

Mayor Janice 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

A motion was made by Mr. Carberry, seconded by Mrs. Sosidka, to approve the council meeting minutes of May 14, 2013 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the executive session meeting minutes of May 14, 2013 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mrs. Jones-Holt, to approve the special council meeting minutes of June 3, 2013 as submitted.

Vote all ayes
Abstentions: Carberry, Mayor Kovach

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the council meeting minutes of May 28, 2013 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mrs. Sosidka, to approve the executive session meeting minutes of May 28, 2013 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – MAY

A motion was made by Mr. Smith, seconded by Mr. Carberry, to accept the Monthly Reports for the month of May as submitted: Administrator’s Report, Buildings and Grounds Foreman’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road

Foreman's report, Sewer Collector's Report, Tax Collector's Report, Water Collector's Report, Treasurer's Report- April, Wastewater Treatment Plants Superintendent's report, Zoning Officer report.

Vote all ayes
Motion carried

PUBLIC COMMENT-NONE

MAYOR'S COMMENTS

1. Mayor Kovach attended the Historical Preservation meeting held on June 6, 2013 in Newark, NJ. She will be sending out information that she has received from the meeting.
2. Mayor Kovach reported the State of New Jersey will be celebrating its 350th anniversary in 2014 and Hunterdon County will be celebrating its 300 anniversary in 2014 as well.
3. Mayor Kovach spoke at the United Nations in New York City last week for the International Visitors Program talking about woman in business.
4. Mayor Kovach presented a proclamation to Clinton Connecticut for the celebration of their 350th Anniversary of their Town. The Clinton Fire Department is a Sister Department and a good neighbor of Clinton Connecticut's Fire Department.
5. Mayor Kovach announced there will be two special elections for the senate seat which was held by the late Frank Lautenberg. The primary election will be on August 13, 2013 and the General Election will be on October 16, 2013.
5. Mayor Kovach accepted the resignation of Vincent Cardarelli as the Town's senior citizen representative. She thanked Mr. Cardarelli for his time and service. Mayor Kovach appointed Ms. Mary Ann Rodenberger of 12 Pond Ridge Drive to replace Mr. Cardarelli. A motion was made by Mr. Smith, seconded by Mr. Pendergast to accept the appointment of Ms. Mary Ann Rodenberger as the Town senior representative.

Vote all ayes
Motion carried

6. Mayor Kovach discussed with council the accommodations for this year's League of Municipalities in Atlantic City. Discussion was made on which hotel to stay at. The result was the Tropicana Havana Towers due to the price and the location.
7. Mayor Kovach reported that the police committee met and interviewed two attorneys to be the Town's Labor Attorney for the police and public works contracts. The committee is recommending Steve Tripoli of Trimboli and Prusinowski, LLC. The recommendation is well below the bid threshold. A motion was made by Mr. Carberry, seconded by Mr. Smith to pass Resolution #112-13 as submitted:

RESOLUTION # 112-13

**RESOLUTION FOR AWARD OF PROFESSIONAL SERVICES
CONTRACT TO TRIMBOLI & PRUSINOWSKI, LLC AS
LABOR ATTORNEY**

**BY THE MAYOR AND COUNCIL
OF THE TOWN OF CLINTON,
HUNTERDON COUNTY, STATE OF NEW JERSEY**

WHEREAS, the Town of Clinton is in need of contracting for Labor Attorney and related services, within the Town of Clinton, Hunterdon County, State of New Jersey; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services and that the contract itself must be available for inspection;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County, State of New Jersey, that the Mayor and the Town Clerk of Clinton are hereby authorized, respectively, to execute and attest to an agreement with Trimboli & Prusinowski, LLC, for Labor Attorney and related services, according to the attached fee schedule.

Vote all ayes
Motion carried

8. An 8th grader, Sam Stentz, from Clinton Public School has postponed his science fair presentation to the June 25, 2013 council meeting. Councilwoman Sosidka explained his project was a water testing project where he took samples of the river water up and down stream as well as the water straight out from the sewer treatment plant. He took pictures of the bacteria and would like to present those pictures and his findings to the council.

9. Mayor Kovach presented a resolution which was held from January authorizing an amendment to the personnel policy. This resolution will bring the non-contractual employees into conformance with the contractual employees. This will give the non-contractual employees two extra personal days. This was recommended by the personal committee.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to pass Resolution #77-13 as submitted:

RESOLUTION # 77-13

AUTHORIZING AN AMENDMENT TO THE PERSONNEL POLICY

WHEREAS, the Mayor and Council of Town of Clinton wish to amend Section X of the Personnel Policy in the form attached hereto; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, that Section X of the Town of Clinton Personnel Policy is hereby amended, effective immediately, in the form attached hereto.

Vote all ayes
Motion carried

RESOLUTION #111-13 – LEASE NEW POLICE VEHICLE

A resolution submitted to replace an older police car and lease a new one. The police car that is up to be replaced is a 2005 with 97,000 hard miles on it. The old car will be auctioned when the new one is received. Councilwoman Sosidka questioned why we need a new one. Mr. Shea questioned the number of cars the town has. There are five marked police cars and two unmarked cars. Councilman Smith explained if you keep a police car past its time there will be a lot of maintenance issues and more of a chance of liability issues. The replacement vehicle was budgeted for this year.

A motion was made by Mr. Shea, seconded by Mr. Carberry to table resolution #111-13 until Chief Brett Matheis can explain more about the necessity to lease a new police vehicle.

Vote all ayes
Motion carried

2012 ANNUAL AUDIT

Mayor Kovach said that all council should have received a copy of the 2012 Audit. She asked council to review the audit for the next meeting. At the next council meeting of June 25th the group affidavit will be signed stating the comments and recommendations have been approved by council.

INTRODUCTION OF ORDINANCE #13-13 – 3rd PARTY ELECTRONIC PAYROLL SERVICES

Authorize the Town of Clinton to use a 3rd Party Electronic Payroll Services. A motion was made by Mr. Carberry, seconded by Mr. Pendergast to introduce Ordinance #13-13 as submitted:

Ms. Kathy Olsen, Chief Financial Officer, explained the Town has always used a 3rd party electronic payroll service however never had an ordinance in place.

ORDINANCE #13-13

**ORDINANCE AUTHORIZING AND RATIFYING THE USE OF
THIRD PARTY ELECTRONIC PAYROLL SERVICES**

WHEREAS, the Local Finance Board of the State of New Jersey adopted rules regarding “Electronic Disbursement Controls for Payroll Purposes” in order to provide authority for local governments to hire third-party payroll services and disbursing services to disburse funds to payroll agencies; and

WHEREAS, the Town of Clinton wishes to confirm its authorization for a third-party service to have access to Town funds, to formally assign responsibility to an official to oversee the process, and to authorize and ratify a contract for third-party payroll services as permitted by and in compliance with *NJAC 5:30-17.1 et seq.*

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

1. The Town is authorized to use a payroll service to prepare payment documentation, take possession of Town funds, and make such disbursements itself on behalf of the Town, as permitted by and in compliance with *NJAC 5:30- 17.1 et seq.*

2. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and shall require the contractor to do the following, by way of example and not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Town funds to contractor's account for subsequent disbursement of payment; preparation of the necessary payment documentation and execution of disbursements from the Town's bank account on behalf of the Town.

3. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the payroll service.

4. If required by the contract between the Town and the payroll service, the payroll service is permitted to hold Town funds pending transmittal to a payee.

5. The payroll service is obligated to report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer, and to report any circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Town.

6. The payroll service must meet the requirements of *N.J.A.C. 5:30-17.5*, requiring that the approval officer be assured that the service has its own internal controls and appropriately guard against theft and other adverse conditions.

7. All contracts for payroll services shall comply with the requirements of *N.J.A.C. 5:30-17.6* which sets out a series of mandatory contractual terms and conditions.

8. Upon the adoption of this ordinance, the appropriate Town personnel are hereby authorized and directed to enter into a contract for payroll service in accordance with all local public contracting laws and *N.J.A.C. 5:30-17.1 et seq.* Award of a contract to a specific payroll service shall be by separate Town resolution.

9. The Town hereby ratifies its past and current contracts for electronic payroll services which it understands were entered into pursuant to the Local Public Contracts Law and in compliance with *N.J.A.C. 5:30-17.1 et seq.* and under the supervision of the Town's Chief Financial Officer.

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

Vote all ayes
Motion carried

Second Reading will be held on July 9, 2013.

INTRODUCTION OF ORDINANCE #13-14 – AMENDMENT TO LAND USE CHAPTER 88-4

Authorize the Town of Clinton to change the wording for the Land Use Code to make it clearer on the interpretation. This amendment has been reviewed and recommended by the Planning Board.

Councilwoman Jones-Holt explained this ordinance will change the wording of “above ground and below ground” for basements to make better clarification of the land use code. The wording was still a little confusing to the council. The council recommended Frank Gallagher from the Planning Board come to the public hearing to explain further on the interpretation.

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to introduce ordinance #13-14 as submitted.

ORDINANCE #13-14

AN ORDINANCE AMENDING THE DEFINITION OF “STORY” IN CHAPTER 88 OF THE CODE OF THE TOWN OF CLINTON

WHEREAS, the Planning Board has recommended to the Mayor and Council that the definition of “STORY” contained in Chapter 88-4 of the Code of the Town of Clinton be amended to clarify it.

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

- The definition of “STORY” contained in Chapter 88-4 of the Code of the Town of Clinton is hereby deleted and replaced by the following definition:

The above ground portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and ceiling next above it.

- This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

Second Reading will be held on July 9, 2013.

BANNER REQUEST – BLACK POTATOE FESTIVAL – JULY 1 THROUGH JULY 8, 2013

Mayor Kovach explained the Rubber Ducky Race has a banner request in for the two weeks including the dates above. The normal period of time for a banner is one week however if there is no request for the other week the request is granted. The Black Potatoe Festival requested one of the two weeks.

A motion was made by Mrs. Sosidka seconded by Mayor Kovach to approve the banner request.

3 Ayes – Smith, Sosidka, Mayor Kovach
1 Nay – Carberry
Abstention – Jones-Holt, Pendergast, Shea

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Smith

1. Mr. Smith reported he will be giving the speeches at the Flag Day Parade held on Friday, June 14 at 6:30 pm and the Flag Retirement burning held on Friday, June 14 at 7:30 pm.
2. Mr. Smith reported the Clinton First Aid and Rescue Squad's fund drive overlaps with the Clinton Fire Department's fund drive also. It was not planned and next year they will coordinate better and possibly do a joint effort.
3. Mr. Smith reported the Clinton First Aid and Rescue "Squad 5K Run" has been cancelled due to lack of participation. It was scheduled to take place Sunday, June 16, 2013.

Councilman Shea

1. Mr. Shea reported the Roads Committee has approved funding for the re-leveling around the shade trees in the Clinton Knolls area. The pavers will be removed and reset to repair the buckling. The cost will not exceed \$5,000. A contractor will come in to do the job. This will take place over the next three years. Letters were sent out to residents in town with blue stone sidewalks to fix their sidewalks that are in need of repair.

A motion was made by Mr. Shea, seconded by Mr. Pendergast to approve the funding for the re-leveling around the shade trees in the Clinton Knolls area as presented.

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

Vote all ayes
Motion carried

2. Mr. Shea reported the Shade Tree Committee conducted an inventory of the trees in Town. There are many damaged trees which have died or been damaged from the storm and are in need of coming down. In some areas new trees will be planted. There is a small budget of \$4,000 to complete this work.

A motion was made by Mr. Carberry, seconded by Mr. Shea to approve the funding for taking trees down and replacing new ones as requested.

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

Vote all ayes
Motion carried

3. Mr. Shea attended the SWAC meeting at the county. The county printed up booklets using the marketing money they raised explaining recycling and waste guidelines. The booklet is very thorough. Mr. Shea received three copies but will put a request into the county to receive more. The booklet is also on the County's website.

Councilwoman Sosidka

1. Mrs. Sosidka reported the Town Picnic will take place this Saturday, June 15, due to the rain last week. Councilman Dan Shea will be the driver of Hooper's fire truck this year. He is honored and is

looking forward to it. The Clinton Fire Department will be cooking on the grills for anyone interested in purchasing hotdogs or hamburgers.

2. Mrs. Sosidka asked Nancy Burgess about the survey which was sent out in the June issue of the newsletter. The survey was requesting input about the distribution of the newsletter and selling ads in the newsletter to defer costs. Mrs. Burgess stated three surveys were received so far and there was one request for an ad as of now. That person is Lou Tranquilli.

Councilman Pendergast

1. Mr. Pendergast reported the Clinton Fire Department will have a representative present at the council meetings in the future.

2. Mr. Pendergast reported the Fire Department volunteered 328 man hours for the month of May. There were 30 meeting man hours, 36 work detail man hours, 104 fund raising man hours, 84 training man hours, and 120 alarm man hours.

3. The next Friday Grill Night will be held on June 21st at the Clinton Fire Department. Patrons can stop by and purchase hamburgers, hotdogs, and drinks. Come by and enjoy some good food and good times. The event will continue through September. The Fire Department will also be cooking at the Town Picnic this weekend.

4. Mr. Pendergast reported the Fire Department will be coming to a Council meeting as a group sometime in July to explain about the plans for the purchase of a new fire truck.

5. Mr. Pendergast explained the fundraisers that the Fire Department and Rescue Squad are conducting right now were not done on a timely manner. The fundraisers were not supposed to be out at the same time. The Fire Department used an outside vendor who was not timely enough on putting the fundraiser together.

Councilman Carberry

1. Mr. Carberry reported the Environmental Commission is looking for a liason to the Planning Board. The liason can be anyone from the Planning Board.

Councilwoman Jones-Holt

1. Mrs. Jones-Holt reported she attended the Department of Transportation interchange meeting where the discussion was on the re-a lining of the exit off of Route 78 from the east bound side. The funding for the project should be out in October 2015. Our concern was the Town's ratable, Twin Ponds development whether it will affect us. DOT said the ratable will not be affected. Mr. Smith also stated there should be no impact to the traffic going down West Main Street. This question was asked three times at the meeting. The DOT confirmed that but there are doubts.

2. Mrs. Jones-Holt reported what was before the Planning Board. Hunterdon Capital a housing development on Leigh Street has reduced its lot from four multiple houses to two lots down which will have three houses. The one issue is one lot that has a barn on the property. The barn is an accessory building which is not allowed except by variance and there is no variance in place. The question is should the barn go or stay. If the barn stays who takes care of it. The Planning Board will be contacting the Historical Commission to see the significance of the barn and to seek their recommendation on whether the barn stays or goes. If the barn stays who is responsible to maintain it. Once the decision is made the Planning Board will grant the variance.

3. Mrs. Jones-Holt also announced she was asked to be on the Historic Commission.
4. Mrs. Jones-Holt said she will be attending the Relay for Life to be held Friday night, June 14, 2013.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the standby and overtime pay attached to these minutes for May 24, 2013 through June 6, 2013.

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. Smith, 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

RESOLUTION # 113-13 - EXECUTIVE SESSION – Potential Litigation/Contract Negotiations

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to enter into Executive Session at 8:15 p.m. to discuss Potential Litigation and Contract Negotiations.

Vote all ayes
Motion carried

RESOLUTION # 113-13

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;

_____ 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;

 X 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.)

 X 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.

A motion was made by Mr. Smith, seconded by Mr. Shea to return to the Regular Meeting with an action to be taken at 8:31 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast, seconded by Mr. Carberry to adjourn the meeting at 8:32 P.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Janice Kovach