

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

Flag Salute.

Roll Call: Present – Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach  
Absent - Rylak

**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 the Regular council meeting November 24, 2015 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Mr. Smith, seconded by Mr. Pendergast to approve the minutes of the Executive Session held November 24, 2015.

Vote all ayes  
Motion carried

**APPROVAL OF MINUTES**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the minutes of the Special council meeting November 25, 2015 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 minutes of the Executive Session held November 25, 2015.

Vote all ayes  
Motion carried

**APPROVAL OF MINUTES**

A motion was made by Ms. Dineen, seconded by Mr. Carberry to approve the minutes of the Regular Council meeting held December 8, 2015.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – NOVEMBER**

A motion was made by Ms. Sosidka, seconded by Ms. Dineen, to approve the monthly reports for November 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

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Report, Water Collector's Report, Wastewater Treatment Plant Superintendent's Report, Zoning Officer Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR'S COMMENTS**

Mayor Kovach expressed her thanks to fellow council members, staff and Attorney Cushing for their dedicated commitment to the Town in 2015 and gave everyone a bottle of wine! Cheers!!

**BANNER REQUEST**

A banner request was received from The Clinton First Aid & Rescue Squad to display a banner from January 4 through February 5, 2016. The banner announces their kick off to their ongoing campaign to recruit more volunteers. A motion was made Mr. Smith, seconded by Ms. Dineen to approve the request.

Vote all ayes  
Motion carried

A second request was received from the Clinton Town Picnic committee to display the banner from May 16 through June 6, 2016. A motion was made by Mr. Pendergast, seconded by Ms. Sosidka to approve the request.

Vote all ayes  
Motion carried

**WATER REFUND**

Nancy, Burgess, Water Collector, is requesting a refund be issued in the amount of \$18.08 to Quenta Agaba. A motion was made by Mr. Smith, seconded by Ms. Dineen to grant the refund as requested.

Vote all ayes  
Motion carried

**RESOLUTION #148-15 – MUNICIPAL ALLIANCE RENEWAL**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #148-15 as submitted:

**RESOLUTION #41-15**

**FORM 1B**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

- 1. The Town Council does hereby authorize submission of a strategic plan for the North Hunterdon Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	<u>\$27,511.00</u>
Cash Match	<u>\$ 6,877.75</u>
In-Kind	<u>\$20,633.25</u>

- 2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Vote all ayes  
Motion carried

**RESOLUTION #149-15 – CHANGE ORDER #1 HALSTEAD STREET**

A motion was made by Mr. Smith, seconded by Ms. Sosidka, to adopt Resolution #149-15 for the Halstead Street Project:

**RESOLUTION # 149-15  
CHANGE ORDER NO. 1**

**WHEREAS**, the need has arisen for a change order to the Halstead Street Water Main Project, and;

**WHEREAS**, there were changes in Quantities and Unit Prices, and;

**WHEREAS**, the original contract price was \$1,059,103.60 and the proposed increase is \$21,844.24 bringing the total adjusted contract amount to \$1,080,947.84;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Halstead Street Water Main Project be approved.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #150-15 – CHANGE ORDER #3 WELL #16**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #150-15 as submitted:

**RESOLUTION # 150-15  
CHANGE ORDER NO. 3**

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**WHEREAS**, the need has arisen for a change order to the Well 16 Water Production Facility Project, and;

**WHEREAS**, there were changes in Exterior Lighting, Load Reactor and Inlet Frame and Grating, and;

**WHEREAS**, the original contract price was \$977,587.00 and the proposed increase is \$10,055.62 bringing the total adjusted contract amount to \$987,642.62;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Change Order Number 3 for the Well 16 Water Production Facility Project be approved.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #151-15 – TRANSFER OF FUNDS**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to adopt Resolution #151-15 as submitted:

**RESOLUTION – #151-15 (amended 1-19-16)**

**WHEREAS**, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2015, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers between 2015 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Gasoline – Other Expenses	\$ 9,500.00	
Municipal Clerk – Salary & Wages	\$ 3,600.00	
Planning Board – Other Expenses	\$ 1,900.00	
Streets & Roads – Salary & Wages	<u>\$ 2,500.00</u>	
TOTALS	\$ 17,500.00	
Employee Group Insurance – Other Expenses		\$ 2,000.00
Police – Salary & Wages		<u>\$ 15,500.00</u>
TOTALS		\$ 17,500.00
Sewer Utility – Salary & Wages	\$ 32,000.00	
Sewer Utility – Operating Expenses		\$ 32,000.00

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. National Stop the Violence Alliance, Inc. presents “Building Communities of Trust”, Monday, January 18, 2016. For more information, contact Town Clerk.
2. A letter from Hemant M. Desai President of Ansuya Riverbend, LLC requesting the Town to pardon the presence of the trailer parked on the site of the future hotel on Route 31 for a while longer. They are currently in the process of signing a contract with the Town Place and Suites-Marriot brand and plan to begin construction in early March or April of 2016.
3. Raritan Headwaters Association will be holding the 26<sup>th</sup> Watershed-wide Annual Stream Cleanup on Saturday, April 16, 2016 from 9:00 a.m. to 12:00 p.m.
4. The Red Mill Museum Village sent out letters to support the museum with tax-deductible contributions.
5. A letter of commendation for Officer Jeff Ollerenshaw received from Elissa Bentsen of Sarasota, Florida thanking the officer for making a valiant effort to recover money owed to her from a shop in Clinton. He was diligent, persistent and promptly returned phone calls and was successful in providing her with the money she was owed. Ms. Bentsen was most grateful for his excellent service!

### **REPORTS FROM COUNCIL**

#### **Councilman Smith**

1. Water Committee – The Halstead Street project is now complete, earlier this evening the Change Order was passed.  
The Engineer has now completed all fire hydrants maps which will show the address location and the size of the water main. The Water Engineer will be sending a link to all the fire chiefs for them to see the maps.  
Water Committee is still working on locating unaccountable water loses.
2. Rescue Squad is expecting delivery of their new truck on Wednesday, December 23, 2015.
3. Roads Committee meeting will have to be rescheduled.

#### **Councilman Pendergast**

1. Sewer Committee – sewer lining project, negotiating with company that was the low bidder. UV cabinet upgrades, working with the original vendor and may be able to reuse some of the cabinets to save some money.  
A new heater must be purchased for the filter building, approximate cost \$5,000.00.  
There has been a fly problem at the treatment plant and the pest control tried a chemical that was not successful. The new pest control company, Viking, suggested purchasing 3,000 minnows to put into the clarifying tank which has been done, now to wait on results!
2. Clinton Fire Department is in the planning stages with the Clinton First Aid & Rescue Squad to celebrate 125 and 75 years respectively. The parade is scheduled for May 2017. They will be running an ad book, \$200 for a full page ad. Mr. Pendergast suggested Mayor and Council

purchase a page, Mayor Kovach agreed but each council member donate personally. Chief Matheis is being asked to attend a meeting to discuss the traffic route. Santa had a successful visit to the neighborhoods in Town last night and another trip is being held tonight.

**STANDBY AND OVERTIME**

A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the standby and overtime submitted for the period of December 4 through December 17, 2015 attached to these minutes.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION # 152-15 – EXECUTIVE SESSION**

A motion was made by Mr. Pendergast seconded by Mr. Smith to enter into Executive Session at 7:50 p.m. to discuss Litigation and renegotiating contracts.

**RESOLUTION #152-15**

**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 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: \_\_\_\_\_

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 \_\_\_\_\_

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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

**RETURN TO COUNCIL MEETING**

Upon returning from Executive Session at 9:10 pm, Council resumed action. Mr. Phelan asked for a moment to explain new developments with the electronics recycling program that came in late today. In the past, the Town did not charge residents to drop off items because the Town was not charged by the company that picked them up. The State DEP has now put a cap on how much a company can take in, therefore, the recycling company now wants to charge the Town \$350 per pick up / \$.30 a pound. Based on last year's numbers, that can amount to \$23,000. Mr. Phelan asked Council if they wished to continue the service or discontinue it and direct residents to the Hunterdon County clean up twice a year. A lengthy discussion took place and a motion was made by Mr. Carberry, seconded by Mr. Pendergast to discontinue the electronics recycling program as of January 1, 2016 and to spread the word that items may no longer be taken to the Treatment Plant. All proper notifications are to be made.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Mayor Kovach  
Nay: Sosidka

Vote all ayes  
1 Nay (Sosidka)  
Motion carried

**RESOLUTION #153-15 – APPOINTMENT OF SPECIAL AUDITOR**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to appoint Thomas Ferry, CPA, RMA as Special Auditor as follows:

**RESOLUTION # 153-15  
RESOLUTION APPOINTING SPECIAL AUDITOR**

**WHEREAS**, there exists a need for the performance of special auditing services relating to ongoing litigation which cannot be handled by the Municipal Auditor; and

**WHEREAS**, funds are or will be made available for this purpose to be certified by the Treasurer; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a Special Counsel without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

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

1. Thomas Ferry, CPA, RMA of Ferraioli, Wielkotz, Cerullo and Cuva, PA, is hereby appointed to serve as Special Auditor for the Town of Clinton in order to provide auditing services and advice relating to ongoing litigation.
2. The Public Works/Business Administrator and the Municipal Attorney have negotiated with the Special Auditor a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5*.
4. Adequate funds have been or will be appropriated for the services of Special Counsel as certified by Chief Financial Officer up to an amount not exceeding \$32,000.00.

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ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #154-15 – TERMINATION OF HIGH BRIDGE SEWER AGREEMENT**

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #154-15 as submitted:

**RESOLUTION #154-15  
TERMINATION OF HIGH BRIDGE SEWER AGREEMENT**

**WHEREAS** the Town of Clinton entered into a contract with the Borough of High Bridge on September 10, 1968 (“Agreement”) whereby the Town of Clinton agreed to treat certain sewage capacity from the Borough of High Bridge; and

**WHEREAS** the Agreement provided that the term of the agreement continued until the maturity of certain bonds or December 31, 2010, whichever occurred sooner, but would be automatically renewed unless one party opts to terminate it; and

**WHEREAS** the Agreement further provided that either party could terminate the agreement after the expiration of the term by providing the other party with five year's notice; and

**WHEREAS** certain disagreements have arisen between the Town of Clinton and the Borough of High Bridge in connection with the operation of the Town's Sewer Plant; and

**WHEREAS** it is in the best interest of the Town of Clinton to terminate the Agreement effective December 31, 2020.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, that the Municipal Attorney is authorized and directed to prepare a notice to the Borough of High Bridge exercising the Town's right to terminate the Agreement effective December 31, 2020 and to serve that notice upon the Borough of High Bridge prior to December 31, 2015.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Mayor Kovach  
Nay: Sosidka  
Absent: Rylak

Vote 5 ayes  
1 Nay (Sosidka)  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Carberry seconded by Ms. Dineen to adjourn the meeting at 9:19 p.m.

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach