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

Flag Salute.

Roll Call: Present – Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovach  
Absent - Smith

**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 COUNCIL MINUTES**

A motion was made by Ms. Karsh, seconded by Ms. Sosidka, to approve the Council minutes of January 9, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to approve the Executive Session minutes of January 9, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF COUNCIL MINUTES**

A motion was made by Mr. Rylak, seconded by Ms. Karsh, to approve the Special Council minutes of January 15, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF EXECUTIVE SESSION MINUTES**

A motion was made by Ms. Dineen, seconded by Ms. Sosidka to approve the Executive Session minutes of January 15, 2018 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – DECEMBER**

A motion was made by Ms. Dineen seconded by Mr. Rylak, to approve the monthly report of the wastewater treatment plant for the month of December as submitted.

Vote all ayes  
Motion carried

**MAYOR'S COMMENTS**

1. Mayor Kovach took this opportunity to inform the public that the meetings that have taken place in the council room on Monday, January 8 and 22, 2018 have not been in connection with the Mayor and Council but rather a resident's initiative to purchase a piece of property.
2. 2016-2017 Junior Achievement of New Jersey Annual Report available for review in the Clerk's office.
3. Clinton Public School, as part of Project Child Find, an effort to make attempts to locate, identify and evaluate any children ages 3 through 5 who reside within the North Voorhees School Districts and who may have special needs, is asking municipalities to assist the Child Study Team by placing the notification in an obvious location for clients to see. The letter has been placed on the counter in the clerk's office.
4. Letter received from the New Jersey State League of Municipalities addressed to then Governor-Elect Phil Murphy requesting a meeting to discuss Property Tax Relief & The Cumulative Impact of SALT, Expiration of 2% Interest Arbitration Cap and Change in the Assumption for Pension Rate of Return.
5. Hunterdon County Chamber of Commerce Annual Meeting and Dinner Dance to be held Friday, February 23, 2018 at The Farmhouse at the Grand Colonial. If interested, please see the Clerk.
6. NORWESCAP is holding a farewell celebration gala for Terry Newhard CEO, celebrating 37 years, March 22, 2018.

**NORTHWEST NEW JERSEY BEEKEEPERS ASSOCIATION**

Paul Szmajda distributed packets of information and Bob Kloss, speaker on behalf of the Northwest New Jersey Beekeepers Association addressed council and explained how the State is trying to put restrictions on the number of hives beekeepers can have. What the State is imposing is not good for agriculture. Northwest New Jersey Beekeepers Association wishes to be partners with the Department of Agriculture and is seeking support from New Jersey Municipalities. Mr. Rylak stated that he supports the Association for their efforts and that the State is being illogical in their attempts to restrict hives. Ms. Sosidka commends the beekeepers for helping agriculture flourish and thanked the attendees for attending the meeting, explaining their legitimate concerns and for all they do.

**RESOLUTION #43-18 – OPPOSITION TO PROPOSED BEEKEEPING REGULATIONS**

A motion was made by Mr. Rylak, seconded by Ms. Sosidka, to adopt Resolution #43-18 as submitted:

**RESOLUTION # 43-18**

**OPPOSITION TO PROPOSED BEEKEEPING REGULATIONS**

*Whereas*, New Jersey's state insect is the honey bee; and

*Whereas*, honey bees are of benefit to mankind, and to New Jersey in particular, by providing plant pollination, recreation for the beekeeper, honey, wax, and other beneficial hive products; and

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**Whereas**, New Jersey is among the leading states in agricultural products dependent on beekeeping throughout the United States, i.e., second in blueberry production and third in cranberry production; and imports over 15,000 honeybee colonies annually for crop pollination; and

**Whereas**, New Jersey is also the home of many gardeners who, just like commercial farmers, depend upon insect pollination for fruitful orchards and home gardens; and

**Whereas**, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and non-aggressive behavior, which are all characteristics desirable for fostering and maintaining honey bee colonies within all populated areas; and

**Whereas**, gentle strains of honey bees can be maintained within populated areas in reasonable densities without creating a detriment to public health and safety if the bees are properly located, managed and maintained; and

**Whereas**, many New Jersey residents desire to provide sustainability and value for New Jersey's home gardeners, farms, and all homeowners with a variety of locally grown vegetables and fruits for New Jersey residents; and

**Whereas**, the honey bee assists the agricultural community to increase productivity and through sustained productivity maintain an environment that promotes agricultural land use as opposed to development; and

**Whereas**, the New Jersey Department of Agriculture has published new beekeeping regulations in the New Jersey Register which are now open to public comment, which must be submitted by January 19, 2018; and

**Whereas**, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has not otherwise been determined as permitted new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter acre to less than five acres, a person wishing to keep bees as a hobbyist may seek a waiver to keep two hives per lot; and

**Whereas**, these new regulations include a section on Apiary Standards which states that bee colony density will be regulated as follows: on a residential lot of less than one-quarter acre where agriculture has been determined as permitted, new (not already in existence) hives are not permitted; on a residential lot of less than one-quarter acre, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, the hobbyist beekeeper may seek a waiver; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted, a person wishing to keep bees as a hobbyist may keep two new hives; on a residential lot of one-quarter to less than five acres, where agriculture has been determined as permitted where hives are in existence as of July 31, 2015, a person wishing to keep bees as a hobbyist may seek a waiver to keep more than two hives; and

**Whereas**, these new regulations include a section on Location of Hives, which requires that all hives must be located at least 10 feet from any property line and at least 25 feet from any roadside, sidewalk, or path and 85 feet from any public place including playgrounds, sports fields, schools or churches, unless permission is granted for educational or research purposes, as well as establishing a

Flyway Barrier at least six feet in height consisting of a solid wall, fence, or dense vegetation parallel to the property line and extending 10 feet beyond the colony in each direction; and

*Whereas*, The New Jersey Beekeepers Association has been keeping bees at Deerpath/Round Mountain Park, a part of the Hunterdon County Park System, for decades without one complaint or report of stinging: and

*Whereas*, the New Jersey Beekeepers Association has notified the Town of Clinton that if the new regulations are adopted, at least 6 beekeepers in neighboring Township of Lebanon will be negatively impacted by the Apiary Standards relating to hive density and Location of Hives.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clinton wishes to go on record with the New Jersey Department of Agriculture that the Mayor and Council is opposed to the proposed beekeeping regulations which would have a detrimental effect on beekeeping in the Town of Clinton as well as throughout New Jersey and urges the New Jersey State League of Municipalities to work towards creating legislation with straightforward regulations based on facts, science, and best management practices which will protect both beekeepers and non-beekeepers within the State of New Jersey; and

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the New Jersey State League of Municipalities; the New Jersey Beekeepers Association; and all Hunterdon County municipalities, urging that they oppose the adoption of the new beekeeping regulations as proposed by the New Jersey Department of Agriculture.

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATION**

Application received from the Clinton Sunrise Rotary to hold the Annual Rotary Fishing Derby on April 21, 2018. A motion was made by Ms. Dineen, seconded by Mr. Rylak to approve the request as submitted.

Vote all ayes  
Motion carried

**BANNER REQUEST**

Motion made by Mr. Rylak, seconded by Ms. Dineen to approve the Fishing Derby banner for April 16 through April 23, 2018 as requested.

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATION**

Application to host the Sprintin' Clinton 5K race on Saturday, July 14, 2018 as in years past. Motion made by Ms. Dineen, seconded by Ms. Sosidka to approve the request as submitted.

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATION**

Application to hold the Annual Rubber Ducky Race on Sunday, July 15, 2018. Motion made by Ms. Sosidka, seconded by Ms. Dineen to approve the request.

Vote all ayes  
Motion carried

**BANNER REQUEST**

Clinton Sunrise Rotary requesting a banner be displayed July 1 through July 15, 2018 for the Sprintin' Clinton 5K and the Rubber Ducky Race. Motion made by Ms. Karsh, seconded by Ms. Dineen to approve the request as submitted.

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Vote all ayes  
Motion carried

**BANNER REQUEST**

Application received from the Hunterdon Art Museum to display a banner promoting the 2018 Art Party Gala “The Secret Garden” on Saturday, April 28, 2018. Motion made by Ms. Dineen, seconded by Mr. Rylak to approve the request as submitted.

Vote all ayes  
Motion carried

**RESOLUTION #44-18 – CANCELLATION OF CHECKS**

A motion was made by Ms. Sosidka, seconded by Mr. Rylak, to adopt Resolution #44-18 as submitted:

**RESOLUTION # 44-18**

**WHEREAS**, there is a need to close the Town of Clinton’s Utility Trust Fund Account, and;

**WHEREAS**, there exists outstanding checks on the account that need to be canceled;

**NOW, THEREFORE, BE IT RESOLVED**, that the following checks in the amount of \$152.98 are hereby cancelled:

<u>CHECK NO.</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Utility Trust Account</u>		
81257	6/9/15	17.92
81585	4/13/17	38.41
81600	5/8/17	3.83
81650	7/26/17	32.60
81658	8/2/17	3.06
81666	8/21/17	6.79
81690	10/13/17	24.27
81712	12/19/17	26.10

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovac

Vote all ayes  
Motion carried

**CONSIDERATION ALLOWING COMMERCIAL DEVELOPMENT AND 56 TOWNHOUSE UNITS ON MOEBUS TRACT**

Mayor Kovach explained that the intervenor for the Moebus Tract came back and has agreed to a settlement to build three pad sites, 56 townhomes that would be for sale and deed undeveloped land back to the town. Emergency access to Central Avenue and access only to residents via Route 31. Mayor Kovach said Council would be going into Executive Session to discuss this but opened the floor to comments before doing so.

Winnie Scuteri, 3 Haver Farm Road, said it was her understanding that the 100% solution for affordable housing was resolved by buying the Music Hall property. Mayor Kovach explained that the Town does

not own the property at this time, we lost it. The Town needs to settle with Fair Share without going to court for a trial and come to an agreement with the owner of the Moebus Tract so he withdraws as an intervenor giving the Town time to begin an affordable housing development plan. We have 7 year protection with 4 years to get the housing built. Ms. Scuteri asked how did we lose the Music Hall and Mayor Kovach explained the Moebus owner bought it. Ms. Scuteri asked what the zoning is of the Moebus Tract and when did the current owner purchase the land? Zoning is OB3 and the owner made the purchase three years ago. Ms. Scuteri recommended to Council that we do not change the zoning as it would not be in compliance with our Master Plan. Mayor Kovach stated if we did that, he would then take the matter to the courts. Attorney Matt Lyons, in attendance this evening covering for Mr. Cushing, explained that the courts will address practicability and the necessity to have homes built for Fair Share. They will not be affordable housing units but they will be for sale units and the developer will pay fees developer's fees that will help the Town toward affordable housing obligations. Councilman Rylak explained how hard the town is working towards a solution and must weigh factors to do what is best. Mayor Kovach said the worse scenario is 300 townhomes with a 15% set aside, this settlement would be 56 townhomes for sale and three pad sites. The owner wants a traffic light on Route 31 but that is up to the State of New Jersey, Department of Transportation to decide. The Mayor continued to explain that our "backs are against the wall" and this mitigates the worst case scenario. Kathy Madden, 9 Fairview Avenue, asked if the only entrance would be on Route 31 and will the state allow that as well as a traffic light? The light is not a given, that is just what the developer wants.

With no other questions at this time the meeting will continue and then council will go into Executive Session to discuss Litigation and the Declaratory action of Case HNT-304-L-15.

### **CORRESPONDENCE – NONE**

### **REPORTS OF COUNCIL**

#### **Chief Matheis**

1. Forecast for Saturday, January 27, 2018 is great! Perfect for the bonfire!

#### **Richard Phelan, Business Administrator**

1. Christmas tree collection went well, trees have been taken to Hunts Mill Park for the bonfire!
2. The Ash tree at the Community Center has reached its life and will be cut down on Wednesday, January 24, 2018. Unfortunately, the tree has died and has to be removed. Hopefully a piece of the tree can be used to make a bench or some special memento for the park.

#### **Councilwoman Dineen**

1. Shade Tree – the Commission members are working on the DEP Forestry Management Report. Arbor Day suggestions are being accepted as to who to dedicate a tree to. Please refer suggestions to Councilwoman Johnson, the new liaison to Shade Tree or Deena Roberts, Shade Tree chair.
2. Clinton Guild – Councilwoman Rielly Karsh is the new liaison to the Guild and attended their most recent meeting.

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**Councilwoman Sosidka**

1. Board of Recreation – looking for people willing to give out hot chocolate at the bonfire on Saturday night. The Recreation Commission is also looking for members.

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2. Historic Commission – looking for members.
3. Environmental Commission is becoming active again and looking to work with other groups. Patty Smeltzer is interested in becoming the chairperson.
4. Councilwoman Sosidka thanked Kathy Madden for completing the Sustainable Jersey application. Ms. Madden explained that the first \$5,000 report has been submitted showing the expenditures that were made. the conservancy is \$400 ahead for 2018!

**Councilman Rylak**

1. Mr. Rylak also wished to thank Mrs. Madden for her well written report and for all the work she has done for the Conservancy. Ms. Sosidka hosted a small dinner party for all the “butterfly” people! A nice gathering was had.
2. Clinton Fire Department is reviewing their billing system and considering increasing fees where possible. A report is expected to be made at the next meeting and Mr. Rylak will report back to council. If fees are to be changed, an ordinance will have to be made to do so.
3. Mr. Rylak spoke of his new council appointments, Personnel, Water and Sewer. He stated our interesting the Personnel Committee is and was amazed at what takes place to keep the water and sewer thriving in the Town. Councilman Smith is an invaluable member of Council and has so much knowledge. Mr. Rylak also expressed the need for back up equipment, especially for the sewer treatment for the Town.

**Councilwoman Karsh**

1. Clinton Guild – Re-organization meeting will be February 7, 2018 at 6:00 pm at the Hunterdon Art Museum. Election of officers is on their agenda. Ms. Karsh enjoyed meeting everyone and is excited to be involved with them.
2. Smart Growth Committee is soon to become the Economic Development Committee. Ms. Karsh and Ms. Dineen will meet to discuss how to proceed with structuring the new committee. An ordinance will have to be prepared once structure is decided.

**Councilwoman Johnson**

1. Board of Health held their annual Joint Rabies Clinic with Clinton Township on Saturday, January 13, 2018. Unfortunately Clinton Township advertised the wrong date in their Newsletter so attendance was down a little. In spite of the wrong date, 224 dogs and cats were given inoculations. Advertisements were in the Hunterdon Review and the Hunterdon County Democrat.

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**STANDBY AND OVERTIME**

A motion was made by Ms. Sosidka, seconded by Ms. Dineen to approve the standby and overtime for the period December 30, 2017 through January 11, 2018 attached to these minutes.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovach

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Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to approve the bill list attached to these minutes dated January 10, 2018.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Ms. Dineen, seconded by Mr. Rylak, to approve the bill list attached to these minutes dated January 23, 2018.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #45-18 – EXECUTIVE SESSION**

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to enter into Executive Session to discuss a matter of litigation with Northgate West and a matter of declaratory judgement action Docket No. HNT-L-304-15. Action may be taken following.

**RESOLUTION # 45-18**

**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*:

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.)

\_\_\_\_\_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

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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);

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\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is \_\_\_\_\_

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OR \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with

respect to said discussion. That time is currently estimated to be: \_\_\_\_\_

(estimated length of time) OR upon the occurrence of \_\_\_\_\_

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**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes  
Motion carried

Upon returning from Executive Session to the regular meeting at 9:20 pm, a motion was made by Mr. Rylak, seconded by Ms. Johnson to adopt Resolution #46-18 as follows:

**RESOLUTION #46-18**

**TO APPROVE A SETTLEMENT AGREEMENT UNDER DOCKET NO. HNT-L-304-15**

WHEREAS the Town of Clinton is a party in the declaratory judgement action Docket No. HNT-L-304-15 in Superior Court of New Jersey;

NOW THEREFORE BE IT RESOLVED that the governing body of the Town of Clinton hereby approves the settlement of case HNT-L-304-15 with, specifically the crucial terms to the agreement are:

- the property that is the subject of the litigation is known as the Moebus Tract; and

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- the settlement agreement provides for commercial pads along Route 31 covering roughly 12 acres of land; and
- the settlement agreement also provides for a maximum of 56 townhome development; and
- the settlement agreement requires the dedication of land remaining to the Town of Clinton covering the area along Central Avenue; and
- the settlement agreement requires that there is the 300' Highlands open water buffer; and
- the settlement agreement requires that the landowner is required to obtain all governmental approvals from the site plan, sub division, and other necessary land develop approvals by the Clinton Land Use Board and all other necessary outside approvals.

ROLL CALL: Ayes: Dineen, Johnson, Karsh, Rylak, Sosidka, Mayor Kovach

Vote all ayes  
Motion carried

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Sosidka, seconded by Ms. Dineen, to adjourn the meeting at 9:22 p.m.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

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Janice Kovach  
Mayor