

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

Flag Salute.

Roll Call: Present – Carberry, Dineen, Pendergast, Rylak, 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. Smith, seconded by Ms. Sosidka, to approve the minutes of the Council Meeting held March 28, 2017.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to approve the Executive Session minutes for March 28, 2017.

Vote all ayes
1 Abstention (Rylak)
Motion carried

APPROVAL OF MONTHLY REPORTS – MARCH

A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the monthly reports for the month of March as submitted:

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/ Inspection Report, Police Reports for November and December, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Treasurer’s Report, Wastewater Treatment Plant, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – NONE

MAYOR’S COMMENTS

1. SAFE in Hunterdon is hosting their second annual Perfectly Paired event on Thursday, May 4, 2017 at The Ridge at Back Brook. For details see the municipal clerk.
2. Hunterdon County Education Association hosting a black tie optional event at Razberry’s on May 5, 2017. For details see the municipal clerk.
3. The regular council meeting of May 23, 2017 will be held at 8:00 a.m., not at 7:30 p.m.
4. Mayor Kovach requested that council be copied on an ordinance from Woodbridge Township regarding tethering of dogs.

ARBOR DAY PROCLAMATION

Mayor Kovach produced the Annual Arbor Day Proclamation that will be read at the celebration on Friday, April 28, 2017.

RESOLUTION #70-17 – TONNAGE GRANT

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #70-17 as submitted:

RESOLUTION #70-17

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE
RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2016 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Town of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard Phelan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Vote all eyes
Motion carried

RESOLUTION #71-17 – CANCELLATION OF TAX LIEN

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #71-17 as submitted:

RESOLUTION # 71-17

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$6,032.62, the amount necessary to redeem Tax Sale Certificate #2016-10 on Block 31, Lot 7 C0106, assessed to Gretchen Pfeffer, and purchased by FWDSL & Associates LP.

NOW THEREFORE BE IT RESOLVED, on this 11th day of April 2017 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 \$6,032.62 (certificate) & \$7,000.00 (premium) to FWDSL & Associates LP, 17 West Cliff Street, Somerville, NJ, 08876, 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 #2016-10 on Block 31, Lot 7 C0106, assessed to Gretchen Pfeffer, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #72-17 – SALE OF SURPLUS PROPERTY

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #72-17 as submitted:

**RESOLUTION #72-17
RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL
PROPERTY TO THE CLINTON FIRST AID AND RESCUE SQUAD**

WHEREAS, the Clinton First Aid and Rescue Squad (the “Recipient”) has requested that the Town of Clinton (“Town”) donate certain Town-owned surplus personal property that is no longer needed for public use, specifically a 2007 Ford Crown Victoria, VIN 2FAFP71W87X148741, (the “Property”); and

WHEREAS, pursuant to N.J.S.A. 40A:11-36 permits the Township to donate such property as requested.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that the 2007 Ford Crown Victoria, VIN 2FAFP71W87X148741 is hereby declared to be surplus personal property of the Town.

BE IT FURTHER RESOLVED that the Property will be donated to the Clinton First Aid and Rescue Squad.

BE IT FURTHER RESOLVED that the Property will to donated in its “as is” condition, without any warranties by the Town, and on the condition that the Recipient shall hold the Town harmless for any claims arising out of the Property after the transfer to the Recipient.

BE IT FURTHER RESOLVED that the Mayor and Council hereby designate the Town’s Business Administrator, Richard Phelan, to execute any and all additional documents to effectively transfer title to the Recipient.

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

Vote all ayes
Motion carried

RESOLUTION #73-17 – POSTPONEMENT OF MORTGAGE

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #73-17 as submitted:

RESOLUTION NO. 73-17
Resolution Authorizing the Postponement of a Mortgage Between
The Town of Clinton and Embrace Home Loans

WHEREAS, on November 12, 1999, Thomas Goitz and Kathie G. Wildrick, husband and wife, made a mortgage to the N.J. Council on Affordable Housing, Town of Clinton (Clinton Town Affordable Housing Authority) for property located at Block 31.01, Lot 29.05 and known by the street address of 5 Woodcrest Lane, Clinton, NJ, said mortgage being filed on November 18, 1999 in Mortgage Book 1374 at page 548 in the Hunterdon County Clerk’s Office which mortgage was second and subordinate to the first mortgage in the original principal amount of \$59,950.00 made by Thomas Goitz and Kathie G. Wildrick to Bank of America, N.A.; and,

WHEREAS, Thomas Goitz and Kathie G. Wildrick now seek to refinance their first mortgage with Embrace Home Loans, Inc. in the amount of \$46,000.00, and a condition of such refinance is that the mortgage held by the Town of Clinton be subordinated to the new Embrace Home Loans mortgage and remain a second priority mortgage; and,

WHEREAS, the governing body of the Town of Clinton and the Clinton Town Affordable Housing Authority have reviewed the proposed form of Postponement of Mortgage and have determined that it may be executed without detriment to the Town of Clinton or the Clinton Town Affordable Housing Authority and herein authorize the appropriate individuals to execute the Postponement of Mortgage in the form annexed to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Clinton that the Mayor and Clerk are authorized on behalf of the Town of Clinton and the Clinton Town Affordable Housing Authority to execute the approved Postponement of Mortgage in the form annexed hereto and shall sign same; and,

BE IT FURTHER RESOLVED, that a signed copy of the Postponement of Mortgage shall be placed in the Applicant’s file; and

BE IT FURTHER RESOLVED that the Fair Housing Administrator or Township Clerk will advise the Applicant when the Postponement has been signed and is available for pick up and shall receive a receipt for its delivery.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A letter received from Barry Bittenmaster requesting a late fee be waived for his dog.
2. A letter received from Marilyn Mroz requesting charges be waived regarding her water account.
3. A letter received from Lori Rayner Grossi, who brought the “Hate Has No Home Here” signs to town. She felt the signs would be a welcomed sentiment.

REPORTS FROM COUNCIL

Councilman Smith

1. Rescue Squad reported an increase of 31 calls over last year.
2. Building and Grounds – The light in Alley’s Way has been fixed. Electrical work in the council is being done and going “hi tech”!
3. Roads – Committee met with Peter Gialias and son in law, Brent, of the Clinton House to discuss three scenarios of the pedestrian safety project being planned. A very productive meeting and the engineer is working on a design.

Councilwoman Dineen

1. Clinton Guild – President Bill Healy is changing a few things up among committees, nice approach.
2. Shade Tree – Arbor Day will be held Friday, April 28, 2017 and the tree is being dedicated to the CFD/CFARS and planting it in front of the Viking Building on West Main Street. A back up to this location may be removing a hawthorne tree on East Main Street and replacing it with a cherry tree.
The sidewalk in front of a home on Center Street was discussed because the large town tree roots are lifting the pavers. Mr. Shea, of the commission, said the matter should be redirected to the Roads Committee to address.

Councilwoman Sosidka

1. Board of Recreation – Clinton Town Picnic, Saturday, June 10, rain date June 17. The tennis program will begin its 18th year for youngsters 6 – 14 years of age. \$90.00 for eight – 45 minute sessions, Monday through Thursday. Two sessions available July 24 – August 3 and August 7 – August 17, 2017. For additional information contact Monica or Don Berkman.
2. Goosetown Road property that has been in foreclosure for 5 years is now up for sale!

Councilman Pendergast

1. Clinton Fire Department – a membership application received from Lucas Bardecker, 468 Mine Road, Bethlehem Township. Motion made by Mr. Pendergast, seconded by Mr. Carberry at accept Mr. Bardecker as a member of the Clinton Fire Department.

Vote all ayes
Motion carried

Just about one month away from the long anticipated Clinton Fire Department and Clinton First Aid & Rescue Squad Parade! Jeep convertibles are being donated for the Mayor and Council to ride in! Beginning at 12:30 p.m. at the Community Center, marching down Halstead, right onto Lower Center, onto Main Street and making a right at Leigh Street, all the way to Hunts Mill Park. Marching bands, floats, Dr. D entertainments and awards to be presented by Mayor Kovach, Mr. Smith and Mr. Pendergast.

2. “Raise the Roof” being hosted by Fox Lumber Saturday, May 6, 2017 Noon to 3:00 p.m. Free food, Pig Roast, raffles, petting zoo, kids activities, give-aways, games and prizes!!

Councilman Rylak

1. Clinton Presbyterian community service project will take place at DeMott Pond where the group will be putting in plantings.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Ms. Sosidka to approve the standby and overtime submitted for the period of March 24 through April 6, 2017 attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION # 74-17 - EXECUTIVE SESSION – LITIGATION

A motion was made by Mr. Carberry, seconded by Ms. Dineen to enter into Executive Session at 7:59 p.m. to discuss Affordable Housing litigation and potential litigation over developers fee ordinance.

RESOLUTION # 74-17

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.

Vote all ayes
Motion carried

ADJOURNMENT: Upon returning from Executive Session at 8:58 p.m. and there being no further business, a motion was made by Mr. Carberry, seconded by Ms. Dineen to adjourn the meeting at 9:00 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach