

Due to an Ethics Seminar held December 13, 2011 6:30 p.m. to 8:30 p.m., Mayor Miller called the meeting to order at 8:30 p.m.

Flag Salute.

Roll Call: Present – Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller
Absent: Duffy

STATEMENT OF ADEQUATE NOTICE:

Mayor Miller 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. Pendergast, seconded by Mr. Shea to approve the minutes of the Regular Council Meeting held November 22, 2011 as submitted.

Vote all ayes
2 Abstentions (Insel, Valenta)
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

A motion was made by Mr. Smith, seconded by Mr. Pendergast to accept the monthly reports for the month of November as submitted: Administrator’s Report, Buildings and Grounds Foreman’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Code Enforcement/Housing Officer’s Report, Construction Control / Inspection Report, Fire Office Report for October and November, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Treasurer’s Report, Wastewater Treatment Plants Superintendent’s Report October and November, Water Superintendent’s Report October and November, Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Walter Hetzel, 36 West Main Street, announced that on November 28, 2011, he and Whitney Wetherill were married! Walter wanted to thank Mayor Miller for performing the ceremony and to the Town employees that joined in for the joyous occasion!

MAYOR’S COMMENTS

Mayor Miller planned to comment on Walter and Whitney’s marriage also! It was the nicest day and the nicest couple he had the honor to be preside over. The vows were taken on the front steps of the Leigh Mansion! A round of applause from everyone present!

BANNER REQUESTS - RED MILL MUSEUM VILLAGE

Banner applications were received from the Red Mill Museum Village for nine (9) events to be held in 2012. A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve the dates as requested. At this time the Red Mill is seeking a new curator of events so all the dates proposed may not be needed. If other organizations need some of the banner time, the Red Mill is willing to compromise.

Vote all ayes
Motion carried

RESOLUTION #173-11 – OPEN SPACE FUNDS

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #173-11 requesting that the Hunterdon County Planning Board reserve the Town of Clinton's 2011 open space funds.

RESOLUTION # 173-11

WHEREAS, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Town of Clinton does not have plans to use its portion of the Open Space Trust Fund in 2012 for Open Space and Recreation, and

WHEREAS, the Town of Clinton wishes to reserve its FY 2011 share of the Fund for future open space use.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clinton, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$12,656.86 of the Hunterdon County Open Space Trust Fund collected in 2011 for use in future years.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

Vote all ayes
Motion carried

RESOLUTION #174-11 – AWARD OF CONTRACT TO Z BROTHERS

Engineer, Robert Clerico, has made a recommendation to award the Lower Center Street, Main and East Main Streets Road Improvement Project to Z Brothers. A motion was made Mr. Shea seconded by Mr. Smith, adopting Resolution #174-11 to award the contract as submitted.

RESOLUTION #174-11

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Lower Center, Main and East Main Streets Road Improvement Project on Friday, December 2, 2011 as outlined on the attached bid summary;

WHEREAS, six (6) bids were received as follows:

<u>Contractor</u>	<u>Base Bid Amount</u>
Z Brothers Concrete Contractors Inc., Sayreville, NJ	\$508,470.66
Caro Corp., Florham Park, NJ	\$651,963.00
Tilcon New York, Inc., Wharton, NJ	\$661,130.50
Jonico, Inc., Lambertville, NJ	\$725,133.00
Top Line Construction, Somerville, NJ	\$774,502.96
Reivax Contracting, Harrison, NJ	\$804,795.96

WHEREAS, Robert J. Clerico, Town Engineer, has reviewed the submitted bids and determined that Z Brothers Concrete Contractors Inc., 304 Jernee Mill Road, Sayreville, New

Jersey 08872 submitted the lowest responsive base bid in the amount of \$508,470.66 for the Lower Center, Main and East Main Streets Road Improvement Project and;

WHEREAS, the Town of Clinton has sufficient funds to cover the Bid Contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Bid Contract for the Lower Center, Main and East Main Streets Road Improvement Project be and is hereby awarded to Z Brothers Concrete Contractors Inc., 304 Jernee Mill Road, Sayreville, New Jersey 08872 for their base bid in the amount of \$508,470.66 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Town Engineer.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation Bureau of Local Aid.

ROLL CALL: Ayes: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

RESOLUTION #175-11 – APPLICATION TO THE LOCAL FINANCE BOARD

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution 175-11 authorizing application be made to the Local Finance Board for proposed financing through the 2012 New Jersey Environmental Infrastructure Trust Financing Program as presented:

**RESOLUTION #175-11
RESOLUTION OF THE TOWN OF CLINTON MAKING
APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A.40A:2-26(e) AND N.J.S.A. 58:11B-
9(a)**

WHEREAS, the Town of Clinton (the “Town”) desires to make application to the Local Finance Board for:

(a) the approval of the proposed financings through the 2012 New Jersey Environmental Infrastructure Trust Financing Program for the following projects:

1. The tertiary filter replacement project at the Town of Clinton Wastewater Treatment Plant (the “Wastewater Project”);
2. Water Main Replacement on Leigh Street (Main Street to Center Street), Main Street and East Main Street (New Street to Center Street), New Street (East Main Street to Center Street) and Lower Center Street (Leigh Street to Main Street) (the “Water Main Project”); and
3. Repair and maintenance, including exterior and interior painting, of existing tanks (the “Tank Project” and, together with the Wastewater Project and the Water Main Project, the “Projects”); and

(b) the approval of non-conforming maturity schedules for each of the Projects.

WHEREAS, Town believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;

(c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY TOWN COUNCIL AS FOLLOWS:

Section 1. The application to the Local Finance Board is hereby approved, and the Town’s Bond Counsel, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town is hereby directed to prepare and file copies of the proposed ordinances with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

Recorded Vote

	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Insel		-	-	Duffy
Pendergast				
Shea				
Smith				
Valenta				
Mayor Miller				

Vote all ayes
Motion carried

RESOLUTION #176-11 – MAINTENANCE RESPONSIBILITY OS SAFE ROUTES TO SCHOOL PROJECT

Mr. Naples explained a requirement of funding applications with the New Jersey Department of Transportation is a commitment from the Town of Clinton to maintain the sidewalks within the project area. Mr. Shea the award design stage has been granted and the Town is now applying for a grant for the construction of the project. Mrs. Insel thanked Mr. Naples for his efforts in obtaining the grants. A motion was made by Mr. Shea, seconded by Mrs. Insel, to adopt Resolution #176-11 as submitted:

RESOLUTION # 176-11

RESOLUTION: Commitment by the Municipality for the Maintenance responsibility of
The Safe Routes to School Project

WHEREAS, Route 173 from Main Street (Clinton House) to New Street is in need of Sidewalk Improvements.

WHEREAS, Robert J. Clerico, P.E., Town of Clinton Engineer, has prepared an application and cost estimate for the construction of improvements to this area for sidewalks.

WHEREAS, the funding agency, NJDOT and FHWA require a commitment from the Town of Clinton for the Maintenance of the sidewalks within the project area in order to consider funding of the project.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Clinton formally approved the grant application identified as STS-I-2012-Clinton Town-00096 for the above stated project.

BE IT FURTHER RESOLVED that the Town of Clinton accepts the maintenance responsibility for the sidewalks within the Safe Routes to School project area.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

CORRESPONDENCE

1. A resolution received from the Borough of Glen Gardner for Council's consideration. To support Glen Gardner's efforts to redesign the intersection of Main Street and Route 31 due to serious traffic accidents. Council will present a Resolution in support at the next meeting.
2. Council has received a resignation letter from Rodney Hendricksen. Mr. Hendricksen has been a member of the Planning Board for over three decades. A motion was made by Mayor Miller, seconded by Mr. Smith, to accept Mr. Hendricksen's resignation with regrets. A notice will be placed on the Town website. Interested parties should complete a Citizen Involvement form. Mrs. Insel asked Council to recognize Mr. Hendricksen in a special way and Council quickly agreed! Mr. Hendricksen will be invited to an upcoming meeting.
3. A Citizen Involvement form has been received from Mary Ann Shea, interested in becoming a Member of the Board of Recreation Commission. Mayor Miller announced his appointment of Mrs. Shea.

REPORTS FROM COUNCIL & TOWN OFFICIALS

James T. Naples, PW/Business Administrator

1. Mr. Naples informed Council that he and Chief Matheis met with the FEMA public assistance coordinator and learned that all the funding forms that were sent in were the wrong forms. Now that the correct forms were provided, they will be submitted for funding the damage sustained from the storms in recent months to the Hunterdon Art Museum, the Clinton Fire Department and the residential home on Halstead Street.

Kathy Olsen, CFO

1. Mrs. Olsen alerted Council of a serious situation involving the use of electronic banking and hackers. A separate computer for banking and pay roll should be considered.

Councilman Smith

1. Rescue Squad calls are down compared to the same time last year. Fund raising drives are also reporting lower contributions this year. Eight members are now certified in confined space training.
2. Water Committee will hold their next meeting December 21, 2011 at 8:00 a.m.

Councilman Shea

1. Roads Committee reported that all grant applications have been submitted for projects and plans are progressing.

Clerk Covino

1. Re-organization meeting discussion revisited. Mayor Elect Kovach asked council to consider January 2, 2012 to hold the meeting. Council agreed to hold the re-organization meeting on that date at 5:00 p.m.

Councilwoman Insel

1. Clinton Guild – Downtown District reported a good shopping season. The Guild held special events this year which were a great success such as “Passport to Clinton” and “Doing Clinton”

Councilman Pendergast

1. Sewer Committee discussing hiring a new employee and the Wastewater Treatment Plant Tertiary Filter project.
2. Clinton Fire Department – Mr. Pendergast and Mr. Smith attended the Annual Christmas Dinner and would like to encourage more council members to attend next year. The Fire Department recognized Mr. Pendergast for his grilling talents at their Friday night Grillin’ Fund raisers this summer! Mr. Pendergast is now sporting a sharp new CFD sweatshirt!

Councilwoman Valenta

1. Board of Health will be hosting the Annual Joint Rabies Clinic on Saturday, January 21, 2012 from 8:00 a.m. to 11:00 a.m.
2. Board of Recreation will be hosting the 4th Annual Bonfire on January 21, 2012 beginning at 6:00 p.m. The Committee is seeking private funding for the St. Ann’s Bagpipers.
3. School Board – attended a recent school board meeting where discussions about the fatality on Route 31 surfaced.

RESOLUTION # 177-11 – TRANSFER OF FUNDS

A motion was made by Mrs. Valenta, seconded by Mr. Pendergast, to adopt Resolution #177-11 as submitted.

RESOLUTION – 177-11

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2011, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2011 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Maintenance of Parks – Other Expenses	\$ 2,000.00	
Electric – Other Expenses	\$ 1,000.00	
Street Lights – Other Expenses	\$ 1,000.00	
Planning Board – Other Expenses	\$ 1,000.00	
Solid Waste Disposal – Other Expenses	\$ 5,000.00	
Liability Insurance – Other Expenses	\$ 4,100.00	
Vehicle Maintenance - Other Expenses		\$ 2,500.00
Engineering - Other Expenses		\$ 3,000.00
Emergency Management – Other Expenses		\$ 500.00
Police Department – Other Expenses		\$ 1,000.00
Gasoline – Other Expenses		\$ 7,000.00
Parks & Playgrounds – Other Expenses		\$ 100.00
TOTALS	<u>\$ 14,100.00</u>	<u>\$ 14,100.00</u>

ROLL CALL: AYES: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes November 11, 2011 through November 24, 2011.

ROLL CALL: Ayes: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

A motion was made by Mr. Shea seconded by Mr. Smith to approve the standby and overtime pay attached to these minutes November 25, 2011 through December 8, 2011.

ROLL CALL: Ayes: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

RESOLUTION #- 178-11 – EXECUTIVE SESSION – Potential Litigation/Contract Negotiations

A motion was made by Mr. Shea seconded by Mrs. Valenta to enter into Executive Session at 9:00 p.m. to discuss a matter of Potential Litigation and Contract Negotiations.

**RESOLUTION #178-11
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 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

A motion was made by Mrs. Valenta seconded by Mr. Pendergast to return to the Regular Council meeting at 9:33 p.m.

Vote all ayes
Motion carried

RESOLUTION #179-11 – APPOINTMENT OF PETER JOST, ESQ.

A motion was made Mrs. Valenta, seconded by Mr. Pendergast, to adopt Resolution #179-11 appointing Peter Jost, Esq. to act as special counsel for the Town of Clinton relating to residential tax appeals during the year 2011.

**RESOLUTION # 179-11
RESOLUTION APPOINTING SPECIAL COUNSEL**

WHEREAS, there exists a need for the performance of special legal services during the year 2011 which cannot be handled by the Municipal Attorney; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a Special Counsel without competitive bidding providing that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

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

1. Peter Jost, Esq. is hereby appointed to serve as Special Counsel for the Town of Clinton during the year 2011 in order to provide legal services and advice relating to residential tax appeals for the Town of Clinton.
2. The Clerk and the Municipal Attorney have negotiated with the Special Counsel a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5*.

ROLL CALL: Ayes: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Shea to adjourn the meeting at 9:41 p.m..

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Richard F. Miller, Mayor