

Flag Salute.

Roll Call: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach
Absent: Padmos

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.”

OPMA authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms.

The Town of Clinton Council is meeting in person as well as providing an option for the public to participate via ZOOM video meetings. Please note that the option to attend is being provided as a courtesy, therefore, if Zoom becomes unavailable during the meeting and it cannot quickly be fixed, Council will continue with the remainder of the meeting.

For those joining us via Zoom, please raise your hand during designated times to be recognized for a comment. Whether you are appearing in person or via Zoom, you must provide your name to be recognized.

Please feel free going forward to email councilmeeting@clintonnj.gov with any questions or concerns between meetings. Please feel free to reach out with a note to jkovach@clintonnj.gov anytime!

APPROVAL OF MINUTES

A motion was made by Mr. Traphagen, seconded by Ms. Johnson, to approve the meeting minutes and the executive session minutes of March 22,2023.

Vote all ayes
Motion Carried

A motion was made by Mr. Kashwick, seconded by Mr. Traphagen, to approve the Special Council Meeting minutes of March 30,2023.

Vote all ayes
Motion Carried
2 Abstentions: Bruno, Perloff

APPROVAL OF MONTHLY REPORTS-MARCH

A motion was made by Ms. Johnson, seconded by Mr. Bruno to approve the month of March as follows: Administrator’s report, Clerk’s report, Construction report, Dog Report, Police Department report, Sewer Collector’s report, Tax Collectors report, Treasurer reports, and Water Collector’s report,

Vote all ayes
Motion Carried

MAYOR’S COMMENTS

1. Mayor Kovach reported that she attended a special event yesterday at Shop Rite -“Ending Hunger is Music to our Ears” -to honor their hunger-fighting team and the two store associates who raised the most through donations. The two associates will be featured on a Special-Edition Cheerios box that will be sold exclusively at ShopRite stores during the month of March. Wakefern donated \$500 to the Open Cup Board Food Pantry for their dedication to end hunger.
2. The Land Use Board meeting to discuss the Moebus Track development will be tentatively scheduled for May 16. Location will be the Clinton Firehouse at 7:30pm. Notice of the meeting will be publicized and will be in person only.

RESOLUTION #77-23-AMENDING THE REQUIREMENTS OF THE PLAYGROUND COMMITTEE AND APPOINTING MEMBERS

A motion was made by Ms. Johnson, seconded by Mr. Bruno, to adopt Resolution #77-23 as submitted:

RESOLUTION # 77-23

RESOLUTION AMENDING THE REQUIRMENTS OF THE PLAYGROUND COMMITTEE AND APPOINTING MEMBERS

WHEREAS, on September 14, 2022, via Resolution #132-22, the Town of Clinton formed a “Playground Committee” for purposes of for the replacement of the playground at Halstead Street Park; and

WHEREAS, the Playground Committee was tasked with interviewing potential vendors and create a design for the installation of a playground at Halstead Street Park

WHEREAS, since its creation, there has become a need to modify some of the requirements and members; and

WHEREAS, the Mayor and Council wish to amend the requirements of the Playground Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, amend the requirements of the Playground Committee as follows:

1. A Playground Committee (the “Committee”) is hereby established as a temporary ad-hoc committee, consisting of seven members, three of which shall be members of the Town Council (the “Council”) and four of which shall be residents of the Town of Clinton.
2. The following individuals are appointed to the Playground Committee:
 - a. Megan Johnson, Councilmember
 - b. Nick Bruno, Councilmember
 - c. Molly Padmos, Councilmember
 - d. Nicole Ayers, member of the public
 - e. Jonathan Donath , member of the public

- f. Phil Franzone, member of the public
 - g. Empty seat, which may be filled by the Mayor upon advice and consent of Council.
3. The Committee shall be empowered to:
 - a. Appoint its own Chairperson
 - b. All decisions of the Playground Committee must be made by a super-majority (i.e. five members for a seven person Committee and 4 members for a six person Committee)
 - c. Research potential vendors to design and install a playground from any authorized Cooperative Purchasing Program approved for use by the State of New Jersey.
 - d. Receive and interview references (i.e. other municipalities) from potential vendors
 - e. Determine, as a committee, which State approved Cooperative Purchasing Program vendors shall be interviewed for the playground design.
 - f. Any interviews of potential vendors or references (whether conducted in person or virtually) will be conducted upon written notice to the full Playground Committee and Town Council and in the presence of at least one of the Council members and 2 of the citizen members that are part of the Playground Committee.
 - g. Request and receive a preliminary design from potential vendors satisfying specific criteria (community build, inclusive, budget, etc.) as defined by the committee. All such designs shall be provided to Council in the required monthly reports provided to the Town Council. Any requests for designs or recommendations from vendors must be in writing.
 - h. Recommend to Council a vendor to design and install the playground from any Cooperative Purchasing Program approved for use by the State of New Jersey
 - i. Research and recommend to the Council grant opportunities to fund the installation of a playground
 - j. After a vendor is selected by Council, meet with and coordinate with said vendor on a design (and engineering, if necessary) of the playground
 - k. Recommend to Council a playground design.
 - l. Recommend to Council a budget for the material and equipment for, and installation of a playground.
4. All recommendations from the Playground Committee as to the hiring of a vendor and playground design, must be approved by a majority of the three Council members that sit on the Playground Committee.
5. The hiring of a vendor to design, provide material and equipment for, and install (through direct installation, DPW build, community build, or some other defined process) the playground must be approved by the Mayor and Council.
6. The final design of the playground must be approved by the Mayor and Council.

7. All verbal and written communications between the Playground Committee and vendors and vendor references will be conducted by one of the Council members that are part of the Playground Committee or with the consent of one such Council member. None of the citizen members of the Playground Committee shall contact potential or hired vendors or their references in connection with the design, construction, and installation of the playground (whether verbally or in writing) without the consent of one of the Council members that is a member of the Playground Committee. All verbal communications (whether in person, virtually, or via telephone) must be conducted in the presence of one of the Council members that is part of the Playground Committee and will be documented by a memo or an email. All members of the Playground Committee shall be notified in writing at least seven days in advance of an in-person meeting with a potential or hired vendor or one of their references and be given the opportunity to attend such meeting.
8. All written communications of the Playground Committee shall be subject to the Open Public Records Act (“OPRA”). Therefore, it is imperative that a Council member be copied on all written communications with potential or hired vendors and their referenced. If any member of the Playground Committee has communicated in writing with a vendor or a reference for a vendor without copying a Council member on the correspondence, copies of all such correspondence must be immediately provided to the Town. Members of the Playground Committee shall cooperate with a request from the Town Administrator or Town Attorney for emails and other documents in response to OPRA requests. A Committee member’s failure to provide any documents responsive to an OPRA request shall be grounds for immediate removal from the Committee.
9. If a Playground Committee member uses their personal cell phone for communications related to the Playground Committee (whether by telephone call or text message), such member is advised that their personal cell phone records may be subject to disclosure pursuant to an OPRA request. Therefore, it is recommended that contact with potential vendors and their references via personal cell phones be limited.
10. Any member of the Committee that does not follow the agreed-upon process for communications with potential vendors and references will be removed immediately from the Committee.
11. The Playground Committee shall issue a monthly written report to Council presented by the Chairman or other Council member designated by the Chairman.
12. Citizen members of the Playground Committee shall be required to adhere to applicable sections of the Town of Clinton Personnel Policy, as may be amended from time to time. Within ten (10) days of appointment hereunder, citizen members shall be required to review and acknowledge, with their signature, receipt of such the Town of Clinton Personnel Policy and Town of Clinton Social Media Policies.

13. The Playground Committee may be dissolved at any time by a majority vote of the Council. Any member of the Playground Committee may be removed for any reason and replaced by a vote of the majority of the Town Council.

14. This Resolution shall take effect immediately.

ROLL CALL: AYES: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion Carried

Mr. John Bohnel asked Mayor Kovach to elaborate on the resolution. Mayor Kovach said the Playground Committee received a donation from the Booster Club to purchase the equipment. Councilwoman Johnson gave more detail on the type of playground equipment which is going to be ordered. Mr. Bohnel asked what would be the cost and if there is a written design. Mayor Kovach said it is \$77,363.47 which the Booster Club's donation was \$22,000 of that figure. There was a DCA grant that was received which must be used by end of June. Councilwoman Johnson said there is a design and the Playground Committee has seen it and she will bring the final design to council soon.

Ms. Hedden asked if the Playground Committee can reconsider not having a zip line because of the possible danger. Ms. Hedden explained her daughter and four other children at Clinton Public School have broken their arm on the zip line. Ms. Johnson said there are dangers on other apparatuses on playgrounds and this is what the community has asked for.

RESOLUTION #79-23-LOCAL GOVERNMENT WEEK – April 16-22, 2023

A motion was made by Mr. Traphagen, seconded by Ms. Johnson, to adopt Resolution #79-23 as submitted:

**RESOLUTION # 79 - 23
NJ Local Government Week**

A RESOLUTION OF THE TOWN OF CLINTON, RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 16 – 22, 2023, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CLINTON AS FOLLOWS:

Section 1. That the Town of Clinton encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

Section 2. That the Town of Clinton encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

Section 3. That the Town of Clinton supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clinton at a regular council meeting held April 12, 2023.

Vote all ayes
Motion carried

RESOLUTION #80-23-CHANGE ORDER – HAVER FARM ROAD RE-PAVING

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to adopt Resolution #80-23 as submitted:

**RESOLUTION # 80-23
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to the Haver Farm, Goosetown Road, Mitchell Lane Project, and

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

WHEREAS, there was an increase of \$35,273.23 and reductions in the amount of \$26,255.16, leaving a net increase of \$9,018.07,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Haver Farm, Goosetown Road, Mitchel Lane Project be approved.

ROLL CALL: AYES: Johnson, Kashwick, Perloff, Traphagen

Vote all ayes
Motion Carried
2 Abstentions: Bruno, Mayor Kovach
(They live in development)

RESOLUTION #81-23-PURCHASE PIERCE ENFORCER PUMPER

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to adopt Resolution #81-23 as submitted:

RESOLUTION #81-23

WHEREAS, the Town of Clinton wishes to purchase a Pierce Enforcer Pumper from an authorized vender under the Sourcewell Cooperative Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Fire & Safety Services has been awarded the Sourcewell Contract #113021-OKC; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Pierce Enforcer Pumper is not expected to exceed \$1,055,135.21; and

WHEREAS, the Chief Financial Officer has certified the availability of \$1,055,135.21 under Ordinance #23-07,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Fire & Safety Services be awarded a contract for the purchase of a Pierce Enforcer Pumper.

ROLL CALL: AYES: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion Carried

RESOLUTION #82-23-HIRING OF PART TIME FIELD INSPECTOR

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to adopt Resolution #82-23 as submitted:

RESOLUTION #82-23

WHEREAS, the Town of Clinton tax assessor requires the hiring of one Part-Time Field inspector, and;

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

WHEREAS, the Tax Assessor and Business Administrator recommend that the following person be hired to fill the open position at a rate of \$8,086.39 per year;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Robert Jobmann to fill the open position of Part-Time Field inspector effective April 13, 2023.

Vote all ayes
Motion Carried

PUBLIC HEARING OF ORDINANCE #23-06 – ENFORCEMENT OF TRAFFIC REGS

A motion was made by Mr. Bruno, seconded by Mr. Perloff, to open the public hearing of Ordinance #23-06:

ORDINANCE # 23-06

ORDINANCE AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS UPON
THE PRIVATE OR SEMI-PUBLIC ROADWAYS AND PARKING AREAS
WITHIN BLOCK 3, LOT 2 (111 W. MAIN STREET)

Vote all ayes
Motion carried

There being no more public comment, a motion was made by Mr. Traphagen, seconded by Mr. Kashwick, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Johnson seconded by Mr. Traphagen, to adopt Ordinance #23-06 on final reading.

ROLL CALL: AYES: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #23-08 CAP ORDINANCE – SECOND READING 04-26-23

A motion was made by Mr. Perloff, seconded by Mr. Bruno, to introduce ordinance #23-08 as submitted:

THE MUNICIPAL BUDGET APPROPRIATION LIMITS

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Clinton in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 39,736.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Clinton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Town of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 139,078.63 and that the CY 2023 municipal budget for the Town of Clinton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

CORRESPONDENCE - None

REPORTS OF COUNCIL

Police Chief Cory Kubinak - No Report

Richard Phelan – Bus.Adm. – No Report

Kathy Olsen, Chief Financial Officer – No Report

Councilman Perloff

Clinton Guild:

1. Guild is requesting to have some of their information on our website.
2. They had a very successful scavenger hunt through town even through the rain.
3. An Events Committee is meeting this Thursday to go over some upcoming events. They are collaboration with Recreation Committee for car pool cinema. The main one is Cruising in Clinton to be held April 23 for Autism Awareness. A car show line up down Main Street and East Main Street. Mr. Perloff will keep the council updated.
4. Police Chief Kubinak joined the last meeting to discuss closing Lower Center Street for the Friday Come Together Music regularly.
5. Their next meeting is April 20th.

Economic Development:

1. They are focusing on the website and what their role is in the development of the Town and how they should be communicating to the public.
2. Their next meeting is April 24.

Recreation:

1. The flashlight egg hunt was awesome. There was a terrific turnout. A special thanks to Christine Tuxhorn, Liz Hedden, Rachel Young, and the whole committee. It was a tremendous amount of work to fill over \$3,000 eggs.
2. A thanks to Clinton United Methodist Church as well. They held their Easter Egg Hunt at the Community Center on the same day as the scavenger hunt. The weather was rainy but ended when the event was to begin, that was fantastic. A special thanks to Mayor and Council for being there as well as Congressman Kean to support the event.
3. Their next meeting is April 27th.

A quick note for Buildings and Grounds and Recreation, we lost a baseball league who was interested in playing at Gebhardt Field for the season but they felt the field to be unsafe. They said it was unplayable and they will go back to Bundt Park. Mr. Perloff offers his services and he knows other residents who would like to get involved and help with different things like this. On another note, there is a baseball team playing on the field on April 29th. The public works employees are in the process of getting the field in shape for the season.

Councilman Kashwick

Platinum Club:

1. The Club met on March 27. Nicole Piazza from Nourish to Heal gave a presentation to the seniors about nutrition.
2. Their brunch is scheduled for June 4th.

The Raritan River Cleanup Day as a reminder is this Saturday at 9:00am. Volunteers are still needed if anyone would like to help out. A big thanks to Mary Jo Kurtiak and Veronique Lambert for organizing it this year.

Green Team

1. Met for the first time last night
2. Discussed the river cleanup and planning few other events for spring and summer.
3. They continue working on the Sustainable Jersey Application. This is a non-profit organization that rewards municipalities and acknowledges municipalities for their efforts on sustainability. The town needs 150 points which we have 60 already. The next submission deadline is May 12 where we can definitely get another 90 points by then.
4. Mr. Kashwick would like to submit some resolutions for the next meeting that Mayor and Council may vote on pertaining to Sustainable Jersey acknowledging our intent.

Environmental Commission does not meet till next week.

Shade Tree Commission does not meet till next week. However Mr. Kashwick did meet with Denise Birmingham over at Haver Farm Road to discuss the tree planting. They marked out the planting spot for Arbor Day which is April 28th at 10:00am. The 3rd graders will be there and the public is welcome as well.

Tara St. Angelo, Town Attorney – No Report

Councilwoman Johnson

1. A reminder for those registered for summer recreation half day. The registrations for the Friday trips must be in by next week to secure busing and give the final numbers for the trips. .
2. Local Government Week begins on Sunday April 16th thru April 22nd. The schedule is as follows:
 - Sunday, April 16th - Kindness Rock Painting with the Economic Development Committee
To spread the love throughout Clinton!!
 - Tuesday, April 18th – Children will be at Hunts Mill Park with the Environmental Commission to do some plantings.
 - Thursday, April 20th – Plantings at the Children’s Garden at Hunts Mill Park with the Environmental Commission.
 - Friday, April 21st – Kids Town Hall - Mayor and Council will be visiting CPS students for their own Town Hall Meeting with the 4th graders.
 - Saturday, April 22nd – Touch a Truck will take place at the municipal parking lot from 11am – 2pm. Members from the Fire Department, Rescue Squad and police department will be there with their equipment they use.

3. The Booster Club was planning a kickball tournament for this summer but they are going to push it back to the fall. They have other events coming up such as the Color Run in June.

Councilman Traphagen

1. The Rescue Squad met last night. They had 328 calls for the month of March.

2. The Historic Commission will be meeting next week. There will be some representation this Saturday down at the county because they are having another one of their 250th Anniversary of America meetings to plan for the 250th celebrations in 2026. Members of the Historic Commission would like to know how we can participate in that celebration.

3. The Communication Committee met a couple weeks ago and had a discussion about the newsletter. Mainly because the contract with the vendor is coming up for renewal in September. Mr. Traphagen took over putting the newsletter together and he understands what the former Councilman Humphrey was saying about all the issues he entailed working on the newsletter it does actually take about 30 hours to put together as well as waiting for the articles to be submitted. The town was also to make money from the advertising after the vendor recouped their cost but in actuality that never happened. With the cost of the postage, time to label and tap it was costing the town more. The Communication Committee recommended not to renew the contract and have the format go down to one page to be distributed by the e-mail blast notice system already in place. Instead of sending out a quarterly newsletter it would be a monthly one page notice. This notice will have more up to date information, can highlight something special going on with council, recognize one employee, or feature one committee each month. They feel this would be a better and more relevant newsletter. Anyone who would like a hard copy can have one mailed to them as well. There is another meeting next week and Mr. Traphagen will keep mayor and council informed on their final decision.

Councilman Bruno

1. The Police Building Committee met last week. There have been no decisions made. They are looking at several properties.

2. Buildings and Grounds did not meet this week because it was Good Friday. One resident did reach out to Mr. Fisher about the Route 78 overpass. Mr. Fisher also met with Congressman Kean's office and he is currently putting together a petition for work to be done on the overpass. More information will be coming.

3. The Clinton Fire Department had 24 calls for the month of March, up 4 calls from last year. Mr. Bruno wanted to thank Fire Chief Jeff Hedden who was present at the meeting for all of his serves and for the many times he had to leave family functions. Earlier this evening both were out to dinner at the same place with their families where then there was a service call which was not even a fire call and Mr. Hedden was out the door in a flash. Mr. Bruno just wanted to recognize all the family sacrifices the volunteer firemen make. He really appreciates it.

The Clinton Fire Department was notified last week that they received a grant in the amount of \$105,000 from the Federal Staffing for Adequate Fire and Emergency Response. It can be used for any funds needed for any volunteer intuitive programs, uniforms, gas and any other response expenditures. At the April meeting the following members were elected to the following executive offices: President – Tim Vansalous; Vice President – Bob Hoffman; Secretary – Matt Brown; Treasurer – Scott Wintermute; Trustees- Tim Langston, Jack Daniels, Bill Langston.

Mr. Bruno wanted to point out that Scott Wintermute is taking over for his father, Bill Wintermute, who has served for over several decades and has over 60 years of services in one volunteer capacity or another.

STANDBY AND OVERTIME

A motion was made by Mr. Perloff, seconded by Mr. Bruno, to approve the standby and overtime attached to these minutes for the period of March 17, 2023 to March 30, 2023.

ROLL CALL: AYES: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: AYES: Bruno, Johnson, Kashwick, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #83-23 EXECUTIVE SESSION – PENDING LITIGATION & PROPERTY ACQUISITION

A motion was made by Mr. Perloff, seconded by Ms. Johnson to enter into Executive Session to discuss a matter of potential litigation and property acquisition at 8:10 pm, where action may be taken:

**RESOLUTION #83-23
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.

A motion was made by Mr. Perloff, seconded by Mr. Bruno to come out of Executive Session at 9:49 pm where Council gave Mayor Kovach permission to negotiate a price for property.

Vote all ayes
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Mr. Kashwick seconded by Ms. Johnson to adjourn the meeting at 9:50 pm.

Nancy Burgess, RMC
Municipal Deputy Clerk

Janice Kovach, Mayor