

5844

Flag Salute.

Roll Call: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, 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."

**Mayor Kovach welcomed the public to the meeting and explained how the meeting will be run by reading the following statement :**

NJSA 10:4-8(b) authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms. Recently adopted P.L. 2020, c.11 amends OPMA to clarify that in times of emergency public bodies may vote, accept public comment and cause a meeting to be open to the public via electronic means.

The Town of Clinton is using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

We will continue to address all questions and comments for any topic that is not on the current agenda during public comments as well as comments during public hearings for any ordinances.

Please use the chat feature in ZOOM to indicate that you wish to be recognized for a comment or a question. You must provide your name and address to be recognized. You can also type in your questions. Feel free going forward to email [councilmeeting@clintonnj.gov](mailto:councilmeeting@clintonnj.gov) with any questions or concerns between meetings.

We ask that you keep your device muted until called upon by council. The meeting's moderator may also mute participants.

The mayor and council will respond to all votes with voice votes with the exception of opening and closing of public hearings will be a roll call vote.

The Mayor and Council will respond to all votes by raising hands or via roll call.

Please feel free to reach out with a note at [jkovach@clintonnj.gov](mailto:jkovach@clintonnj.gov) anytime!

**APPROVAL OF MINUTES**

A motion was made by Mr. Traphagen, seconded by Ms. Intrabartola, to approve the minutes of April 14, 2021 as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS – NONE**

**MAYOR'S COMMENTS**

1. Mayor Kovach attended a marijuana panel with accountants and discussed zoning on how to proceed.
2. Tara St. Angelo will be returning from maternity leave on May 10, 2021. Mayor Kovach thanked Mr. Cushing for filling in. Mr. Cushing expressed his feelings about joining in and will be on standby if Ms. St. Angelo gets "overwhelmed" with returning, now that she has two little ones at home to consider.
3. Letters have been submitted to Congressman Malinowski's office for congressional earmark for water and sewer projects that have been put on the back burner. These infrastructure improvements and upgrades are very important to the future of our utilities.
4. Financial Disclosure Statements deadline has been extended from April 30 to May 30. Council liaisons are being asked to encourage commission members to get them filed to avoid penalties.
5. Dave Burdge, Water Foreman, is retiring after 26 years with the Town on April 30, 2021. Dave's commitment and passion for the town and his institutional knowledge have been priceless. Mr. Burdge expressed his appreciation to be working with Clinton for these 26 years. Dave will be retiring with his wife, Cindy, who will be retiring from Suburban Consulting as of April 30 as well.

**SPECIAL EVENT – STIGMA FREE AWARENESS WALK**

An application was submitted by Ray Freaney, event organizer, to hold a walk to raise awareness of the local mental health and recovery resources available so that no resident needs to feel hopeless or alone. The date of the event is May 22, 2021. A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to approve the event along with the comments and recommendations of Police Chief Kubinak. Ms. Johnson recently reported on the HOPE VAN, also to raise awareness to this cause.

Vote all ayes  
Motion carried

**ORDINANCE #21-09 – CAP**

A motion was made by Mr. Humphrey, seconded by Ms. Karsh, to open the public hearing of Ordinance #21-090 as submitted:

**TOWN OF CLINTON, HUNTERDON COUNTY  
ORDINANCE #21-09  
CALENDAR YEAR 2021  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
(N.J.S.A. 40A: 4-45.14)**

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to close the public portion of the meeting.

Vote all ayes  
Motion carried

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A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Ordinance #21-09 on final reading.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #87-21 – SELF-EXAMINATION OF BUDGET**

A motion was made by Ms. Intrabartola, seconded by Mr. Humphrey to adopt resolution #87-21 as submitted:

**RESOLUTION 87-21  
SELF-EXAMINATION OF BUDGET RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Town of Clinton* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Town of Clinton* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Vote recorded as follows: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**PUBLIC HEARING OF THE 2021 MUNICIPAL BUDGET**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to open the public hearing of the 2021 Municipal Budget.

Vote all ayes  
Motion carried

Mayor Kovach sent out a letter outlining the budget to residents and wished to point out how lucky the Town of Clinton is after a year that was devastating to some municipalities. Clinton has nine years of careful planning to thank for being in a good place at this time. No major cuts needed to take place and thanks to staff for going above and beyond in careful spending. Mayor Kovach thanked everyone for their dedication.

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to close the public portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Ms. Karsh, seconded by Mr. Humphrey, to adopt the 2021 Municipal Budget as presented.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #21-10 – AMENDMENT TO HEALTH CARE**

A motion was made by Ms. Intrabartola, seconded by Ms. Johnson, to open the public hearing of Ordinance #21-10:

**ORDINANCE #21-10  
ORDINANCE REQUIRING EMPLOYEE CONTRIBUTIONS TOWARDS  
HEALTH BENEFITS PROVIDED BY THE TOWN**

Vote all ayes  
Motion carried

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There being no public comment, a motion was made by Mr. Humphrey, seconded by Ms. Karsh, to close the public portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to adopt Ordinance #21-10 on final reading.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #80-21 – PROMOTION OF STEVE HIGGINS**

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to adopt Resolution #80-21 as submitted:

**RESOLUTION #80-21**

**WHEREAS**, The Town of Clinton is in need of a Water Foreman upon the retirement of David Burdge, and;

**WHEREAS**, the Director of Public Works/Business Administrator and Superintendent of the Water Utility have recommended that Steven Higgins be promoted to the position of Foreman for the Water Utility, at the salary of \$66,100.00 annually, commencing May 1, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton approve the promotion as stated above.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #81-21 – REALLOCATION OF SEWER FUNDS**

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #81-21 as submitted:

**RESOLUTION # 81-21**

**REALLOCATE SEWER CAPITAL RESERVE FUNDS**

**WHEREAS**, the Town of Clinton Sewer Utility has certain Capital Reserve Funds; and

**WHEREAS**, from time to time those funds are no longer required for the specific projects they were intended; and

**WHEREAS**, the Town of Clinton Sewer Utility wishes to use Capital Reserve Funds for Plant Expansion for other Sewer Utility Improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton requests that the Chief Financial Officer reallocate \$150,000.00 from the Capital Reserve Fund for Plant Expansion to the Capital Reserve Fund for Sewer Utility Improvements.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #21-11 – SEWER UTILITY**

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to introduce Ordinance #21-11 on first reading as submitted:

**SEWER UTILITY  
CAPITAL ORDINANCE # 21-11  
CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS  
IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING  
THEREFOR THE SUM OF \$150,000.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND  
FOR SEWER UTILITY IMPROVEMENTS**

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Sewer Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

|                            | ESTIMATED    |
|----------------------------|--------------|
| <u>PURPOSE</u>             | <u>COST</u>  |
| Sewer Utility Improvements | \$150,000.00 |
| TOTAL                      | \$150,000.00 |

**Section 2.** The aggregate sum of \$150,000.00 is hereby appropriated from the Sewer Utility Capital Improvement Fund for Sewer Utility Improvements within the Town of Clinton Sewer Utility to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements of the Sewer Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton Sewer Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

Vote all ayes  
Motion carried

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A copy of this ordinance will be published in the Courier News edition of May 1, 2021. A public hearing will be held May 12, 2021.

**RESOLUTION #82-21 – CANCELLATION OF LIEN**

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to adopt Resolution #82-21 as submitted:

**RESOLUTION # 82-21**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$879.29 with an interest date of 4/14/2021, the amount necessary to redeem Tax Sale Certificate #20-00002 on Block 14, Lot 11 assessed to Jaime Letter and purchased by US Bank Cust/Pro Cap 8/Pro Capital Mgt II.

**NOW THEREFORE BE IT RESOLVED**, on this 28th day of April 2021 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 \$879.29 (Certificate) and \$900.00 (Premium) to US Bank Cust/Pro Cap 8/Pro Capital Mgt II, 50 South 16<sup>th</sup> St, 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 #20-00002 on Block 14, Lot 11, assessed to Jaime Letter, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #83-21 – EXTENSION OF CONCESSION FOR NEWSLETTER**

A motion was made by Ms. Intrabartola, seconded by Mr. Humphrey, to adopt Resolution #83-21 as submitted:

**RESOLUTION # 83-21**

**RESOLUTION EXTENDING CONCESSION AGREEMENT BETWEEN THE TOWN OF CLINTON AND LITURGICAL PUBLICATIONS FOR THE PRINTING AND MAILING OF THE TOWN NEWSLETTER**

WHEREAS, currently the Town of Clinton creates a "Town Newsletter" that is made available to all our residents four (4) times a year; and

WHEREAS, on May 14, 2019, the Town adopted Resolution #77-19 awarding a contract to Liturgical Publications via the concession process as outlined in N.J.A.C 5:34-9 et seq., and

WHEREAS, the term of the Agreement was for two (2) years, with an option to extend said Agreement for an additional two (2) years, and

WHEREAS, the Communications Committee is desirous to extend the existing Agreement from May 1, 2021 through May 14, 2023 in accordance with the terms and conditions of the Agreement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby grant a 2-year extension of the concession Agreement to Liturgical Publications in accordance with the terms and conditions attached hereto.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Liturgical Publications.

Vote all ayes  
Motion carried

**RESOLUTION #84-21 – COLLECTIVE BARGAINING AGREEMENT**

A motion was made by Ms. Dineen, seconded by Mr. Karsh, to adopt Resolution #84-21 as submitted:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
TOWN OF CLINTON AND THE TEAMSTERS LOCAL 469**

**RESOLUTION #84-21**

**WHEREAS**, the Teamsters Local 469 (“Teamsters”) had a Collective Bargaining Agreement in place which expired on December 31, 2020; and

**WHEREAS**, the Town of Clinton and Teamsters have engaged in collective negotiations for a successor agreement; and

**WHEREAS**, the Teamsters have informed the Town in writing on April 21, 2021 that its members have ratified the terms and conditions of the proposed Agreement.

**NOW THEREFORE BE IT RESOLVED**, the Mayor and Council of the Town of Clinton do hereby ratify the Collective Bargaining Agreement between the Town and the Teamsters in accordance with the attached Agreement.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the finalized Collective Bargaining Agreement between the Town of Clinton and Teamsters Local 469.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #85-21 – SALARY RESOLUTION FOR TEAMSTERS**

A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to adopt Resolution #85-21 as submitted:

**RESOLUTION #85-21**

**2021 SALARY RESOLUTION**

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



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That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2021:

| <b><u>POSITION</u></b>    | <b><u>SALARY</u></b> |
|---------------------------|----------------------|
| Public Works Employee #1  | \$25.82/Hr.-Hoffman  |
| Public Works Employee #2  | 21.09/Hr.-Pieretti   |
| Public Works Employee #3  | 20.11/Hr.-Lauber     |
| Public Works Employee #4  | 19.49/Hr.-Brown      |
| Public Works Employee #5  | 19.49/Hr.-Monthony   |
| Public Works Employee #6  | 19.49/Hr.-Raphel     |
| Public Works Employee #7  | 19.12/Hr.-Deemer     |
| Public Works Employee #8  | 19.12/Hr.-Duarte     |
| Public Works Employee #9  | 19.12/Hr.-Maszczakl  |
| Public Works Employee #10 | 19.12/Hr.-Gonzalez   |
| Public Works Employee #11 | 19.12/Hr.-Dysart, J. |
| Stand-by Pay              | 5.00/Hr.             |

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION # 86-21 – HIRING JANITORIAL PERSONNEL**

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #86-21

**RESOLUTION # 86-21**

**WHEREAS**, the Town of Clinton Building Department requires the hiring of a new part-time janitorial/cleaning person, and;

**WHEREAS**, the position was advertised for, applications accepted and interviews performed, and;

**WHEREAS**, the Public Works/Business Administrator recommends that the following person be hired to fill the open position at a rate of \$15.00 per hour;

Matthew Garfein

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Matthew Garfein to fill the open position of janitorial/cleaning person effective May 26, 2021.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

### **CORRESPONDENCE**

1. Letter of support from legislators of the 23<sup>rd</sup> Legislative district, in response to our request for congressional earmark of funds.

### **REPORTS OF COUNCIL**

#### **Councilwoman Johnson**

Councilwoman Johnson will be speaking at the Stigma Free event on May 22, 2021. Encouraging everyone to come out and hear what is being made available to people struggling with substance abuse and mental health issues.

Recreation Committee – Ms. Johnson and Ms. Intrabartola continue working on the park projects and preparing the \$500,000 grant application to improve the park and the park area. Ms. Intrabartola is working diligently on writing the grant application. The Committee is seeking feedback from residents to gather ideas and visions on expanding the area. Mayor Kovach mentioned Kim Stentz, from her neighborhood, is interested in joining the committee.

#### **Councilman Traphagen**

Shade Tree – will be holding the Arbor Day celebration with the planting of an oak tree at Hunts Mill Park this Friday, April 30. The event will be live streamed to the students of Clinton Public School.

South Branch Emergency Services held a coin toss which was a big success, at the corner of the Shammy Shine, Clinton Township border, this past weekend.

#### **Councilwoman Dineen**

Land Use Board and Roads Committees will meet next week.

The Fire Department Task Force will meet again in May to consider a fire district.

#### **Councilwoman Karsh**

Happy to report that the Clinton Guild is actively planning events for the summer and Come Together music on Main will return on Friday evenings from 7:00 to 9:30 p.m. Annie Rossi and Chief Kubinak discussed safety protocol. The Red Mill will also have music on Saturday nights.

May 30 will be “halfway to Halloween” to kick off the return of Haunted!! A&E Ghost Hunters will be at the Red Mill for an exciting event!

Economic Development Commission working with Highlands to bring back the sustainability discussions and plan to meet in May.

Route 22/78 Corridor is also coming back to the table. Choose NJ was in Town today meeting with Marc Saluk, Economic Director for the County. Mr. Saluk took the group on a tour of the area to promote Hunterdon and to bring in new economic development.

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**Councilman Humphrey**

Councilman Humphrey asked everyone to get their articles in for the next newsletter and would like Guild activities to add to the Town calendar. Events scheduled for June to September would be great! Ms. Johnson said Recreation is working on activities as well.

Environmental Commission participated in a successful river clean up. The amount of trash collected was amazing and a company that was working in Hunts Mill area came up with 10 tires, a bed and a toilet!

Councilman Humphrey encouraged attendance at the Hunterdon County Governor Officers meetings. Beth Thompson, Supervisor of the Election Board, discussed ballot boxes which are now permanent. Primary ballots have been already mailed. Early voting for General election and new voting machines should be available. For the Primary election, Dominion machines will be used. Electronic signature books being used this year as well.

Marijuana Law and Liquor licensing law, a sample of subjects to be addressed at upcoming meetings.

Councilman Humphrey reminded folks to attend the weekly Mayor's Walk at 11:00 a.m. on Sunday. There will also be a guest speaker in the field of physical therapy, to give spring tips of limbering up!

**STANDBY AND OVERTIME**

A motion was made by Ms. Intrabartola, seconded by Mr. Traphagen, to approve the standby and overtime attached to these minutes for the period of April 2 through April 15, 2021.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Ms. Johnson seconded by Ms. Karsh, to approve the voucher list as attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #88-21 – EXECUTIVE SESSION**

A motion was made by Ms. Intrabartola seconded by Ms. Johnson, to enter into Executive Session at 8:07 p.m. for the purpose of contract negotiations.

**RESOLUTION # 88-21**

**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.)

\_\_\_\_\_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);

\_\_\_\_\_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 10 minutes. (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

Upon returning to the public meeting, a motion was made by Mr. Humphrey, seconded by Ms. Intrabartola, to return to the public portion of the meeting.

Vote all ayes  
Motion carried

Mayor Kovach asked for a motion authorizing Labor Counsel to draft an amendment to the PBA contract to resolve health care coverage. A motion was made by Ms. Johnson, seconded by Mr. Humphrey authorizing Labor Counsel.

Vote all ayes  
Motion carried

### **ADJOURNMENT**

There being no further business, a motion was made by Mr. Humphrey, seconded by Ms. Intrabartola to adjourn the meeting at 8:11 p.m.

Cecilia Covino, RMC/CMC  
Municipal Clerk

Janice Kovach, Mayor

