WHEREAS, Ms. Bennett will charge the Town a flat fee of \$200.00 per month with an additional \$150.00 charge assessed per call out; and

WHEREAS, Ms. Bennett is capable of employing a civilian to provide a dog census for \$1,000.00 per square mile, therefore the fee for the Town of Clinton will be \$1,300.00 to have a qualified civilian over the age of 18 years old, perform the census, and

WHEREAS the Town is also required to made an annual donation of \$500.00 to Common Sense for Animals (CSA),

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that Kim Bennett be retained as the Animal Control Officer for the Town of Clinton for the calendar year 2014.

Vote all ayes  
Motion carried

**BANNER REQUESTS**

**RUN O'THE MILL 5K & ST. PATRICK'S PARADE**

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to grant the request for a banner to be displayed February 28 through March 17, 2014 promoting the Run O' the Mill 5K on March 15 and the St. Patrick's Day Parade on March 16, 2014.

Vote all ayes  
Motion carried

**QUILT SHOW AT RED MILL MUSEUM VILLAGE**

A motion was made by Mr. Smith seconded by Mr. Carberry, to grant the request for a banner to be displayed June 1 through June 9, 2014 promoting the Quilt Show at the Red Mill, June 8, 2014.

Vote all ayes  
Motion carried

### **RED MILL MUSEUM VILLAGE EVENTS**

The Red Mill has requested several banner dates for 2014:

STORYTELLING FESTIVAL – May 5 through May 19, event date May 18

BRITISH CAR DAYS – May 19 through June 2, event date June 1

REVOLUTIONARY WAR DAYS – July 21 through August 4, event dates August 2 and 3

WINE & BEER TASTING – September 1 through 15, event date September 13

HAUNTED MILL – September 27 through October 27, dates October 11, 17, 18, 24, 25

A motion was made by Mr. Carberry seconded by Ms. Sosidka to grant the dates requested.

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. Resolution received from Washington Township, Long Valley, in support of a water tax to fund the loss of land equity for property owners in the Highlands region. Mayor Kovach asked if we had passed this last year, and if not, prepare for an upcoming meeting.
2. Comcast submitted check for \$2,995.00 for the use of municipal right-of-way for 2013.
3. Request of support for passage of bill A4464 mandating that drivers involved in fatal accidents submit to a drug and alcohol test. Chief Matheis stated that the Chiefs Association is in favor of this bill.

### **REPORTS FROM COUNCIL & TOWN OFFICIALS**

#### **Councilman Smith**

1. The Water Committee – Water Engineer, Andrew S. Holt, P.E., reported that Well 12R has been taken off line because sand and grit were found. Pumps will be pulled, backwashed and a video of inside the tank will be made to determine the cause.

#### **Councilman Shea**

1. The Shade Tree Commission has reviewed a recent Planning Board application.
2. A list of trees that need to be cut down has been made.
3. Roads committee will meet the first Friday in February.

#### **Councilwoman Sosidka**

1. Website/Newsletter Committee reported a smooth transition with the web provider. A new model of the website should be available February 5, 2014.
2. Board of Recreation re-elected Rosemary Pendergast as the Chair and Dan Mahoney as the Vice Chair. The Yuletide Bonfire was again a huge success and thank you to Sean Rogan for his work in organizing the event and to Steve Lione for raising donations. Thanks to the scouts once again for serving hot chocolate and cookies. With all the donations received, money is leftover for next year!

3. Historic Commission has accepted the temporary resignation of Rose Marie Platt through April. Instead of an interim chair, the Commission is amending the current structure of members by ordinance at the next meeting.

**Councilman Pendergast**

1. The Fire Department – received an application of a new member, Robert F. McLaughlin Jr. He is currently a member of the Annandale Fire so no physical is required. A motion was made by Mr. Pendergast, seconded by Mr. Carberry to accept Mr. McLaughlin as a member of the Clinton Fire Department.
2. Thank you to the Clinton Fire Department for making the Bonfire a success! Chief Walt Dorf and President, Scott Wintermute will be attending the February 25 Council meeting.

**Councilman Rylak**

1. Smart Growth Committee is reviewing a plan that began seven years ago and are talking to residents and merchants to see what people are looking for. A suggestion about getting to the Park & Ride was one issue. Mayor Kovach has been meeting with Clinton Township, Mayor Cimei, and DOT about the Park & Ride, DOT owns the current lot. Another issue was signage for parking. Mr. Rylak invited Whitney Wetherill to the meeting to discuss ideas. The idea of a foot bridge over the Beaver Brook from the municipal lot was also discussed, and Mr. Rylak would like to include the Mr. Shea, Road Committee Chair, when it is discussed again.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Mr. Rylak to approve the standby and overtime submitted for January 3 through January 16, 2014 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, 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.

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

Vote all ayes  
Motion carried

**RESOLUTION #44-14 – CONTRACT NEGOTIATIONS/COLLECTIVE BARGAINING**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to enter into Executive Session to discuss a matter of potential litigation at 8:28 p.m.

Vote all ayes  
Motion carried

**RESOLUTION # 44-14**

**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;

\_\_\_\_\_X\_\_\_\_\_ 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 \_\_\_\_\_

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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. Smith seconded by Mr. Carberry to adjourn the meeting at 8:54 p.m.

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach