

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

Flag Salute.

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

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. Smith to approve the minutes of September 24, 2013 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – SEPTEMBER

A motion was made by Mr. Carberry seconded by Mr. Smith, to accept the monthly reports for the month of September as submitted.

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Report, and Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – none

MAYOR’S COMMENTS

1. As discussed at the last council meeting, members of the commissions and committees are invited to attend a council meeting to meet the council as well as having the council meet our volunteers. This evening two members of the Environmental Commission attended the meeting, Veronique Lambert and Patty Smeltzer. Each addressed council, Veronique, a resident for 10 years in Clinton lives in the Knolls, work experience as an environmental educator and in community development. Patty Smeltzer, newest appointed member to the commission, has been living in town for 11 months and works for the Raritan Headwaters in development and events coordinator. Mayor Kovach thanked the ladies for coming and for volunteering.
2. Mayor Kovach asked Council to consider the council meeting dates of December because of Christmas and January for the purpose of re-organization. Originally, December 26th was scheduled because the regular council meeting fell on Christmas Day. This evening, Councilman Shea and Rylak said they will be unavailable for the 26th. Discussion will continue as to when the final council meeting of the year will be held. For re-organization purposes, a council meeting must take place within the first seven days of

the new year. Council discussed dates and tentatively have their re-org meeting scheduled for Monday, January 6, 2014 at 6:00 p.m.

3. Hunterdon County Chamber of Commerce hosting the Business Expo October 15, 2013.

RESOLUTION #137-13 – ANNUAL HALLOWEEN CURFEW

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #137-13 as submitted:

RESOLUTION # 137-13

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 19 and continuing through November 4, 2013, a time when persons under the age of eighteen and others often engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated to question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

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

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Wednesday, October 9, 2013, up to and including Monday, November 4, 2013; and
- (B) The Mayor and Council do hereby declare a curfew commencing at 9:00 p.m. October 9, 2013, up to and including 6:00 a.m. November 4, 2013. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the

Chief of Police so as to give all interested parties notice of the imposition of the curfew.

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION – 27TH CHRISTMAS PARADE

Parade organizers, Frank Hooper and Dan Torrone, attended this evening's meeting to address the insurance requirements requested on the updated special event application. The new application requires \$2,000,000 insurance coverage for events. In the past, \$1,000,000 was required. Mr. Hooper explained that it is costly to increase the insurance coverage of \$1,000,000 and did not feel it was necessary. Council discussed the increased insurance coverage at length and thought differentiating profit and non profits would be the way to go. Mr. Smith stated that non profits should have \$1,000,000 coverage and the profit organizations \$2,000,000. Mr. Cushing stated that council be consistent as to not create difficulty in the future waiving fees. Mr. Hetzel, President of the Clinton Guild, stated the Guild has \$1,000,000 and asked if this subject can be tabled to another meeting. Council agreed that would be a good decision. A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to approve the special event application to hold the 27th Clinton Guild Christmas Parade on December 6, 2013.

Vote all ayes
Motion carried

BEST PRACTICES INVENTORY

Mr. Phelan explained that the Department of Community Affairs, Division of Local Government Services has required municipalities for the past four years, to complete what they deem a Best Practices checklist. The answers to questions, yes vs no vs not applicable determines the amount of state aid a municipality gets. The Town of Clinton does meet all requirements. This year the Department of Community Affairs wants all municipalities to have this placed on an agenda for the Governing bodies to review. Once accepted by the governing bodies, it must be signed off by the Chief Financial Officer, the Mayor and the Clerk. The spreadsheets have been distributed and reviewed by council prior to this evening's meeting. A motion was made by Mr. Carberry, seconded by Mr. Rylak that the inventory is approved by council and may be submitted to the DCA.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

CORRESPONDENCE

1. March of Dimes hosting the first annual Bridgewater Commons Mall Crawl Sunday, October 6, 2013 beginning at 10:00 a.m. Registration fee is \$20.00.
2. Letters from Clinton Public School's Interim Superintendent/Principal, Judy Burd, expressing appreciation to Sergeant Jay Hunter and Officer James Kramer for their dedication during the transition to the Standard Response Protocol and the overall improvement of their safety procedures.

3. Raritan Headwaters hosting a conference November 9, 2013.
4. Jersey Cares coat drive runs from November 1, 2013 through February 7, 2014. Jersey Cares Coat Drive is partnering with the 2014 NY/NJ Super Bowl Host committee. Interested municipalities can register online at www.jerseycares.org.
5. A letter received from a resident asking the Town to consider rezoning a portion of the Town from R-3 to C-1. The Council addressed the letter and is not interested in the proposition. The letter will be forwarded to Planning Board for their information.
6. Holland Township copied all municipalities in Hunterdon County on a resolution urging the County of Hunterdon to initiate a study to take over the functions of a municipal animal control officer in Hunterdon municipalities. Council discussed the resolution and feelings were expressed. Mr. Carberry stated not to give control to the county, Mr. Shea felt it is the logical approach, and Chief Matheis stated that the County receives a percentage of every ticket and they do nothing in return. He felt it would also make sense for the County to pursue a study. Mr. Smith said the Freeholders talk about shared services and this would be appropriate. A motion was made by Mr. Rylak, seconded by Mr. Pendergast to adopt a similar resolution and pass it on to the County.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Richard Phelan, Business Administrator

1. In the absence of Ms. Sosidka this evening, Mr. Phelan reported on the most recent website meeting. The committee's goal is to revamp the web site and make it more user friendly. The committee is working with City Connections and wishes to renew the contract with no additional cost for a period of 12 months. A motion was made by Mr. Carberry, seconded by Mr. Pendergast to renew the contract as suggested.

Vote all ayes
Motion carried

Councilman Smith

1. Rescue Squad reported 194 calls for the month of September.
2. A tour of the water department facilities took place on Saturday, October 5, 2013. 10 wells sites and three booster sites were visited. Another tour may be arranged if other council members would like to do the tour on another date. The tour took about 3 hours.

Councilman Shea

1. Roads committee reviewed the changes in the plans for building out ramps and sidewalks on Leigh Street. State DOT approval was received today, October 8. Bids to be received November 8, 2013 for the project.

Paver work being done on sidewalks on West Main Street and in the Knolls around the base of shade trees. Mayor Kovach asked if the pavers on the corner of Leigh and Riverside will be addressed. Uncertain if it is a slate piece or pavers, the Mayor said is a trip hazard. This was caused by a box truck months ago. Mr. Phelan will look at it.

2. Shade Tree - three members are attending classes at Rutgers the end of October to obtain ceu's and core training. The Committee is reviewing the number of trees that need to be removed.
3. Clinton Guild – commended the Department of Public Works for cleaning the trash cans and lids on Main Street. They look much better, thank you. Ladies Night is Thursday, October 10, 2013. Halloween Pumpkin Fest is October 25, 2013, pumpkin carving competition!

Councilman Pendergast

1. Clinton Fire Department members to attend the October 22nd Council meeting to discuss their plans to purchase a new fire truck. They are currently preparing for their 125th Anniversary in 2017. A new fund raiser idea, offering to drive their fire truck into neighborhoods to distribute presents by Santa to children which were purchased by their parents. It would cost \$30.00 per family and would only be a one day event. More information to follow but has been successful in other towns.
2. Board of Recreation had considered getting an AED (an automated external defibrillator) for the Community Center. The Fire Department found that under State contract, a device is available for \$832.00 with an 8 year warranty and 5 year warranty on the battery. Mr. Pendergast passed on the information to Mr. Carberry, liaison to the Rec Commission. However, the Fire Department did state that although all vehicles have an AED, the Fire Department is designated as the Town shelter in cases of emergency and if all vehicles are out on emergencies, the building itself would not have a device. Chief Matheis stated that the building is Red Cross approved, although no formal resolution has been drawn up. If the building is used as a shelter, it must be staffed with members of the Red Cross. The Fire Department was wondering if there were grants available for AED's and Chief Matheis said he would look into it.
3. Mr. Phelan asked to inquire if the Clinton Fire Department wanted to make a change with their HVAC company, the Department wishes to remain with Binsky.
4. The Fire Department visited Clinton Public School K-2 grades today for Fire Prevention Week. The children enjoyed the demonstration, wearing hats and hopping on the truck!

Councilman Carberry

1. Environmental Committee scheduled to meet Monday, October 14, 2013.
2. An Insurance committee meeting is scheduled for Thursday, October 17, 2013 at 8 a.m.

Councilman Rylak

1. Mr. Rylak was invited by Chief Matheis to visit the rifle range where the police train and practice. Mr. Rylak said he gained renewed respect for the officers and the professionalism they exude.
2. Mr. Rylak commented and complimented Mr. Shea's wife for the apple and meatballs she made and brought into PNC Bank. The employees of PNC had a smorgasbord of food today all with an apple theme!

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the Standby and Overtime for September 13 through September 26, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Carberry, Pendergast, Rylak, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #138-13 – COLLECTIVE BARGAINING

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to enter into Executive Session to discuss a matter of Collective Bargaining at 8:17 p.m.

Vote all ayes
Motion carried

RESOLUTION # 138-13

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;

X 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: 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.;

_____ 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.

Council returned from the Executive Session at 8:39 p.m. in order to adjourn.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Carberry to adjourn the meeting at 8:40 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach