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Mayor Kovach called the joint meeting of the Council and Land Use Board to order at 6:00 p.m. in Council Chambers, Clinton Municipal Building.

Flag Salute.

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

Land Use Board: Present – Blanco, Feldman, Healy, Maher, Sailer, Smith, Viotto
Absent – Mellick, Schaumburg

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.”

RESOLUTION 127-17 - EXECUTIVE SESSION

A motion was made by Ms. Sosidka, seconded by Mr. Carberry, to enter into Executive Session to discuss affordable housing and possible purchase of land at 6:01 p.m.

RESOLUTION # 127-17

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*:

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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: _____)

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

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

_____ Investigations of violations or possible violations of the law;

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

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

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

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

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

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_____ 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

Council and the Land Use Board returned to the public meeting at 6:56 p.m.

Mayor Kovach thanked the audience for their patience and explained the reason for the meeting this evening was to discuss with the Land Use Board options to meet the affordable housing obligations. Mayor Kovach explained that the Town of Clinton has decided to purchase the property known as the Music Hall property, 23 West Main Street, and to build 100% age restricted affordable housing units. The Town will be going out to bid the construction of one and two bedroom units which would meet 29 affordable housing credits of the 57 the Town was required to build. Mayor Kovach asked if there were any questions from the audience, and with no questions being posed Council proceeded to take action.

RESOLUTION #128-17 - EMERGENCY RESOLUTION TO PURCHASE PROPERTY

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #128-17 as submitted:

RESOLUTION # 128-17

EMERGENCY RESOLUTION TO PURCHASE PROPERTY

WHEREAS, an emergency has arisen with respect to purchasing property located at 23 West Main Street, known as Block 25, Lot 19 in the tax duplicate and, no adequate provision was made in the 2017 budget for aforesaid purpose, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$250,000.00 and three (3) percent of the total operating appropriations in the budget for 2017 is \$253,380.58, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2017,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Purchase of Property/Other Expenses in the amount of \$250,000.00.
2. That said emergency appropriation shall be provided for in full in the 2018 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

Vote all ayes
Motion carried

CERTIFICATION FOR EMERGENCY APPROPRIATION

CHIEF FINANCIAL OFFICER

Purpose of emergency appropriation: Purchase Property located at 23 West Main Street, known as Block 25, Lot 19 in the Tax Duplicate.

The purchase of the property was not anticipated in the 2017 budget because the Town was not aware of the opportunity to purchase it. The Town is purchasing the property for future use in meeting their COAH obligations. The property is part of a redevelopment area in the Town.

Date of Occurrence: November 7, 2017

There have been no contracts awarded or purchase orders placed in connection with this emergency appropriation.

Municipality: TOWN OF CLINTON

RESOLUTION #129-17 – AMENDING THE 2017 CAPITAL BUDGET

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #129-17 as submitted:

RESOLUTION # 129-17

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WHEREAS, the Town of Clinton deems it necessary and desirable to provide for a capital project not previously reflected in the 2017 Capital Budget of said municipality, and

WHEREAS, N.J.A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey, that the 2017 Capital Budget shall be amended to reflect the addition of Ordinance # 17-09, Purchase of Property, not previously provided for in the Capital Budget. The Property is needed to meet future COAH obligations.

BE IT FURTHER RESOLVED, that the attached form, as promulgated by the Local Finance Board shall represent the amended Capital Budget for the year 2017.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #17-09 – CAPITAL IMPROVEMENT APPROPRIATIONS

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to introduce ordinance #17-09 on first reading as submitted:

**CAPITAL ORDINANCE NO. 17-09
CAPITAL ORDINANCE OF THE TOWN OF CLINTON, IN THE COUNTY OF
HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF
IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND
APPROPRIATING THEREFOR THE SUM OF \$40,000.00 FROM THE CAPITAL
IMPROVEMENT FUND**

BE IT ORDAINED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey as follows:

Section 1. The Town of Clinton, in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Purchase of Property	\$40,000.00
TOTAL	\$40,000.00

Section 2. The aggregate sum of \$40,000.00 is hereby appropriated from the Capital Improvement Fund of the Town of Clinton to the payment of the cost of the improvements as described in Section 1 hereof.

Section 3. Said improvements are lawful capital improvements of the Town of Clinton having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Town of Clinton is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

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

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Courier News edition of November 10, 2017. A public hearing will be held November 27, 2017 at the Clinton Fire Department, 7:30 p.m. At which time and place all interested parties are welcome to attend.

ADJOURNMENT: There being no further business, a motion was made by Ms. Dineen seconded by Mr. Rylak to adjourn the meeting at 7:03 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Mayor Janice Kovach