

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 July 22, 2014 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry seconded by Mr. Shea, to approve the Executive Session minutes of July 22, 2014 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF MONTHLY REPORTS – JULY

A motion was made by Mr. Carberry seconded by Mr. Rylak to accept the monthly reports for the month July as submitted:

Administrator’s 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, Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS

1. Mayor Kovach spoke of a group of university students from China that took part in a program called Envision, a cross-cultural learning and living experience. The 24 students arrived on August 3 and depart on August 18, 2014. Making Clinton their home base, the students stayed with host families and have been taking part in programs starting with the fire department, rescue squad, and a walking tour of Center Street and Main Street led by Christie Wood, Historic Commission and Cecilia Covino, Town Clerk. The program is hoping to return to Town again in January, 2015 and will be seeking host families.

2. Mayor Kovach asked Attorney Cushing to review and prepare an update to Chapter 18-11 entitled "Special Policemen" in the Town of Clinton Code Book.

A Class II special officer may carry a revolver at the direction of the Chief, a Class I officer cannot.

In addition to updating the ordinance, be prepared for adding a section for parking enforcement.

3. Town Historian – currently Historic Commission Chair, Christie Wood, is the acting Town Historian since the passing of Allie McGaheran. Prior to making an appointment, if there are any interested residents, the position should be made available. Maryann Rodenberger, Senior representative, will be contacted to ask her contacts if anyone is interested. If Ms. Wood is interested, that is also fine, an appointment by the Mayor is the process. Anyone interested should contact the Clerk's Office.
4. Summer hours – Office staff heads have requested that summer hours be enacted by taking shorter lunch hours 3 days a week and leaving at 3:00 pm on Fridays. After a brief discussion among council, a motion was made by Mr. Carberry, seconded by Mr. Shea, that the office staff take ½ hour lunches between Monday and Thursday, equal to 1 ½ hours and leave at 3:00 pm on Fridays beginning Friday, August 15 through August 29, 2014, the weekend of Labor Day. Summer of 2014 will serve as trial for future summer hour schedules.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #14-12 – WATER RESERVATION

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to introduce Ordinance #14-12 on first reading as submitted:

ORDINANCE # 14-12

ORDINANCE AMENDING CHAPTER 142 ENTITLED "WATER" OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY REGARDING WATER CAPACITY RESERVATIONS

WHEREAS, the Water Committee of the Town of Clinton has recommended to the Mayor and Council that Chapter 142 of the Code of the Town of Clinton be amended to include provisions governing applications for water reservations;

WHEREAS, there is a limited amount of water and production capacity in the water system operated by the Town of Clinton Water Department; and

WHEREAS, there is a substantial demand for new water capacity by various developers; and

WHEREAS, it is necessary to establish procedures for the allocation of the water among competing developers so that water capacity is fairly allocated; allocated in a way that benefits the system; and allocated in a way that does not lead to stale water applications tying up valuable capacity; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 142 entitled "Water" of the Code of the Town of Clinton ("Code") is hereby amended as follows:

SECTION 1. Section 142-11 of the Code of the Town of Clinton entitled "Water Reservation Application" is hereby added as follows:

- Applicability

Any applicant, with the consent of the property owner, within the service area of the Town of Clinton Water System, may apply to the Town of Clinton Water Department for Water Reservation. An application for Water Reservation is required for any proposed project that will require the construction of a new water main extension for the service, or any project that will generate an increase in demand, as determined in accordance with NJAC 7:10-12. If necessary, the applicant shall be responsible to extend the Town's water main to the property and to construct other water system improvements as may be necessary to reliably serve the proposed development in accordance with the Town's standards and any applicable Water Service Agreement and any reasonable standards established by the Water Department's Consulting Engineer.

- Definitions

- (1) Small Water Project shall mean any project for which the water reservation amount requested is less than 1,000 gallons per day.
- (2) Large Water Project shall mean any project not fitting the definition of a "Small Water Project" for which the water reservation requested is greater than 1,000 gallons per day or requires Water System Extension Permits from the New Jersey Department of Environmental Protection.
- (3) Town of Clinton Water System Service Area shall be depicted on the water service area map maintained and periodically updated by the Town of Clinton Water Department, showing all existing properties served, limits of existing water distribution system infrastructure, and surrounded by a service area boundary.
- (4) Water Reservation is the binding commitment of the Clinton Water Department to provide potable water service in sufficient quality and quantity to a proposed project in accordance with applicable water system regulations and standards. Project specific conditions may require the formulation and execution of a project specific agreement addressing water supply and infrastructure improvements beyond that established by the Water Reservation ("Water Agreements"). A Water Reservation is valid for one year and can be renewed in accordance with the review and renewal procedures set forth herein.
- (5) Quarterly Letter of Water Availability shall be the letter published by the Town of Clinton Water Department which defines the amount of water available at the time of publication of the letter. Developer's may use the letter of water availability to satisfy local land use board checklists wherein "will serve" letters are required to obtain development application completeness. Developers are advised that such quarterly letter of water availability is subject to the progress and volume of water reservation applications by other applicant's as well as the variable nature of existing system demands and that they pursue their land use development and regulatory approvals needed to secure eligibility for water reservation application, at their own risk. The Town cannot and does not guaranty that the quantities of water set forth in the Quarterly Letter

of Water Availability will exist in the future, but will make its best efforts to produce those quantities subject to regulation and oversight by

3893

the New Jersey Department of Environment Protection (“DEP”), regulations of the New Jersey Highland Council, water availability and other factors.

(6) Water Committee shall refer to three (3) members of the governing body whose responsibility shall be the supervision, management and control of the Clinton Water Department

- Application

The application for Water Reservation shall be on the forms prescribed by the Water Department, which shall include but not be limited to the following:

- (1) The name and address of the applicant;
 - (a) The address of the property and the tax lot and block designation;
 - (b) Description of the existing use of the property;
 - (c) Description of the proposed use of the property and/or the type of building(s) to be constructed thereon;
 - (d) An approved preliminary and/or final subdivision plan, site plan and/or any necessary variance approval, general development plan, zoning permit or redevelopment plan of the proposed project indicating the number of proposed lots and the proposed uses on each lot;
 - (e) An estimate of the average daily water usage required by the proposed use of the property;
 - (f) An estimate of the dates of anticipated water service connection and water meter installation to the Town's water system;
 - (g) An agreement by the applicant to abide by and accept all of the provisions of this chapter and such rules and regulations as may be promulgated by the Town; and
 - (h) Any additional information as may be required by the Water Department or its Consulting Engineer to assist in the processing of said application.

- Application Priority

All applications for Water Reservation will be reviewed for completeness and once deemed complete, assigned a water reservation number and forwarded for review based upon the order in which they were received by the Water Department Clerk. The priority in terms of allocating capacity shall be based upon the order in which Water Reservation Applications are approved by the Water Committee. No other factors shall determine the priority of a Water Reservation, unless required by a State or Federal law.

- Time Limit

From the date of issue, an approved Water Reservation shall be valid for a period of one year. Within 60 days of the expiration of the Water Reservation, the Water Consulting Engineer shall conduct a review of the Water Reservation and may request supplemental information from the applicant in order to establish the validity and currency of the water reservation. Applicants must maintain their eligibility for water reservation by conforming to the conditions of their applicable land use approvals, obtaining regulatory approvals and documenting the efforts taken to advance the proposed project. To maintain the Water Reservation, developers must establish that they have acted diligently and taken all reasonable steps to advance the development of the proposed project. They must demonstrate they have diligently pursued any required land use approvals, secured or diligently pursued any other necessary approvals from other agencies and acquired all necessary rights of way or easements. Developers may be required to show evidence they have met these goals to preserve their Water Reservation.

The Water Reservation shall be void unless water service is actually extended to the subject property during the time period which the Water Reservation is valid. The Water Reservation may be renewed for longer periods at the discretion of the Water Committee to coincide with the expiration date of or an extension granted for a permit issued by NJDEP to construct/modify/operate public water works facilities relating to the subject project. The applicant must apply to the Water Committee for any such extensions in writing.

In the event that the water service connection is not completed within the period set forth above, the Water Reservation shall expire if not renewed and any portion of the Water Reservation for which connections have not been made will revert to the Town for use in addressing other water reservation applications.

- Water Reservation Fee

A Water Reservation fee in an amount to be determined in accordance with law and the Rules and Regulations of the Water Department shall be paid to the Water Department at the time of application and at each renewal. Non-payment of the Water Reservation Fee will result in termination of the Water Reservation.

- Transfer of Water Reservations

Transfer of an approved Water Reservation is prohibited. A Water Reservation within the Town's water supply system shall not be traded, sold or otherwise reallocated by an applicant, unless the property identified in the Water Reservation is sold to a new owner in which case the Water Reservation will run with the land to the extent necessary to affect the intent of the Water Reservation. Water Reservations for any project on specific parcels of land shall not be assignable to any other project. In the event that a project is abandoned, or the construction of the same does not utilize the entire Water Reservation granted to it, the unused allocation shall revert to the Town and shall become available for Water Reservation in accordance with the procedures set forth in this subchapter. Should the scope of a project change and additional water allocation be required, the incremental increase in allocation requested shall be treated as a new Water Reservation application.

- Small Project Water Reservation Applications

- (1) Application Fee

An application fee as provided in Chapter 73 of two hundred fifty (\$250.00) dollars shall be submitted upon the filing of the application. Said fee shall be used by the Town to cover the administrative costs associated with the review of the application.

3895

(2) Application Review

Applications for Water Reservation as defined above shall be reviewed by the Water Superintendent and a Water Reservation issued provided a determination is made that there is currently adequate capacity in the Town's water supply systems based on a firm capacity calculation as defined by the NJDEP in *NJAC 7:10-11.6(a)*, using a peak daily demand as defined herein and prescribed under *NJAC 7:10-11.4(a)(7)*, as well as sufficient water allocation established by the NJDEP in its Water Allocation permits issued to the Town of Clinton Water Department.

(3) Application Determination

The Water Superintendent and/or Water Engineer shall approve or deny the application within thirty (30) business days of receipt of a complete application. The Town reserves the right to extend the time for the rendering of the aforesaid decision for a period not to exceed five (5) business days if additional time is required for processing said application. The failure of the Town to render a decision within the aforesaid time period shall constitute a denial of the application without prejudice.

(4) Monthly Report

The Water Superintendent will prepare and submit a monthly report to the Water Department indicating the number and total estimated usage of approved Small Project Water Reservation applications.

• Large Project Water Reservation Applications

(1) Application Fee

An application fee as provided in Chapter 73 of one thousand five hundred (\$1,500.00) dollars shall be submitted upon the filing of the application. Said fee shall be used by the Town to cover the administrative and professional consulting costs associated with the review of the application.

(2) Application Review

Applications for Water Reservation for Large Projects shall require the approval of the Water Committee. The Water Committee's Consulting Engineer shall prepare and submit a report to the Water Committee concerning the nature of the allocation, the status of any required NJDEP applications, an evaluation of any required system improvements necessary to serve the project as well as an updated analysis of the water system's firm capacity and peak daily demand. Specifically, the Water Consulting Engineer shall evaluate the application against the Water Utility's available firm capacity and allocation limits as prescribed by regulations found at *NJAC 7:10* and *NJAC 7:19*. The report shall also address technical details of the proposed project's service connection and water related improvements including but not limited to materials, equipment, regulations, easements, metering, etc. Applications will be recommended for approval when no physical, technical, financial or regulatory constraints prevent service to the proposed project.

(3) Application Determination

The Water Committee shall approve or deny the application by resolution within sixty (60) days of receipt of a complete application. The Water Committee reserves the right to extend the time for the rendering of the aforesaid decision for a period not to exceed thirty

3896

(30) days if additional time is required for processing said application. The failure of the Town to render a decision within the aforesaid time period shall constitute a denial of the application without prejudice.

If an application is approved by the Water Committee, a formal resolution will be prepared by the Municipal Attorney authorizing the Water Reservation to the applicant. The resolution may contain such terms and conditions as are reasonably necessary to guarantee compliance with all Federal, State, county and local statutes, rules, and regulations. In addition, the applicant may be required to enter into a Developer's Agreement with the Water Committee, Town and Water Department, if necessary as identified in the Water Department Consulting Engineer's review.

SECTION 8. Upon adoption of this Ordinance, any and all outstanding commitments to serve development proposals which have not connected at the time of adoption, regardless of the form of commitment (in the form of "will serve" letter, oral or agreement, or other unofficial commitment) are hereby rescinded. These applicants, however, will have the opportunity and obligation to apply for water reservation, as described in this Ordinance. Water Reservations created in existing Water Agreements between the Town and a developer shall remain in effect.

SECTION 9. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 10. 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 11. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the August 20, 2014 edition of the Hunterdon Review. Copies are available for review in the Clerk's office. A public hearing will be held September 9, 2014.

INTRODUCTION OF ORDINANCE #14-13 – AMENDING FEE SCHEDULE

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to introduce Ordinance #14-13 on first reading as submitted:

ORDINANCE # 14-13

ORDINANCE AMENDING CHAPTER 73 ENTITLED "FEES" OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY REGARDING WATER CAPACITY RESERVATIONS

WHEREAS, the Water Committee of the Town of Clinton has recommended to the Mayor and Council that Chapter 73 of the Code of the Town of Clinton be amended to include fees governing applications for water reservations;

WHEREAS, there is a limited amount of water and production capacity in the water system operated by the Town of Clinton Water Department; and

WHEREAS, there is a substantial demand for new water capacity by various developers;
and

WHEREAS, it is necessary to establish procedures for the allocation of the water among competing developers so that water capacity is fairly allocated; allocated in a way that benefits the

3897
system; and allocated in a way that does not lead to stale water applications tying up valuable capacity; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 73 entitled “Fees” of the Code of the Town of Clinton (“Code”) is hereby amended as follows:

Section 73-3 of the Code of the Town of Clinton entitled, “Schedule of Fees and Charges” is hereby amended as follows:

F. Water Supply Systems

Activity	Fee
Small Project Water Reservation Applications	\$250.00
Large Project Water Reservation Applications	\$1,500.00

A copy of this ordinance will be published in the August 20, 2014 edition of the Hunterdon Review. Copies are available for review in the Clerk’s office. A public hearing will be held September 9, 2014.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #14-14 – AMENDING CHAPTER 45 ENTITLED “BRUSH, GRASS AND WEEDS”

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

ORDINANCE # 14-14

ORDINANCE AMENDING CHAPTER 45 ENTITLED “BRUSH, GRASS AND WEEDS” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, the Town Administrator and Town Tax Collector Town of Clinton has recommended to the Mayor and Council that Chapter 45 of the Code of the Town of Clinton be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 45 entitled “Brush, Grass, and Weeds” of the Code of the Town of Clinton (“Code”) is hereby amended as follows: (1) to revise the notice and penalty provisions; (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 45-2 of the Code of the Town of Clinton entitled “Notice to owner or tenant to remove” is hereby amended and supplemented as follows:

After an investigation of any complaint of a resident, officer or employee of the Town relative to a violation of this chapter or upon his own motion, the Public Works/Business Administrator or Code Enforcement Official, or a designee, shall notify the owner, tenant or person in possession of the lands in violation. With respect to any height of grass or weeds violation, the Public Works/Business Administrator or Code Enforcement Official, or a designee, shall notify the owner, tenant or person in possession of the lands complained of only if the height of the grass or

weeds exceeds eight inches from the ground. Such notice hereunder shall be in writing, delivered either personally or by both first-class and certified mail.; If service is made by mail as aforesaid and both the certified and first-class mail are returned by the United States Postal Service as undelivered, the notice may be served by posting the notice at the real property in a conspicuous location. The notice shall inform the recipient that the real property is in violation of this chapter, shall identify the real property by street address and block and lot number, and direct the recipient

3898

to remove such grass, impediments, brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris or cut such overgrown grass and weeds that exceed the height of eight inches from the ground within 10 days after receipt of the notice. The Public Works/Business Administrator or Code Enforcement Official, or a designee, shall re-inspect the lands in question after the ten-day period expires and report, in writing, to the Council at its next regular meeting whether the condition complained of has been abated or remedied.

SECTION 2. Section 45-3, entitled "Removal by Town, lien for costs" is hereby amended and supplemented as follows:

If the violation is not corrected within 10 days after receipt of notice, the Public Works/Business Administrator or Code Enforcement Official, or a designee is empowered to enter upon the real property and engage all labor and furnish all materials necessary to correct the violation. The Public

Works/Business Administrator or Code Enforcement Official, or a designee shall certify the cost to the Mayor and the Council, who shall examine the certificate and, if it is correct, cause the cost as shown thereon, together with any penalty assessed pursuant to this chapter, to be charged against

the lands. The amount so charged shall become a lien upon the lands and be added to and become

a part of the taxes next to be assessed and levied upon the lands, and shall bear interest at the same

rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.

Costs shall be in addition to any penalties imposed for any violation of this chapter.

SECTION 3. Section 45-4 of the Code of the Town of Clinton entitled "Violations and penalties"

is hereby amended and supplemented as follows:

A. Police officers, the Zoning Officer, any authorized representative of the County Board of Health, and the Public Works/Business Administrator or Code Enforcement Official, or a designee, of the Town are authorized to enforce this chapter and issue summonses for the violation thereof.

B. Any person violating the provisions of this chapter shall be subject, upon conviction thereof. Pay a fine or penalty to the Town as follows: (1) for a first offense, the sum of \$100 plus court costs; (2) for a second offense, the sum of \$300 plus court costs; (3) for a third offense, the sum of \$600 plus court costs; (4) for all subsequent offenses, the sum of \$1,000 plus court costs. Each day that violations continue shall constitute a separate offense. Each day to be measured from the date the notice was received until the date the violation is corrected.

SECTION 11. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 12. 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 13. This Ordinance shall take effect upon final passage and publication according to

law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the August 20, 2014 edition of the Hunterdon Review. Copies are available for review in the Clerk's office. A public hearing will be held September 9, 2014.

INTRODUCTION OF ORDINANCE #14-15 – PROVIDING FOR ACQUISITION OF A FIRE TRUCK

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to introduce Ordinance #14-15

3899

as submitted:

ORDINANCE #14-15

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$641,250 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$675,000, including the sum of \$33,750 as the down payment required by the Local Bond Law. The down payment is now available from the following sources: 1) \$10,000 from a reserve fund for the acquisition of the fire truck, 2) 18,000 from a contribution from the Clinton Fire Company and 3) \$5,750 from the Capital Improvement Fund. Any costs in excess of \$650,000 needed for the acquisition of the fire truck referenced herein will be reimbursed to the Town or otherwise paid directly by the Clinton Fire Company.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$641,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a fire truck, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall

mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the

3900

maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$641,250, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$7,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance.

3901

The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the August 20, 2014 edition of the Hunterdon Review. Copies are available for review in the Clerk's office. A public hearing will be held September 9, 2014.

RESOLUTION #109-14 – OVERPAYMENT OF TAXES

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #109-14 as submitted:

RESOLUTION # 109-14

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,284.69, the amount necessary to redeem Tax Sale Certificate #2013-4 on Block 31.01, Lot 7.01, Qualifier C2508, assessed to Barbara Stephenson, and purchased by FWDSL & Associates LP.

NOW THEREFORE BE IT RESOLVED, on this 26th day of August 2014 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$569.81 (certificate) & \$1,300.00 (premium) to FWDSL & Associates LP, 5 Cold Hill Road South, Suite 11, Mendham, NJ 07945, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2013-4 on Block 31.01, Lot 7.01, Qualifier C2508, assessed to Barbara Stephenson, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #110-14 – OVERPAYMENT OF TAXES

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #110-14 as submitted:

RESOLUTION # 110-14

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment of taxes for the following block and lot due to overbilling,

3902

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to the lien holder of which the payment was originally made by, FWDSL & Associates LP, 5 Cold Hill Road S, Suite 11, Mendham, NJ, 07945, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
14	32	Hunterdon Realty LLC	\$42,153.62

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 3rd & 4th quarter 2014.

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

Vote all ayes
Motion carried

TURN THE TOWNS TEAL

Turn the Towns Teal is a national campaign to create awareness of ovarian cancer and its symptoms. Volunteers tie teal ribbons primarily in town centers and request permission from Towns to do so. A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to permit the tying of ribbons however, ask that no tape be placed on the Pony Truss Bridge, it removes the paint when the tape is removed. Campaign organizers will be notified of the approval and the request of the tape.

Vote all ayes
Motion carried

CORRESPONDENCE

- **SAVE the DATE** for Saturday, October 11, 2014 for the New Jersey Conference of Mayor's Fall Summit at the Cape May County Zoo. Anyone interested, please contact clerk's office.
- Mrs. Joan Manghisi, Messig Road, sent a letter to Chief Matheis thanking him and the police department for their attentiveness and kindness shown to her husband Joe. Joe has always been a well respected gentleman in the Town of Clinton. Joe is battling the effects of Alzheimer's disease.
- Sustainable Jersey Luncheon to be held Tuesday, November 18, 2014 at the League of Municipalities Conference.

- Notification from NJ DOT regarding the Route 31 resurfacing project from Grayrock Road to Bryants Road. Starting date August 4, 2014, proposed substantial completion date is September 10, 2015 and the final completion date is November 9, 2015.
- Chief Matheis has been notified from the State of New Jersey, Emergency Management Section, their review of the Emergency Operations Plans he submitted and it meets the criteria for approval as of July 12, 2014.
- Martin Layding has submitted a letter of resignation from the Land Use Board due to work commitments. A motion was made by Ms. Sosidka, seconded by Mr. Pendergast, to accept the resignation with regrets.

Vote all ayes
Motion carried
3903

- Citizen Involvement form has been submitted by Roger Mellick, 64 Center Street, Clinton, for the position on the Land Use Board. A motion was made by Mr. Carberry, seconded by Mr. Rylak, to approve the mayor's appointment of Mr. Mellick to the Board as Alternate #2.

Vote all ayes
Motion carried

- A second Citizen Involvement form has been submitted by Robert Russell, 26 Lingert Avenue, Clinton, for a position on the Board of Recreation or the Historic Commission. Mayor Kovach asked Mr. Pendergast to pass this on to his wife, Rosemary, chairwoman of the Board of Recreation. Two positions are currently available on the Board.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

Chief Matheis gave a special thanks to Jack Daniels, Fire Official and Deputy OEM coordinator, for his assistance over the past year on updating the emergency management plan for the Town. This plan gets updated every 4 years. Chief also thanked Nancy Burgess for her assistance in preparing the copies.

R. Phelan, Public Works/Business Administrator

The annual tonnage report is submitted annually, this year the County notified the Town that several haulers within the county did not report and are reporting now. The original report will be amended and filed and the Town will get credit for the additional tonnage.

On Monday, August 18, 2014, the phones will be rolled over to Comcast.

Councilman Smith

- Buildings and Grounds – The Community Center will be closed September 15 through 30, 2014 to have the floors refinished. Mr. Smith is asking the Police Department to give special attention to the Community Center to watch that no one sneaks in while the floors are being finished. All renting groups have been notified.

The stairs are being replaced at the main entrance of the Municipal Building. Once they are completed, the back steps will be replaced. Handicap access will always be clear.

- Rescue Squad reported 210 calls for July.
The Courier News and the Express Times reported on a joint drill with the Fire Department out on Route 78. The drill went very well, article and pictures in the August 7 edition of both newspapers.

Councilman Shea

- Roads – Striping and the project on Leigh Street has been completed.

The Safe Routes to School is being reviewing by the committee to determine the status of grants that have been applied for over recent years. The Committee is asking Assemblyman John DiMaio and Senator Michael Doherty to urge the state in reviewing our applications.

3904

Discussed with DOT light changes at Exit 15 for right turn only however, their timing study determined there was not enough traffic to warrant a light. The Committee has asked that signage be put up emphasizing left lane is the straight away and the right turn is for turning. This is to improve the traffic backups on West Main Street.

Ms. Sosidka asked Mr. Shea about the stripes on the roads in front of sewerage drains and hydrants. Mr. Shea explained that it is a state requirement to make the markouts so when the snow covers the roads, after plowing, the lines will detect catch basins and hydrants so they may be cleared of snow.

- Shade Tree has prepared an estimate for the removal of trees and stumps but will wait until hurricane season passes before spending anything. A tree inventory needs to be done and a scout project is a possibility. Additionally, a senior group has also been considered. The trees circumference must be measured and the types of tree determined. Mr. Shea will reach out to Maryann Rodenberger, Senior Advisor, to contact the senior groups.

Councilwoman Sosidka

- Board of Recreation - Summer Recreation program was a huge success! Mayor Kovach shared the pleasure of her two boys, Zachary and Hunter, coming home from Summer Rec this year. The weekly trips made it very enjoyable! Ms. Sosidka said the Board of Recreation is considering increasing the fees for 2015. The tennis program is ongoing and is also going very well.

The fitness trail equipment purchased by the Sunrise Rotary has been delivered and is scheduled to be installed late August in Hunts Mill Park. Frank and Joan Hooper have purchased a bench and will be donating that to the trail site as well! Once installed, a dedication celebration will be held.

- Website/Newsletter – Clinton Fire Department was going to attempt posting information to the Town Facebook Page and Twitter, as the Police Department have been doing but they are having some difficulty. They will continue forwarding the info to Ms. Sosidka in the meantime. Hunterdon County Prosecutor Tony Kearns, in a follow up to his recent council appearance, forwarded a link regarding the drug issues and preventing them.

Eileen Morales, Executive Director of the Red Mill Museum Village requested assistance from the Town to promote events on the Facebook page. Council discussed this issue and a policy must be in place prior to posting public forums. Council will discuss the draft policy at the next meeting, August 26, 2014. Ms. Morales asked how the Town was budgeting for the 150th celebration in 2015. Ms. Morales is considering a podcast walking tour of the Red Mill and grant money may be available.

Councilman Pendergast

- Fire Department – Was on vacation and missed the last CFD meeting.
- Sewer Committee will hold their next meeting in September

3905

Councilman Carberry

- Environmental Commission to meet with an organization that does river clean ups. The recent river clean up by the Commission went very well, once again, however, the Commission is arranging a meeting with the organization that does them to coordinate efforts.

Councilman Rylak

- Smart Growth Committee has prepared a draft survey that will be sent out to residents for input. Council received the draft and will review and comment at the next meeting.

Mayor Kovach

Mayor Kovach reported that a Proclamation has been prepared for Malala Yousafzai, the young lady from Pakistan and her mission to fight for girls' education in every country. Malala was 15 years old in October, 2012, when she was shot in the head at point-blank range because she had the temerity to campaign for girls' education. During Malala's visit to the United States, she will only be visiting New York and Raritan Valley Community College in Branchburg, New Jersey. The Clinton Book Shop is sponsoring the event on Thursday, August 21, 2014 at 7:00 p.m. Tickets are available through the Book Shop. The 1,000 seat theater is nearly sold out with over 900 tickets already sold.

STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to approve the standby and overtime submitted for July 18 through July 31, 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. 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 #111-14 – LITIGATION UPDATE– CONTRACT NEGOTIATIONS

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to enter into Executive Session to discuss a matter of litigation update and contract negotiations at 8:24 p.m.

Vote all ayes
Motion carried

RESOLUTION # 111-14

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

3906

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.)

3907

_____ 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 8:51 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach