

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

Flag Salute.

Roll Call: Present – Carberry, Jones-Holt, 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

Minutes of February 12, regular council meeting and executive session were tabled until the next meeting.

MAYOR’S COMMENTS

Mayor Kovach congratulated the Clinton Public School’s Girls Basketball Team for a great season!

PUBLIC COMMENT – None

RESOLUTION #58-13 – MEURER DEVELOPMENT, LLC

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #58-13 as submitted:

RESOLUTION #58-13

WHEREAS, Meurer Development, L.L.C., as Applicant for a Treatment Works Approval Permit before the State of New Jersey Department of Environmental Protection Division of Water Quality, regarding the Village Green at Annandale, located at 9 Main Street, Annandale (Clinton Township), New Jersey (Block 25, Lot 49 on the Tax Map of Clinton Township, New Jersey, requires the Consent by the Owner of the Wastewater Treatment Facility (being the Town of Clinton), to the proposed gravity sanitary sewer main extension (8 inch main) to serve a redevelopment project consisting of commercial and residential uses in 7 buildings on the Property; and,

WHEREAS, the project has reserved and committed sewer capacity through the Annandale Sewer System, under the authority of the Clinton Township Sewerage Authority, and seeks only the consent of the Town of Clinton to the sewer line extension as the Town of Clinton is the operator of the Wastewater Treatment Facility; and,

WHEREAS, there is no additional sewer treatment capacity required or requested from the Town of Clinton in connection with this request; and,

WHEREAS, the Town of Clinton Wastewater Engineer has reviewed the applications submitted for consent and has found same to be in order:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton Administrator be and is hereby authorized to sign the TWA Applications (2 in total) as requested, and this

Resolution shall be attached to same as indication of the authority of the Administrator to so act.

Vote all ayes
Motion carried

RESOLUTION #59-13 – DISCHARGE OF MORTGAGE – McGUIRE TO SILVER

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #59-13 as submitted:

RESOLUTION # 59 - 13

**A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE**

WHEREAS former Town of Clinton resident Cynthia M. McGuire purchased a home at 19 Rolling Hill Road, Clinton, New Jersey, on November 24, 2008; and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton; and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Cynthia M. McGuire executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on December 4, 2008 in Mortgage Book 3301 on page 714; and

WHEREAS Cynthia M. McGuire has now sold the home to Janice Silver, who has executed a mortgage to the Affordable Housing Authority;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Cynthia M. McGuire to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #60-13 – OPPOSITION TO SENATE BILL 2511 - OPMA

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #60-13 as previously discussed and submitted:

RESOLUTION #60-13

**RESOLUTION OPPOSING SENATE BILL 2511 AMENDMENTS TO OPEN PUBLIC
MEETINGS ACT**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Town of Clinton agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the

length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Town of Clinton for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the Town of Clinton's State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Vote all ayes
Motion carried

RESOLUTION #61-13 – CHANGE ORDER – WELL 11

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #61-13 as submitted:

**RESOLUTION #61-13
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to the Disinfection Improvements to Well 11, and

WHEREAS, according to the Project Engineer, it was necessary to install stainless steel piping, fittings and valves in lieu of PVC piping, fitting and valves, and

WHEREAS, the original contract price was \$19,800.00 and the proposed increase is \$2,164.00 bringing the total adjusted contract amount to \$21,964.00,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Disinfection Improvements to Well 11 be approved.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #62-13 – CANCELLATION OF LIEN #2011-7

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #62-13 as submitted:

RESOLUTION # 62-13

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,410.44 the amount necessary to redeem Tax Sale Certificate #2011-7 on Block 23, Lot 7, assessed to Christopher & Amy Miller, and purchased by U.S. Bank as Custodian for Pro Capital I, LLC.

NOW THEREFORE BE IT RESOLVED, on this 26th day of February, 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 \$1,410.44 (certificate) & \$300.00 (premium) payable to U.S. Bank as Custodian for Pro Capital I, LLC, 50 South 16th Street-Suite 1950, Philadelphia, PA, 19102, 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 #2011-7 on Block 23, Lot 7, assessed to Christopher & Amy Miller, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #63-13 – CANCELLATION OF LIEN #2011-9

A motion was made by Mr. Smith, seconded by Mr. Carberry, to adopt Resolution #63-13 as submitted:

RESOLUTION # 63-13

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,401.27 the amount necessary to redeem Tax Sale Certificate #2011-9 on Block 31.01, Lot 7.01, C2911, assessed to Mary Carmody, and purchased by U.S. Bank as Custodian for Pro Capital I, LLC.

NOW THEREFORE BE IT RESOLVED, on this 26th day of February, 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 \$1,401.27 (certificate) & \$300.00 (premium) payable to U.S. Bank as Custodian for Pro Capital I, LLC, 50 South 16th Street-Suite

1950, Philadelphia, PA, 19102, 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 #2011-9 on Block 31.01, Lot 7.01, C2911, assessed to Mary Carmody, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #64-13 – SEWER RENTAL FEES

Council discussed at great lengths raising the sewer rates to close the deficit in the sewer operating budget. Council discussed raising the fees \$20 a quarter, bringing the quarterly billing to \$115.00. A motion was made by Mr. Pendergast seconded by Mr. Carberry, to adopt Resolution #64-13:

RESOLUTION # 64-13

RESOLUTION ESTABLISHING THE FLAT-RATE SANITARY SEWER RENTAL

WHEREAS Section 112-10 of the code of the Town of Clinton provides that an annual flat-rate sanitary sewer rental for each flat-rate sewer rental unit shall be set by resolution adopted by the Town Council; and

WHEREAS pursuant to statute, sewer rentals shall be set so as to cover the costs of acquisition, construction and operation of sewerage facilities; and

WHEREAS due to operating costs, including the cost of electricity, the Sewer Committee has recommended an increase in the flat-rate sewer rental; and

WHEREAS the Mayor and Town Council have reviewed this recommendation and find the recommended increase to be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and council of the Town of Clinton, County of Hunterdon, New Jersey, that the annual flat-rate sewer rental for each sewer rental unit is set at \$460.00.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #13-03 – WATER RENT INCREASE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #13-03 on first reading as submitted:

ORDINANCE # 13-03

**AN ORDINANCE AMENDING THE RATE SCHEDULE OF THE WATER DEPARTMENT
OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY**

WHEREAS, the Town of Clinton through its Water Department supplies water to the residents of the Town and to customers located in other municipalities; and

WHEREAS, the Town's water rates were subject to review and approval by the New Jersey Board of Public Utilities (the "BPU") because the Water Department supplies water to customers who are located outside of the Town; and

WHEREAS, P.L. 2005, c. 267, §1, codified at *N.J.S.A.* 40A:31-23(e), became effective on January 5, 2006, exempting from BPU rate regulation the rates and charges of a municipal water utility which charged the same rates to customers who reside within the municipality and those who reside outside the municipality; and

WHEREAS, the annual rates and charges currently assessed by the Town for water are set forth in a tariff filed with and approved by the Board of Public Utilities in 1994; and

WHEREAS, the rates in the 1994 tariff are the same for customers who reside within the town and those who reside outside the Town; and

WHEREAS, the Town, as provided by *N.J.S.A.* 40A:31-23(e), is therefore exempt from BPU regulation as to rates although still subject to BPU jurisdiction with respect to service and reliability; and

WHEREAS, the BPU requires municipalities enacting rate changes pursuant to *N.J.S.A.* 40A:31-23(e) to file with the BPU for informational purposes both the ordinance revising the tariff and the revised tariff; and

WHEREAS, the Water Department faces increased costs of providing water service to its customers, and additional revenues are needed to cover the costs of various system improvements; and

WHEREAS, the Mayor and Council have been advised that without rate increases the water utility would not be adequately funded and the public would be at risk; and

WHEREAS, the Water Department serves customers in the Town of Clinton, the Township of Clinton, the Borough of Lebanon and the Township of Union, and these municipalities are located in the Highlands Region and are therefore subject to the provisions of the Highlands Water Protection and Planning Act ("Highlands Act", P.L. 2004, c. 120); and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council ("Highlands Council") and charged the Highlands Council with the task of developing a Regional Master Plan; and

WHEREAS, the Highlands Regional Master Plan identifies the availability of water in each subwatershed in the Highlands Region, and the Water Department draws water from groundwater wells located in subwatersheds which are in water supply deficit; and

WHEREAS, the Highlands Regional Master Plan calls for the development of a municipal Water Use and Conservation Management Plan for subwatersheds in water supply deficit, to consist of measures aimed at reducing and eliminating water supply deficits, and one of the recommended measures is the modification of water rates to enhance financial incentives for water conservation by end users; and

WHEREAS, the Town of Clinton wishes to encourage water conservation by revising the water rate structure; and

WHEREAS, a rate study has been performed in accordance with standard water supply industry practices, and

WHEREAS, the Mayor and Council wish to ameliorate the impact of increased water rates on the customers of the Water Department; and

WHEREAS, to that end they have balanced the need to raise funds to meet rising costs and construct system improvements against the impact of rate increases on customers and elected to phase in the increased water usage rates over a three year period; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:31-23(e)*, the Town of Clinton will continue to charge the same rates to the billed customers outside of the Town of Clinton as are charged to customers within the Town of Clinton;

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

Section 1. The Rate Schedule of the Town of Clinton Water Company Tariff for Water Service is amended as follows (deletions are shown as and additions are shown as thus):

RATE SCHEDULE

SCHEDULE 1 – General Metered Service

APPLICABILITY:

Applicable to the use of water supplied through meters in the entire territory served by the Company.

CATEGORIES:

Customers of the Town of Clinton Water Company are categorized into user classes as follows:

- a. Residential – One-family and two-family residential dwellings, and individually-metered condominium units;
- b. Commercial – Properties engaged in commercial or industrial activities;
- c. Multifamily – Multifamily dwellings, e.g. condominiums, where the units are not individually-metered;
- d. Irrigation – Metered accounts dedicated solely to irrigation, e.g. lawn sprinklers.

FIXED SERVICE CHARGE:

All general metered water service customers shall pay a fixed service charge based on the size of each meter installed by the Company Customers with multiple meters shall be charged for each meter at the indicated rate. Whenever service is established or is discontinued all applicable fixed charges shall be prorated to date of establishment or discontinuance of service.

<u>Size of Meter</u>	<u>Per Quarter</u>
5/8"	\$19.66 <u>\$23.59</u>
3/4"	\$21.62 <u>\$25.62</u>
1"	\$30.98 <u>\$37.18</u>
1 1/2"	\$61.95 <u>\$74.34</u>
2"	\$99.12 <u>\$118.94</u>
3"	\$185.85 <u>\$223.02</u>
4"	\$309.75 <u>\$371.70</u>
6"	\$619.50 <u>\$743.40</u>
8"	\$991.20 <u>\$1189.44</u>
10"	\$1239.00 <u>\$1486.80</u>
12"	\$1548.75 <u>\$1858.50</u>

CONSUMPTION CHARGE*:

In addition to the Fixed Service Charge set forth above, a charge will be made for all water used as registered by the meter.

A. Residential Consumption Charge:

<u>Quantity (gallons)</u>	<u>Year:</u>	<u>Rate per thousand gallons</u>			<u>2016</u>	<u>2017</u>
		<u>2013</u>	<u>2014</u>	<u>2015</u>		
<u>0 to 25,000</u>		<u>\$3.01</u>	<u>\$3.13</u>	<u>\$3.25</u>	<u>\$3.38</u>	<u>\$3.52</u>
<u>25,001 to 50,000</u>		<u>\$3.91</u>	<u>\$4.07</u>	<u>\$4.23</u>	<u>\$4.40</u>	<u>\$4.57</u>
<u>50,001 and ></u>		<u>\$5.09</u>	<u>\$5.29</u>	<u>\$5.50</u>	<u>\$5.72</u>	<u>\$5.94</u>

B. Commercial Consumption Charge:

<u>Quantity (gallons)</u>	<u>Year:</u>	<u>Rate per thousand gallons</u>			<u>2016</u>	<u>2017</u>
		<u>2013</u>	<u>2014</u>	<u>2015</u>		
<u>0 to 100,000</u>		<u>\$3.01</u>	<u>\$3.13</u>	<u>\$3.25</u>	<u>\$3.38</u>	<u>\$3.52</u>
<u>100,001 to 1,000,000</u>		<u>\$3.91</u>	<u>\$4.07</u>	<u>\$4.23</u>	<u>\$4.40</u>	<u>\$4.57</u>
<u>1,000,001 and ></u>		<u>\$5.09</u>	<u>\$5.29</u>	<u>\$5.50</u>	<u>\$5.72</u>	<u>\$5.94</u>

C. Multifamily Consumption Charge:

<u>Quantity (gallons)</u>	<u>Year:</u>	<u>Rate per thousand gallons</u>			<u>2016</u>	<u>2017</u>
		<u>2013</u>	<u>2014</u>	<u>2015</u>		
<u>All usage</u>		<u>\$3.01</u>	<u>\$3.13</u>	<u>\$3.25</u>	<u>\$3.38</u>	<u>\$3.52</u>

D. Irrigation Consumption Charge:

<u>Quantity (gallons)</u>	<u>Year:</u>	<u>Rate per thousand gallons</u>			<u>2016</u>	<u>2017</u>
		<u>2013</u>	<u>2014</u>	<u>2015</u>		

file its BPU Annual Report and Statement of Gross Operating Revenues pursuant to *N.J.A.C.* 14:3-6.3 and *N.J.S.A.* 48:3-62.

Section 4. This ordinance shall become effective following its final passage and publication as required by law. The new Fixed Service Charge and the 2013 Consumption Charge shall become effective April 1, 2013 and apply to usage after that date.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the March 2, 2013 edition of the Courier News. A public hearing will be held March 12, 2013.

INTRODUCTION OF ORDINANCE #13-04 – BOND ORDINANCE- WATER UTILITY

A motion was made by Mr. Shea, seconded by Mr. Carberry, to introduce Ordinance #13-04 on first reading as submitted:

ORDINANCE #13-04

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,500,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the water utility, consisting of the Meter Replacement Program and electrical upgrades to wells (including generators), including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All

notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,500,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$225,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate

undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

In recent years, there has been a loss of water, Mr. Smith explained that with the new meters, there will be a better accounting of usage. In general, this is a good investment, especially with interest rates so low.

A summary of this ordinance will be published in the Courier News on March 2, 2013. There will be a public hearing on March 12, 2013.

INTRODUCTION OF ORDINANCE #13-05 – BOND ORDINANCE GENERAL CAPITAL

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Ordinance #13-05 of first reading as submitted:

ORDINANCE #13-05

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$400,000, including the aggregate sum of \$20,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to

be issued in the principal amount of \$380,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Improvements to the Municipal Facilities and the construction of a pole barn, including all work and materials necessary therefor and incidental thereto.	\$300,000	\$285,000	15 years
b) The acquisition of vehicles and equipment, including all related costs and expenditures incidental thereto.	<u>\$100,000</u>	<u>\$95,000</u>	5 years
TOTALS	<u>\$400,000</u>	<u>\$380,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$380,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

The purpose for this bond ordinance is to make repairs to the municipal building roof and trim rot, new vehicles and a pole barn to store seasonal equipment.

A copy of this ordinance will be published in the Courier News edition of March 2, 2013. A public hearing will be held March 12, 2013.

INTRODUCTION OF ORDINANCE #13-06 – PARKING AMENDMENTS

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to introduce Ordinance #13-06 on first reading as submitted:

ORDINANCE #13-06

AN ORDINANCE OF THE TOWN OF CLINTON, COUNTY OF HUNTRDON AND STATE
OF NEW JERSEY, TO AMEND ARTICLE X, SCHEDULES
SECTI9ON 135-23 SCHEDULE I: NO PARKING

BE IT ORDAINED, by the Mayor and Town Council of the Town of Clinton as follows:

Section 135-23 SCHEDULE I. NO PARKING is hereby amended as follows:

In accordance with the provisions of § **135-6**, no person shall park a vehicle for longer than the time limit shown upon any of the following streets or parts of streets:

Name of Street	Side	Time Limit; Hours/Days	Location
Center Street [Added 8-14-2001 by Ord. No. 01-06]	South	6 hrs.; 9:00 a.m. to 5:00 p.m., all	<u>From New Street east to Clinton Township line</u>
<u>Georges Place</u>	<u>Both</u>	<u>6 hrs.; 9:00 a.m. to 5:00 p.m., all</u>	<u>Center Street north to Route 31</u>
<u>Fairview Avenue</u> _____	<u>Both</u>	<u>6 hrs.; 9:00 a.m. to 5:00 p.m., all</u>	<u>Georges Place east to Harrison</u>
Municipal Lot No. 6 [Added 5-11-1999 by Ord No. 99-4]	Entire lot	24 hrs.	DeMott Pond (Route 173)

All other information pertaining to Section 135-223 shall remain unchanged.

Vote all ayes
Motion carried

PLEASE TAKE NOTICE that the foregoing Ordinance was adopted on first reading by the Town of Clinton Mayor and Council at a regular meeting on February 26, 2013 and the same was ordered to be published according to Law with a public hearing and final consideration scheduled for March 12, 2013 at a meeting to begin at 7:30 p.m. at the Clinton Municipal Building, 43 Leigh Street, Clinton, NJ at which time and place all interested parties will be heard.

BANNER REQUEST – “DOING CLINTON”

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the banner request for Doing Clinton to be displayed April 15 through April 22, 2013.

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATION – “RUN FOR THE RIDES”

A motion was made by Mr. Shea, seconded by Mr. Carberry, to permit a 5K race to be held on Sunday, June 23, 2013, beginning at the Hunterdon County Library to Immaculate Conception Church. Board of Recreation will be notified in case anything is scheduled at the Community Center on that date.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Red Mill Museum Village celebrating their 50th Anniversary on March 22, 2013 at the Grand Colonial. Tickets are \$125.00 per person. A special presentation will be held in memory of The Honorable Allie McGaheeran (1927-2013).

REPORTS FROM COUNCIL & TOWN OFFICIALS

Chief Matheis

1. Yellow 10MPH speed signs have been placed on Center Street coming west in an attempt to slow down traffic.

Richard Phelan, Public Works/Business Administrator

1. Following the complete auction, the Crown Victoria sold for \$951.00. A total of \$12,300 was made.

Councilman Smith

1. Water Committee - The Halstead Water Main Replacement will replace 2,305 feet of pipe. 31 permits are needed from the State.

The Water Committee chairman, Mr. Smith, along with Water Engineer, Andrew Holt, will be attending the Planning Board meeting on March 5, 2013, to make a presentation for Well 16, is located on the Moebus Tract off Route 31. Following the presentation, the Planning Board will decide if it fits in with the Clinton Master Plan and if so, will make their recommendation to Council.

Councilwoman Sosidka

1. Board of Recreation is moving ahead with plans for the Annual Town Picnic to be held June 8, 2013. there will be new games, a dunk tank and rides on Mr. Hooper's fire truck. Sponsors are being sought to help defray costs and volunteers are needed.

Senior Luncheon is scheduled for May 5, 2013.

Summer Recreation forms will be available after spring break from the school. New this year, weekly registrations will now be accepted or, if preferred, individual trips can be signed up for.

Sunrise Rotary fitness trail may be trimmed back from the original plans due to cost.

Councilman Pendergast

1. Clinton Fire Department – Grill Nights will be returning soon.

Councilman Carberry

1. Environmental Commission – the Raritan Headwater Association’s Annual Stream Clean Up. is scheduled for Saturday, April 20, 2013 The Sunrise Rotary is interested in coordinating a clean up along the river and will have brush and tree limbs chipped for free. Debris will be dumped at the treatment plant.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mr. Carberry, to approve the standby and overtime pay for the period February 1 through February 14, 2013 attached to these minutes.

ROLL CALL: Ayes: Carberry, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

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, Jones-Holt, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast, seconded by Mrs. Sosidka to adjourn the meeting at 9:07 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach