

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

Flag Salute.

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

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 Mr. Smith to approve minutes of the Regular Council Meeting held May 10, 2016.

Vote all ayes
Abstentions (Pendergast and Smith)
Motion carried

PUBLIC COMMENTS

Frank Setnicky, Chief of the Clinton First Aid & Rescue Squad, came before Council this evening to present the CFARS Quarterly Municipal Update dated April 25, 2016. The membership drive has been going well, 20 new members have joined. There will be two training classes coming up in July and August. Lebanon Borough has been housing crews for the past five years and has offered space in the old police station on the first floor which has been great! Chief Setnicky thanked Council for all their support and especially for the new ambulance purchased in the beginning of 2016. Mayor Kovach asked if the quarterly update will be posted on the website and the chief assured her it will be.

Mary Lou Carhart, 12 Main Street, came to discuss the garbage situation on Main Street, especially now that Music on Main is beginning. The pails are overflowing on weekends and Mary Lou and her husband, Bart, try to tend to them on Saturday mornings but by then they are already over the top. Mary Lou would like to have conversations with the Town, DPW and the merchants to alleviate this problem. Mr. Pendergast stated that the business that generate most of the garbage should be emptying the trash and if they are not available they should have their employees address it. Mr. Phelan will have DPW put out extra cans for this weekend and following weekends.

MAYOR’S COMMENTS

1. Mayor Kovach received a request for a dog park in Town and has referred the letter to the Buildings and Grounds Committee.
2. Clinton Public School has submitted a Long Range Facility Plan and copies will be made for all Council members to review.

RESOLUTION #74-16 – AUTHORIZING PLANNER TO PROCEED WITH HIGHLANDS PROCESS

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #74-16 as submitted:

RESOLUTION #74-16

**RESOLUTION AUTHORIZING THE MUNICIPAL PLANNER TO PROCEED WITH THE
NEW JERSEY HIGHLANDS COUNCIL PLAN CONFORMANCE PROCESS**

WHEREAS, on November 25, 2008, the Mayor and Council of Town of Clinton informed the New Jersey Highlands Council their Notice of Intent to participate in the Highlands Plan Conformance Process via Resolution #126-08; and

WHEREAS, on October 13, 2009, the Mayor and Council of Town of Clinton informed the New Jersey Highlands Council their intension to revise the Town's Master Plan and development regulations for plan conformance for land in the Planning and Preservation Areas; and

WHEREAS, on June 28, 2011, the Town received notification from the New Jersey Highlands Council that we are in compliance with an approved Final Consistency Review and Recommendation Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines, indicating that the Town is conforming with the Highlands Regional Master Plan and will receive all statutory benefits associated with Plan Conformance; and

WHEREAS, for various reasons, the Town of Clinton held proceeding with Highlands Plan Conformance in abeyance; and

WHEREAS, it has been determined that reopening and proceeding with the Town's participation in the Highlands Plan Conformance program would be beneficial to the Town; and

WHEREAS, the Town's Planner, James T. Kyle, PP/AICP, of the Firm of Kyle Planning and Design, is very familiar with the process and is prepared to proceed with the process, and

WHEREAS, the Town Administrator spoke with the Town Planner on Monday, May 16, 2016 advising him that should this process move forward, that the Planner must adhere to the following requirements:

1. The Planner must strictly adhere to the previously approved cost estimates for the requisite Plan Conformance Tasks approved by the Highlands Council.
2. As this is a reimbursable grant, the Planner will not receive payment from the Town until such time as we have received the funds from the New Jersey Highlands Council first.
3. Any change in the scope of the project that will result in adjustment to the afore-mentioned cost estimates must be approved by the highlands Council and the Town of Clinton in advance of proceeding.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby authorize James T. Kyle to immediately proceed with implementing the requirements of the Highlands Plan Conformance process in accordance with above requirements, as well as any imposed by the New Jersey Highlands Council.

BE IT FURTHER RESOLVED that a copy of the resolution be provided to James T. Kyle and the Town's Chief Financial Officer.

ROLL CALL: Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #75-16 – LIQUOR LICENSE RENEWAL – CLINTON HOLIDAY INN

A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to adopt Resolution #75-16 as submitted:

RESOLUTION # 75-16

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION), #1005-36-004-009 for:

**A HUNTS MILL ASSOCIATES LLC
111 ROUTE 173
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2016, renewal of the above captioned license for the 2016-2017 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

RESOLUTION #76-16 – TOWN PICNIC – BYOB

A motion was made by Mr. Pendergast, seconded by Mr. Carberry to adopt Resolution #76-16 as submitted:

RESOLUTION # 76-16

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Town Picnic to be held at the Hunts Mill Park on Saturday, June 4, 2016 between the hours of 3:00 and dusk. Rain date is June 11, 2016.

Vote all ayes
Motion carried

RESOLUTION #77-16 – CANCELLATION OF LIEN

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #77-16 as submitted:

RESOLUTION # 77-16

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$1,716.17, the amount necessary to redeem Tax Sale Certificate #2014-8 on Block 31.01, Lot 7.01 C2911, assessed to Mary Carmody, and purchased by Leed Capital.

NOW THEREFORE BE IT RESOLVED, on this 24th day of May, 2016 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,716.17 (Certificate) and \$1,200.00 (premium) to Leed Capital, 946 Main Street, Hackensack, NJ, 07601 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 Certificate #2014-8 on Block 31.01, Lot 7.01 C2911, assessed to Mary Carmody, from the Town of Clinton Tax Records.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

2015 ANNUAL AUDIT

Copies of the 2015 Annual Audit have been distributed to the Mayor and Council for their review. A resolution will be presented at the next council meeting certifying that the audit has been reviewed by all and a Group Affidavit will be signed.

PUBLIC HEARING ORDINANCE #16-04 – LOCK BOX

A motion was made by Mr. Smith, seconded by Mr. Carberry to open the public hearing of Ordinance #16-04:

ORDINANCE #16-04

ORDINANCE REQUIRING THE INSTALLATION OF RAPID ACCESS KEY BOXES TO ALLOW ENTRY TO STRUCTURES FOR FIRE AND/OR LIFE SAFETY PURPOSES

Vote all ayes
Motion carried

James DeGross, 28 Center Street / 7 Leigh Street, questioned the ordinance as to how many boxes need to be installed, his building has five entrances. Mr. DeGross also explained that there is a bank located in his building and asked if they chose not to install a lock box how would the Town address that? Mr. Pendergast told Mr. DeGross that there is a clause in the ordinance that a business may opt out of installing a lock box but would have to sign an agreement that they understand the door will be knocked down for the fire department to gain access in an emergency and that the owner of the building would be required to secure the building, not the Town. Mr. Pendergast said property owners will work with the fire chief as to location and details of the lock boxes. Mary Lou Carhart, 12 Main Street, asked for some clarification, would these be just for fire or can they be for elderly people living alone as well? Also, a key for the lock boxes, would they be in each fire truck? Mr. Pendergast assured Ms. Carhart that lock boxes can be used for both businesses and elderly people and yes, there would be a secured common key in each of the vehicles that would be able to access every lock box.

There being no further comments, a motion was made by Mr. Rylak, seconded by Mr. Pendergast, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Rylak, to adopt Ordinance #16-04 on final reading.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATIONS

An application has been received from the Clinton Fire Department to host an Octoberfest Craft Beer Tasting on Saturday, September 24, 2016 from noon to 5:00 p.m. A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the event as requested.

Vote all ayes
Motion carried

A second application was received from Chabad of Hunterdon County to host a Jewish Music Festival on Sunday, July 17, 2016 on the Hunterdon Art Museum Terrace from 5:00 to 8:00 p.m. Chief Matheis met with Shloime Greene, event contact, to discuss details and made some recommendations. A partial closure on Lower Center Street and no left turn off the Pony Truss Bridge. A motion was made by Mr. Rylak, seconded by Mr. Carberry, to approve the event as requested.

Vote all ayes
Motion carried

CORRESPONDENCE

Big Brothers Big Sisters of Northern New Jersey sent a sincere thank you to Mayor Kovach for supporting the Bowl for Kids' Sake 2016 on May 5, 2016. The successful event raised \$22,000.00 for youth mentoring programs!

REPORTS FROM COUNCIL

Kathy Olsen, CFO

Ms. Olsen reported on her TCTA conference, there is a new law to help military citizens deployed and in the armed forces, they will be given extra time to catch up on taxes without having interest calculated. Another new law, lienholders will be allowed to keep up with mowing vacant properties and can give the Town a bill which will be assessed to the property and its owner.

Councilman Smith

1. Water Department – Well 17, soon to be operational.

Negotiating with Lebanon Borough regarding the \$7M water main project which will take place over the next year and a half.

Councilwoman Dineen

1. Newsletter – Still awaiting a bid from a local newsletter editor for doing the Town of Clinton newsletter. Home Town Press contact information was passed on, however, attempting to stay local.

Councilman Pendergast

Councilman Pendergast reported on the devastating fire that took place on May 15, 2016, resulting in the loss of the Music Hall on West Main Street. Following the fire, an after action review was conducted by all officials and all were satisfied that they made all the right choices and handled the situation appropriately. Mr. Pendergast did state that Building Inspector, Kevin Fleming and Mayor Kovach were on the scene but were not identifiable. Mr. Pendergast discussed this with the Fire Chief and will attempt to get reflective vests with their names on them through the Fire Department and Flemington Department Store. Mayor Kovach did state that a letter is going to be drawn by the Fire Chief, Rescue Squad Chief and herself to thank all the neighboring towns that sent equipment and participated in the efforts.

The first Grill Night of 2016 was held at the Clinton Fire Department on May 20, 2016. There was a great turnout! Grill nights are held the third Friday of May, June, August and September at 5:30 pm. It is a BYOB event as well!

Personnel Committee – the committee discussed summer hours for the employees. Following a lengthy discussion, a motion was made by Mr. Carberry, seconded by Mr. Rylak, that for the approaching Memorial Day weekend, as well as the July 4th weekend and the Labor Day weekend, employees will be allowed to leave two hours early, DPW and WWTP leaving at 1:30 p.m. and office staff leaving at 2:30 p.m. Summer hours will be discussed again.

Vote all ayes
1 Abstention (Smith)
Motion carried

Mr. Pendergast also reported that there are openings on the Board of Recreation and Mayor Kovach suggested having it posted on the Town website.

Councilman Rylak

1. Smart Growth – Attorney Dan Makoski of Gebhardt & Keifer, offered his services pro bono, to assist with the Clinton Conservancy Gardens becoming a 501 © (3) group! By laws are now being proposed. Mr. Rylak wanted to publicly thank David den Hollander of Garden State Growers for all his efforts to the Conservancy. Mr. den Hollander spruced up three of the five Welcome to Clinton signs by edging and mulching, they look great! The Conservancy is planning to make Clinton a “Butterfly Destination”! Mr. Rylak is encouraging council members to plant butterfly bushes at their home. Mr. Rylak also wishes to request Council pass a resolution of thanks to all the volunteers making the conservancy a reality! The conservancy is also working towards having their own budget independent of the Town.

PUBLIC COMMENT

Mary Lou Carhart shared the Guild’s efforts of having ten new flower baskets hang from the bridge and the placement of six new huge planters and six smaller ones to beautify the shopping district.

Francis Gallagher, representing two clients interested in affordable housing, has questions regarding procedures and was referred to Rich Phelan, Business Administrator.

Bart Carhart, Main Street, asked if there was a date for paving the parking lots? No dates have been set as yet.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry seconded by Mr. Rylak to approve the standby and overtime submitted for the period of May 6, 2016 through May 19, 2016 attached to these minutes.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 78-16 – CONTRACT NEGOTIATIONS

A motion was made by Mr. Pendergast, seconded by Mr. Smith to enter into Executive Session to discuss a matter of contract negotiations at 8:33 p.m.

RESOLUTION #78-16

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;

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: 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: Following Council's return to the Regular Council Meeting and there being no further business, a motion was made by Ms. Dineen seconded by Mr. Pendergast to adjourn the meeting at 8:40 p.m.

Cecilia Covino, RMC/CMC, Town Clerk

Mayor Janice Kovach