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Councilman Smith called the meeting to order at 7:30 p.m.

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Councilman Smith 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. Pendergast, to approve the minutes of the Council Meeting held July 25, 2017.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JULY

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

Administrator’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, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT - NONE

MAYOR’S COMMENTS

1. A memo has been distributed to the Mayor and Council from Mr. Phelan. Kathy Olsen, CFO, received notice from the Division of Local Government Services stating that the Local Finance Board is proposing new rules as it relates to the public disclosure and hearing requirements for ratification of labor contracts and other compensation measures adopted by municipalities. Mr. Smith explained that these changes would impose undue burden on municipalities and asked Council to please read the memo and the attachment so it may be addressed at the next council meeting. Municipalities have until September 15, 2017 to provide comments to the LFB if they so choose.

RESOLUTION #97-17 – KUSHNER COMPANIES ESCROW RETURN

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to adopt Resolution #97-17 as submitted:

RESOLUTION #97-17

WHEREAS, prior to August 31, 2006 Kushner Companies and Affiliated Entities (aka – The Mews) deposited funds for Water Review to establish an escrow account with the Town of Clinton,

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WHEREAS, there are no outstanding bills from the Town's Professionals to be paid from this account, and the Town's Water Engineer has advised we can refund the Escrow Funds,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to Kushner Companies and Affiliated Entities in the amount of \$8,353.96 to close the current escrow account.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Sosidka, Smith

Vote all ayes
Motion carried

RESOLUTION #98-17 – PARKING LOT CHANGE ORDER

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #98-17 as submitted:

RESOLUTION #98-17

CHANGE ORDER NO. 1

WHEREAS, the need has arisen for a change order to the Parking Lots project and,

WHEREAS, according to the Town Engineer, there were changes in the quantities required and,

WHEREAS, there was an increase of \$41,039.96,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number one for the Park Lots Project be approved.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Sosidka, Smith

Vote all ayes
Motion carried

Mr. Smith stated that a certification of available funding has been prepared by the Chief Finance Officer which states \$41,039.96 is available within the Capital Budget for the change order #1.

RESOLUTION #99-17 – REDEMPTION OF LIEN

A motion was made by Mr. Carberry, seconded by Ms. Dineen, to adopt Resolution #99-17 as submitted:

RESOLUTION # 99-17

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$3,149.09, the amount necessary to redeem Tax Sale Certificate #2014-3 on Block 5, Lot 20, assessed to Ravi Naina Patel, and purchased by Pro Capital 5, LLC.

NOW THEREFORE BE IT RESOLVED, on this 8th day of August 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 \$3,149.09 and Premium check in the amount of \$500.00 to Pro Capital 5, LLC,

US Bank Cust for PC5, 50 South 16th Street, Suite 2050, 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 #2014-3 on Block 5, Lot 20, assessed Ravi & Naina Patel, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Sosidka, Smith

Vote all ayes
Motion carried

RESOLUTION #100-17 – SERVICE AGREEMENT

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #100-17 as submitted:

RESOLUTION # 100-17

RESOLUTION AUTHORIZING RICHARD PHELAN TO ENTER INTO SERVICE AGREEMENTS WITH HOWARD IZES AND SUSAN JACOBUCCI

WHEREAS, the Town of Clinton is involved in litigation regarding sewer rates and;

WHEREAS, the Town requires expert testimony to support its position that its billing charges are fair, reasonable and necessary; and

WHEREAS, the Public Works/Business Administrator, Richard Phelan, has determined that Howard Izes and Susan Jacobucci, both of whom were formerly employed by the State of New Jersey, and have a wealth of experience regarding reasonable charges to be imposed by public entities for sewer treatment services, would be able to provide such expert assistance; and

WHEREAS, the Town employs a Qualified Purchasing Agent who is authorized to enter into contracts for both professional services and goods and services in an amount not to exceed \$40,000 per contract per year without public bidding or the execution of a professional services agreement; and

WHEREAS, it is in the interests of the Town of Clinton to engage highly experienced and knowledgeable experts to establish that the charges of the Town of Clinton Sewer Department are fair, reasonable and necessary.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby authorize Richard Phelan to enter into Service Agreements with Howard Izes and Susan Jacobucci in accordance with law.

NOW BE IT FURTHER RESOLVED, that Richard Phelan shall advise the Mayor and Committee when said Contracts are entered into, and provide the Mayor and Committee copies thereof.

Vote all ayes
Motion carried

CORRESPONDENCE

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REPORTS FROM COUNCIL

Councilwoman Dineen

Shade Tree – Committee is reviewing the ordinance in conjunction with the Building and Grounds Committee for future reference.

Councilman Smith

1. Buildings and Grounds Committee – reviewing Shade Tree Ordinance. Shade Tree will make recommendations to the Building and Grounds Committee.
2. Roads Committee – a micro seal will level out the parking lot behind 47 Leigh Street and the cost remains within the CAP budget.
Developing a road asset plan for budget purposes.
Town engineer, Bob Clerico, will be filing paperwork with the Department of Transportation and State Historic Preservation Office, (SHPO) in order to proceed with the West Main Street Pedestrian Crossing Improvements.
3. Personnel Committee – Mr. Phelan looking into electronic employee review process which will be discussed further at the next meeting.
4. Mr. Phelan is looking into an outfit for electronics recycling where we would provide the container with pallets. The cost of the containers would be covered by recycling grant funds.
5. High Bridge has agreed to let the Town of Clinton borrow their bucket truck to remove the banners displayed throughout the town. Work will take place on a Saturday.

Councilwoman Sosidka

1. Recreation and Historic Commissions have upcoming meetings. Rich Phelan is working with Kathy Madden to ensure we are doing what we can to protect the upcoming planting in the flood zone near Water Street on September 2, 2017. Coir matting will be used for stabilization and erosion control. Members of the Sierra Club have agreed to plant on October 21, 2017 and care for plantings of the Monarch Butterfly sanctuary.

Councilman Pendergast

1. Sewer Committee will be meeting Friday, August 18, 2017.
2. Clinton Fire Department and the Clinton First Aid & Rescue Squad are reviewing the blue light policies for volunteers. Mr. Cushing stated that guidelines can be imposed by the Town, however, it may be prudent for the squads to discuss the use of blue lights with the Police Chief. Chief Matheis said blue lights serve as a request for courtesy from drivers to let the volunteer proceed safely. If police witness an incident, a first responder can file a complaint. Mr. Cushing said departments should educate younger members that they are not emergency vehicles.

The fire department parking lot will be closed Friday, August 18 for Grill Night and Saturday, August 19 for their Clam Bake, but will re-open Sunday morning for the Farmer's Market.

The Executive Board will meet with Mayor Kovach and Councilman Pendergast Monday night to discuss the parking lot lease.

Councilman Carberry

1. Recreation Commission – tennis program is in progress with another successful year and have asked if it can be extended another week next year. The Commission will be discussing the request.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to approve the standby and overtime submitted for the period of July 14 through July 27, 2017 attached to these minutes.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka

Vote all ayes
Motion carried

RESOLUTION #101-17 – EXECUTIVE SESSION – LITIGATION

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to enter into Executive Session at 7:51 p.m. to discuss a matters of litigation.

RESOLUTION #101-17

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and
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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*:

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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 party; (the general nature of the litigation or contract negotiations is:

4645 _____ 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.

Vote all ayes

Motion carried

ADJOURNMENT: Upon returning from Executive Session and there being no further business, a motion was made by Ms. Sosidka, seconded by Ms. Dineen, to adjourn the meeting at 8:29 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Councilman Robert B. Smith