

Mayor Janice Kovach called the meeting to order at 7:00 p.m.

Flag Salute.

Roll Call: Present – Carberry, 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.”

RESOLUTION # 69-17 - EXECUTIVE SESSION - LITIGATION

A motion was made by Mr. Smith, seconded by Mr. Carberry, to enter into Executive Session at 7:01 p.m. to discuss litigation.

Vote all ayes
Motion carried

RESOLUTION # 69-17

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*:

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

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

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

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

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

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

_____ Investigations of violations or possible violations of the law;

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

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

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ 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.

Councilwoman Dineen arrived in Executive Session at 7:02.

A motion was made by Mr. Smith, seconded by Ms. Dineen to return to the Regular Meeting with no action to be taken at 7:27 p.m.

Vote all ayes
Motion carried

APPROVAL OF MINUTES

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the council meeting minutes of March 15, 2017 submitted.

6 Ayes
1 Abstention (Kovach)
Motion carried

APPROVAL OF MONTHLY REPORTS – POLICE – JANUARY & FEBRUARY

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the police monthly reports for January and February 2017 as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENT

Mr. Joe Piscopo from Lebanon Township introduced himself to Mayor and Council concerning his possibility to run for Governor of New Jersey in the 2017 gubernatorial election. He is going around the State seeing what people are concerned about. He was told property taxes are the main concern. He is an entertainer and is a host on radio station AM 970 which is a radio station focusing on conservative politics. Mr. Piscopo stated he has been interested for some time to run for an elected position to help the State of New Jersey. He spoke to Mayor and Council about his ideas if he ran for a position. He feels bringing revenue to the State is a major factor. Some issues he mentioned were trying to promote generic drug production in New Jersey with partnership with China; increasing manufacturing for distressed communities; eliminating state income tax for police, fire fighters, and teachers; using public-private partnerships to rebuild the state's infrastructure. These were some of his ideas and a few he has been working on already.

Mr. Piscopo said he was a former life-long Democrat but was going to run as an Independent. He mainly is addressing Mayor and Council to see what bothers them and what they need to help reduce taxes or anything else. He understands the ratio is mostly to the schools. People cannot live here with the property taxes the way they are. Many people are moving out after their children are finished going through the school system. Mr. Piscopo said he did talk previously with Mayor Kovach. Each person understands the taxes are mainly with the administration of the schools.

Mayor Kovach did say she sent out the two budget letters to the residents. Taxes are a huge thing. CMPTRA (Consolidated Municipal Property Tax Relief Aid) aid is less than \$8,000 which is less than 1/2 of a tax point for the Town of Clinton. We have an awesome school district but what do we do to reduce costs. As a resident and a Mayor she struggles to figure it out.

Councilwoman Sosidka stated that we are one of the highest unfunded pension States in the country and asked what he would do about that.

Mr. Piscopo said he had an idea but was controversial and voted down. First he said give police, fire fighters and teachers should not pay any state tax and then start negotiations from there. You should give the union something. He stated he is a very Pro-Union guy. Second, it is not mainly his idea but his colleagues say we need that North Jersey casino. Part of that revenue will go to funding the pension. Mr. Piscopo said most important factor is to create revenue.

Mr. Piscopo said bring filming into New Jersey would create revenue. Mayor Kovach said New Jersey is the worst for filming credits. She has sent New Jersey's legislature information from other state's legislature and nothing is done. Mr. Piscopo said it was terrible how the State raised the gas tax by \$.23. He said at least Governor Christie stopped the estate tax and gave roads \$400,000,000.

Mr. Piscopo thanked the Mayor and Council for listening to him and allowing him to explain his views on helping New Jersey become a sustainable state. He said New Jersey needs a conservation independent in Trenton. He thinks it can be done. Mr. Piscopo says if he does not decide to run he would like to at least present the initiatives. Mr. Piscopo is very proud of New Jersey and thinks each party has great ideas.

Mayor Kovach and Council thanked Mr. Piscopo for attending.

MAYOR'S COMMENTS

1. Mayor Kovach announced the Town of Clinton was named number one for the 2017 Best Community for Families in the State of New Jersey and Best in Hunterdon County according to the New Jersey Family Magazine. The Town is also in the running for top community in the northeast. This is a terrific recognition for the Town.
2. Mayor Kovach received an invitation from the Red Mill Museum inviting herself and Council to the opening reception for their Exhibition "Over Here, The New Jersey Home Front", a WWI Centennial Exhibition which the Town donated to. It will be held on April 6, 2017 at 6:00pm if anyone is interested in attending.
3. Mayor Kovach informed Council that Ella Haver who was a strong force behind the Jennie M. Haver Memorial Scholarship Fund has passed away at the age of 104. It is very sad but she lived a wonderful life.

RESOLUTION #65-17 – ANIMAL CONTROL OFFICER

A motion was made by Mr. Carberry, seconded by Mr. Smith to adopt Resolution #65-17 as submitted:

RESOLUTION # 65-17 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 \$300.00 per month with an additional \$100.00 charge assessed per call out; and

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

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE # 17-03 – BUCKET DROP

A motion was made by Mr. Pendergast, seconded by Ms. Sosidka to open the public hearing of Ordinance 17-03:

Vote all ayes
Motion carried

ORDINANCE 17-03

**AN ORDINANCE AMENDING CHAPTER 107 OF THE CODE OF
THE TOWN OF CLINTON REGARDING PEDDLING AND SOLICITIN**

No public comment.

There being no further discussion a motion was made by Mr. Pendergast, seconded by Mr. Carberry to close the public hearing portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Ordinance #17-03 on second reading as submitted.

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE # 17-04 – CAP INDEX

A motion was made by Mr. Pendergast, seconded by Ms. Dineen to open the public hearing of Ordinance 17-04:

Vote all ayes
Motion carried

**ORDINANCE 17-04
CALENDAR YEAR 2017
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

No public comment.

There being no further discussion a motion was made by Mr. Pendergast, seconded by Mr. Carberry to close the public hearing portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Ordinance #17-04 on second reading as submitted.

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

RESOLUTION #66-17 – FOR CONDUCTING ANNUAL BUDGET EXAMINATION

A motion was made by Mr. Carberry, seconded by Ms. Dineen to adopt Resolution #66-17 as submitted:

**RESOLUTION #66-17
CONDUCTING ANNUAL BUDGET EXAMINATION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.S.A. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Clinton been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2017 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in a accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF 2017 MUNICIPAL BUDGET

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to open the public hearing of the 2017 Municipal Budget:

Vote all ayes
Motion carried

No public comment.

There being no further discussions, a motion was made by Mr. Pendergast, seconded by Mr. Carberry to close the public portion of the Budget hearing.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Ms. Dineen, to adopt the 2017 Municipal Budget as presented.

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

Vote all ayes
Motion carried

RESOLUTION #67-17 – APPOINTMENT OF TOWN ARBORIST

A motion was made by Mr. Smith, seconded by Ms. Sosidka to adopt Resolution #67-17 as submitted:

**RESOLUTION # 67-17
APPOINTMENT OF TOWN ARBORIST**

BE IT RESOLVED, that Lou Spanner of Spanner Shrub & Tree Care is hereby appointed to serve as the Town of Clinton’s Tree Expert for the 2017 calendar year, and

BE IT FURTHER RESOLVED, that pursuant to the requirements under the Local Public contracts Act, the following resolution is hereby adopted:

WHEREAS the Town of Clinton has many specimen and ornamental trees in its right of ways that require the services of a highly trained tree expert to diagnose problems, the cause of their diseases and preventative care necessary for the trees in the Town, and

WHEREAS these services cannot readily be put out to bid because they are extraordinary and unique and require an individual with great skill, knowledge and experience in the diagnosis of tree-related problems, and

WHEREAS Louis Spanner has extensive expertise diagnosing such problems and has a well-deserved reputation as a tree expert, and has spent many years advising the Town in the care and maintenance of its trees and

WHEREAS funds are or will be made available for this purpose to be certified by the Local Finance Officer;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Clinton as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute a contract without competitive bidding, with Lou Spanner of Spanner Shrub & Tree Care, for tree diagnostic and rehabilitation services.
2. The work to be performed by Mr. Spanner shall be in accordance with proposals approved by the Mayor and Council.
3. A notice of this action shall be printed once in the Hunterdon Review.

RESOLUTION #68-17 – AWARD OF CONTRACT FOR PARKING LOT IMPROVEMENTS

A motion was made by Mr. Carberry, seconded by Ms. Sosidka to adopt Resolution #68-17 as submitted:

**RESOLUTION # 68-17
AWARD OF CONTRACT FOR PARKING LOT IMPROMEMENTS**

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Various Parking Lot Improvement Projects on Wednesday, March 22, 2017 as outlined on the attached bid summary;

WHEREAS, six (6) bids were received as follows:

<u>Contractor</u>	Base Bid	<u>Alternate Bid</u>
JTG Construction	\$215,713.00	\$212,785.00
Hale Built	\$221,348.17	\$222,894.67
Black Rock Enterprises	\$258,486.00	\$287,569.00
Top Line Construction Corp.	\$265,456.50	\$263,361.50
Your Way Construction	\$266,175.73	\$247,939.87
Diamond Construction	\$417,141.50	\$389,731.50

WHEREAS, the Town Attorney has reviewed the documents submitted by JTG Construction and has determined that the bid was responsive and;

WHEREAS, the Town Engineer Robert J. Clerico, has reviewed the submitted bids and determined that JTG Construction submitted the lowest responsive base bid in the amount of \$215,713.00 and the lowest responsive alternate bid in the amount of \$212,785.00 for the Various Municipal Parking Lot Improvement Projects and;

WHEREAS, the Town of Clinton, has sufficient funds to award a contract based upon this bid

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Contract for the Various Municipal Parking Lot Improvement Projects be and is hereby awarded to JTG Construction, 188 Jefferson Street, Suite 387, Newark, NJ 07105 for their base bid in the amount of \$215,713.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.

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

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION– MAIN STREET MARATHON – October 8, 2017

Pro Activity has submitted a special event application to hold the Main Street Marathon event on October 8, 2017 with an 8:00am start time. It will be a half marathon running from Clinton to Flemington. This is the first time for this event. Chief Matheis has reviewed the application and the logistics and is satisfied with the request submitted.

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Meals on Wheels is having their “Your Meal’s on Us” 2017 Raffle Fundraiser. The cost for a single ticket will be \$20.00. The prizes are gift certificates to local restaurants. Each raffle ticket purchased will provide approximately 4 meals to a homebound senior in Hunterdon County. Mayor Kovach said this is a great cause and if any council member is interested in purchasing a ticket the letter will be in the clerk’s office.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilwoman Sosidka

1. Councilwoman Sosidka said she has participated in the Meal on Wheels program and she had a great experience. Mayor Kovach agreed it is a very humbling experience.

2. There was no Historic Commission meeting due to the snow storm on March 14, 2017. Councilwoman Sosidka wanted to remind the Council again about the WWI Exhibit which was mentioned earlier in the meeting to be held at the Red Mill Museum.

3. The Recreation Commission is holding the annual Senior Luncheon on the first Sunday in May which this year will be May 7, 2017 to be held at the Clinton Fire Department. The Annual Town Picnic is moving along nicely. The Recreation Commission appreciates Kim Rogan’s leadership for this event. The Fire Department will be grilling again this year and will have many activities for the children.

4. The Summer Recreation program will take place from June 26, 2017 to July 21, 2017. Registration forms will be out shortly. They will be available on the Town’s website as well as in the Clerk’s office.

5. The Tennis program will begin the following Monday, July 24, 2017 for two weeks.

6. Councilwoman Sosidka asked the other Council members how the Town can advertise to get the word out about the Town of Clinton being named the “Best Family Town to Live In.” It is a tremendous award and should try to let outside communities know. One suggestion was to add some wording to the six Welcome to Clinton signs in Town.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to approve the standby and overtime pay attached to these minutes for March 10, 2017 through March 23, 2017.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, 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 as attached to these minutes.

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Carberry, seconded by Ms. Dineen to adjourn the meeting at 8:10 P.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Janice Kovach