

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

Flag Salute.

Roll Call: Present – Carberry, Duffy, Pendergast, 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. Smith, seconded by Mr. Duffy, to approve the minutes of December 27, 2012 as submitted.

Vote all ayes  
2 Abstentions (Shea, Sosidka)  
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the Executive Session minutes of December 27, 2012 as submitted.

Vote all ayes  
2 Abstentions (Shea, Sosidka)  
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the minutes of the Re-organization meeting held January 2, 2013 as submitted.

Vote all ayes  
Motion carried

A motion was made by Mr. Duffy, seconded by Mr. Carberry, to approve the minutes of January 8, 2013 as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

Walter Hetzel, 36 West Main Street, said he is witnessing large trucks that exceed the weight limits going over the Pony Truss Bridge on to Main Street. Mr. Phelan said he talked to the County engineer last week and requested additional signage to be posted. County is seeking approval from the State Highway Department to put additional signage on Old 22 prior to entering the stretch leading to the bridge. Mayor Kovach suggested raising the fines for trucks going over the bridge. Attorney Lorraine Staples will look into the amount that can be fined.

**MAYOR'S COMMENTS**

1. Senator Doherty along with Assemblymen Peterson and DiMaio, arranged a meeting with representatives from JCP&L and the BPU. Mayor Kovach will be attending with Chief Matheis at Raritan Valley Community College on Thursday, January 24, 2013. The BPU is working with municipalities to try and improve services.

2. Councilman Rich Duffy will be stepping down after tonight's meeting. Mayor Kovach read a Proclamation and presented it to Mr. Duffy for his years of dedication to the Town. A round of applause and good wishes to Mr. Duffy!

### **COMCAST CABLE**

Rob Clifton, Director of Government Affairs, attended this evenings meeting to discuss technical problems in the area of Clinton Knolls. Accompanied by Tyrone Cokely, Manager of Technical Operations; David Price, Maintenance Supervisor from Somerset; and Glen Rigas, Maintenance Manager. Mr. Rigas personally met with JCP&L technicians on site to discuss the problems in the Knolls.

Walter Hetzel, 36 West Main Street, stated that following Super Storm Sandy, West Main Street was without cable for one week. All the information that was being fed to the residents was unable to be accessed without cable. Mr. Clifton said they are working on better communications with other utility companies to follow up on their restoration track instead of working in totally different areas. Mayor Kovach thanked the gentlemen for coming and discussing the problems.

### **ANIMAL CONTROL OFFICER**

Chief Matheis made a recommendation recently to hire a part time animal control officer for the Town of Clinton. Current services are extremely limited and this new prospect is available 24/7/365. Traci Fleming would be hired as a part time employee for \$5,000.00 per year. Attorney Lorraine Staples researched the Code Book and will prepare an amendment to the Chapter. Clerk will contact Voorhees Corner Vet for a proposal outlining the cost of boarding animals not claimed by the owner and other applicable fees. The salary ordinance will be amended to include the new position.

### **RUN O' THE MILL – CLINTON SAINT PATRICK'S DAY 5K**

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to approve the Special Event Application for Julie Culley and Chris Farley for the Run O' the Mill St. Patrick's Day 5K to be held Saturday, March 16, 2013. The race is scheduled for 7:00 a.m. to 11:00 a.m. beginning at the Community Center.

### **SPECIAL EVENT – RUBBER DUCKY RACE**

Application has been received to hold the Annual Rubber Ducky Race on Sunday, July 14, 2013. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the request as presented.

Vote all ayes  
Motion carried

### **BANNER REQUEST – ONE SPIRIT FESTIVAL**

The Church of All Creation is sponsoring the annual One Spirit Festival Holistic Fair on May 5, and October 6, 2013. A banner request has been submitted for the two events. A motion was made by Mr. Duffy, seconded by Mr. Carberry to grant the request as submitted.

Vote all ayes  
Motion carried

### **PUBLIC HEARING OF ORDINANCE #13-01 – CESSATION OF REGULAR MUNICIPAL COURT FUNCTIONS AND APPROVING SHARED SERVICES AGREEMENT**

A motion was made by Mr. Pendergast, seconded by Mr. Smith to open the public hearing of Ordinance #13-01:

**ORDINANCE NO. 13-01**

**AN ORDINANCE APPROVING THE CESSATION OF THE REGULAR MUNICIPAL COURT CASE FUNCTIONS OF THE NORTH HUNTERDON MUNICIPAL COURT AND APPROVING THE SHARED SERVICES AGREEMENT TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION OF THE MUNICIPAL COURT OF NORTH HUNTERDON'S CASE FILES AND RECORDS AND THE CONTINUATION OF BUSINESS AS REQUIRED AFTER CESSATION OF REGULAR MUNICIPAL COURT CASE FUNCTIONS**

Vote all ayes  
Motion carried

There being no public comments, a motion was made by Mr. Pendergast seconded by Mr. Smith to close the public portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast seconded by Mr. Carberry, to adopt Ordinance 13-01 on second reading.

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

Vote all ayes  
Motion carried

**RESOLUTION #44-13 – CANCELLATION OF LIEN**

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Resolution #44-13 as submitted:

**RESOLUTION # 44-13**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$717.42 amount necessary to redeem Tax Sale Certificate #2012-13 on Block 22, Lot 7, assessed to Dean & Valerie Romagnolo, and purchased by Frank Gallagher.

**NOW THEREFORE BE IT RESOLVED**, on this 22nd of January 2013 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 \$717.42 (certificate) & \$500.00 (premium) payable to Frank Gallagher, 6 Blackwell Road, Flemington, New Jersey, 08822, 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 #2012-13 on Block 22, Lot 7, assessed to Dean & Valerie Romagnolo, from the Town of Clinton Tax Records.

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

Vote all ayes  
Motion carried

**RESOLUTION #45-13 – NORTH HUNTERDON MUNICIPAL ALLIANCE**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #45-13 supporting the submission of an application for the North Hunterdon Municipal Alliance grant for 2013.

**RESOLUTION #45-13**

**WHEREAS**, The Town Council 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,

**WHEREAS**, the Town Council of Clinton 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 of Clinton supports the application of funding from 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 of Clinton Council does hereby support the submission of an application for the North Hunterdon Municipal Alliance grant for calendar year 2013 in the amount of \$23,800.00.
2. The Town of Clinton Council acknowledges the terms and conditions for the Municipal Alliance grant.

Vote all ayes  
Motion carried

**RESOLUTION #46-13 – THREE YEAR APPOINTMENT OF COURT JUDGE**

A motion was made by Mr. Pendergast seconded by Mr. Carberry to adopt Resolution 46-13 amending resolution 17-13 which was adopted at the re-organization meeting January 2, 2013. The original resolution was for a one year appointment, the term should be a three year term.

**RESOLUTION #46-13**

**RESOLUTION AUTHORIZING THE MUNICIPAL COURT OF THE TOWN OF  
CLINTON TO ENGAGE A MUNICIPAL COURT JUDGE  
AMENDING RESOLUTION #17-13**

**WHEREAS**, the Town of Clinton, Hunterdon County, New Jersey, has entered into an interlocal municipal services agreement for the creation of a shared municipal court with the Township of Clinton; and

**WHEREAS**, this court will be known as the Municipal Court of the Town of Clinton; and

**WHEREAS**, the Municipal Court requires the services of Municipal Court Judge for the Calendar Year 2013; and

**WHEREAS**, the Municipal Court of the Town of Clinton has authorized the appointment of the person named herein as the Court Judge.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, hereby ratifies the Appointment of Eric Perkins as the Certified Court Judge of the Municipal Court of the Town of Clinton for a three year appointment, expiring December 31, 2015.

Vote all ayes  
Motion carried

**RESOLUTION #47-13 – TRANSFER OF FUNDS**

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #47-13 as submitted:

**RESOLUTION #47-13**

**WHEREAS**, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriation Reserve in the last two months of 2012; and

**WHEREAS**, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that transfers in the amount of \$3,250.00 be made between the 2012 Budget Appropriation Reserves as follows:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
Streets & Roads		
Other Expenses	\$3,250.00	
Utility Expense - Water		
Other Expenses		\$ 250.00
Recycling		
Other Expenses		500.00
Legal		
Other Expenses		1,500.00
Engineering		
Other Expenses		1,000.00
<b>TOTALS</b>	<b><u>\$3,250.00</u></b>	<b><u>\$3,250.00</u></b>

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

Vote all ayes  
Motion carried

## **CORRESPONDENCE**

### **CLINTON PUBLIC SCHOOL – FEE WAIVER REQUEST**

A letter was received from Lisa Craft, School Business Administrator on behalf of the Clinton – Glen Gardner Board of Education. The letter is requesting to waive fees to the Board of Education as was the practice. Last year, Council decided to suspend the granting of fees waivers to all entities after discovering approximately \$6,500 in revenue was waived. A motion was made Mr. Pendergast, seconded by Mr. Carberry deny the request for the waivers. A discussion took place. Councilwoman Sosidka was not on Council when this topic was discussed last year and understood for non-profits however, Ms. Sosidka questioned if it would be for entities that are already paying taxes? Mayor Kovach explained that a blanket policy of not waiving fees was the decision. Every request that used to come before council was addressed and it was decided no waivers would be considered. Mr. Pendergast referred to the letter from the school that the fee of \$1,223.50 for roof damage will be paid back to the school from their insurance carrier. Ms. Sosidka understood the policy, was asking for clarification. Mr. Pendergast stated that if an entity has a problem, they are welcome to come before Council for consideration. A motion was made by Mr. Carberry, seconded by Mr. Pendergast to deny the request.

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

Vote all ayes  
Motion carried

## **REPORTS FROM COUNCIL & TOWN OFFICIALS**

### **Kathy Olsen, CFO**

1. Ms. Olsen suggested meeting prior to the next Council meeting February, 12, at 6:30 p.m. to discuss the budget.

### **Councilman Smith**

1. Water Committee – the existing 2.5 MG tank is being filled, hoping for all certifications to be completed and to have 5MG of surface supply by the beginning of February .
2. Rescue Squad – last year calls for the squad total 2,395 up 134 from 2011. Currently, for this partial month of January, calls are at 100 so far. Last January, 2012, calls totaled 167. Will have a complete accounting of calls at the next meeting.

### **Clerk Covino**

1. Following the rabies clinic held January 19, the Board of Health discussed the possibility of raising animal license fees. Fees have never been raised and surrounding municipalities are considerably higher. Current fees are \$8.20 for a neutered dog and \$11.20 for non. Currently cats are \$5.00 and \$8.00. An example of fees are Clinton Township \$15.00 for neutered dog. Late fees average \$4.00 a month for late fees, we charge \$1.00. Council discussed the fees and it was decided to raise the late fees from \$1.00 to \$4.00 a month beginning next year and increase the dog and cat licenses \$2.00 for next year. An ordinance will be prepared to adjust the fees in upcoming months.

### **Councilwoman Sosidka**

1. Board of Health held the annual joint rabies clinic with Clinton Township on January 19, 2013. Keith Ross DVM administered 387 inoculations, the largest amount ever distributed. All went very well, however, due to the amount of people and pets, it was decided that young children should stand inside the building but to the side of the tables to prevent any incidents.

2. Board of Recreation held their annual Yuletide Bonfire the evening of January 19<sup>th</sup>, it was Very well attended and a huge success! Thank you to Sean Rogan and all the local shops that donated refreshments for the event as well as Scout Troop 121, the Clinton Fire Department and Rescue Squad.
3. The Clinton Town annual picnic is scheduled for June 8, 2013.
4. The Summer Recreation program will be run week by week this year. Registration forms will be available on-line around Easter.
5. The fitness trail project, being planned by the Clinton Sunrise Rotary, is in the preliminary phases of discussion and a smaller course may be built. Fund raising is also being discussed.
6. The Run O' the Mill St. Patricks's Day Race was approved by the Board of Recreation, to use the Community Center on March 16, 2013. The fee for the day is \$350.00

**Councilman Pendergast**

1. Tour of the treatment plant is scheduled for February 1 and 22, 2013 at 8:00 a.m.

**Councilman Carberry**

1. Board of Recreation – discussed the use of the Community Center, the keys and the hours, for adolescents to play basketball after 10:00 p.m. Discussion to change the hours or to deem use as special events. A letter will be sent to the insurance company for clarification about coverage. The subject will be continued at the next meeting.

**Councilman Duffy**

Mr. Duffy expressed his enjoyment working with council and his tenure as a councilman. He thanked everyone for the opportunity to serve. Mr. Duffy is moving to Avon, Connecticut after receiving a promotion from his employer. He will be missed.

**APPROVAL OF STANDBY AND OVERTIME**

Tabled until the meeting of February 12, 2013.

**PAYMENT OF BILLS**

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

ROLL CALL: Ayes: Carberry, Duffy, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #-48-13 – EXECUTIVE SESSION – Potential Litigation and Contract Negotiations**

A motion was made by Mr. Carberry seconded by Mr. Duffy to enter into Executive Session at 8:35 p.m. to discuss matters of Potential Litigation and Contract Negotiations.

**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 \_\_\_\_\_

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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

Council returned to the regular meeting at 9:10 p.m.

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to authorize a payment not to exceed \$500.00 for an OPRA (Open Public Records Act) request for Tewksbury Township.

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

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Duffy seconded by Mr. Carberry to adjourn the meeting at 9:15 p.m.

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC  
Town Clerk

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Mayor Janice Kovach