

Regular Council Meeting
December 9, 2008

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

Flag Salute.

Roll Call: Present – Insel, Ragozine, Pender, Shea, Mayor Schaumburg
Absent – Duffy, Valenta

STATEMENT OF ADEQUATE NOTICE

Mayor Schaumburg 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 Mrs. Insel, seconded by Mr. Ragozine, to approve the minutes of the regular meeting held on November 25, 2008.

Vote all ayes
1 Abstension (Pender)
Motion carried

APPROVAL OF MONTHLY REPORTS

A motion was made by Mr. Shea, seconded by Mr. Ragozine, to accept the Monthly Reports for the month of November as submitted: Clerk’s Account, Cat and Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plant Superintendent’s Report.

Vote all ayes
Motion Carried

PUBLIC COMMENT - None

MAYOR’S COMMENTS

1. The Mayor commented on the amazing success of the annual Christmas Parade and thanked Frank Hooper, Dan Torrone, and all the volunteers for all their very hard work.
2. The Mayor announced that she has graduated from the “Leadership New Jersey” Program and encouraged Council to apply for this rewarding and educational program. Part of the program included participating in a class project mentoring inner city 7th and 8th graders.

ANNUAL FOOD LICENSE EXEMPTIONS

The Board of Health has submitted their annual request to approve the waiver of food handling license fees for the following establishments:

- Clinton Fire Department
- Clinton Presbyterian Church
- Clinton Public School Board of Education
- Clinton United Methodist Church
- Hunterdon Historical Museum (Kitchen)

The County Health Department honors these waivers and does not bill the Town for their inspections. A motion was made by Mr. Pender, seconded by Mr. Ragozine, to grant the waiver as requested.

ROLL CALL: Ayes: Insel, Shea, Pender, Ragozine, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #133-08-BUDGET TRANSFERS

A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve the transfers between 2008 appropriations as submitted.

ROLL CALL: Ayes: Insel, Shea, Pender, Ragozine, Mayor Schaumburg

Vote all ayes
Motion carried

A motion was made by Mr. Ragozine, seconded by Mr. Shea, to approve page 2 of Resolution #133-08, which pertains to transfer of Water Utility Salary & Wages to Water Utility Other Expenses, as submitted.

ROLL CALL: Ayes: Insel, Shea, Pender, Ragozine, Mayor Schaumburg

Vote all ayes
Motion carried

(A copy of this Resolution is attached to these minutes)

RESOLUTION #134-08 – DISCHARGE OF MORTGAGE

A motion was made by Mr. Pender, seconded by Mrs. Insel, to adopt Resolution #134-08 authorizing the Mayor to execute a Discharge of Mortgage for the Estate of Frances M. Beattie.

ROLL CALL: Ayes: Insel, Shea, Pender, Ragozine, Mayor Schaumburg

Vote all ayes
Motion carried

(A copy of this Resolution is attached to these minutes)

Regular Council Meeting

December 9, 2008

WATER REFUND

Water Collector, Nancy Burgess, is requesting a refund to Deborah La Flamme, Account #2782, in the amount of \$87.95. A motion was made by Mr. Ragozine, seconded by Mr. Shea, to approve the refund as requested.

ROLL CALL: Ayes: Insel, Pender, Ragozine, Shea, Mayor Schaumburg

Vote all ayes
Motion carried

CORRESPONDENCE - None

REPORTS FROM COUNCIL AND TOWN OFFICIALS

Robert A. Cutter, PW/Business Administrator

1. Recycling numbers continue to rise in November.
2. Gasoline usage is still down from the previous month.
3. Leaf collection should be completed this week. Chipping will resume.

Mayor Schaumburg

1. Police Department renovations are coming along extremely well.
2. New Town Banners are up and look great. A letter will be sent to all Town commercial businesses with information on how they can participate.

Councilman Shea

1. Roads Committee Meeting changed to December 16, 2008 at 8:30 a.m.
2. Attended SWAC Meeting with Councilman Elect Pendergast and participated in a discussion on the County's efforts to encourage people to recycle by providing educational materials and the accessibility of trash and recycling receptacles.
3. During the Clinton Guild Meeting a discussion was held regarding the potential of utilizing a consultant to help market the Town. The Mayor encouraged the Guild to bring their proposals to Council for their consideration.

Attorney Richard Cushing

1. Attorney Cushing updated Council on the status of Special Counsel, William Brinton, and his comments with respect to the Town's Sign Ordinance and will be providing a memo to Council on this issue.

APPROVAL OF STANDBY AND OVERTIME PAY

A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve the standby and overtime pay as submitted for November 14, 2008 through November 27, 2008

ROLL CALL: Ayes: Insel, Pender, Ragozine, Shea, Mayor Schaumburg

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Ragozine, seconded by Mr. Pender, to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Insel, Pender, Ragozine, Shea, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #135-08 EXECUTIVE SESSION – LITIGATION AND PERSONNEL

A motion was made by Mr. Pender, seconded by Mr. Ragozine, to enter into Executive Session to discuss Litigation and Personnel at 8:05 p.m.

Vote all ayes
Motion carried

Public action will be taken upon returning to the Regular Council Meeting.

(A copy of this Resolution is attached to these minutes)

A motion was made by Mr. Pender, seconded by Mr. Ragozine to come out of Executive Session and return to the Regular Council Meeting at 8:15: p.m.

Vote all ayes
Motion carried

(A copy of this Resolution is attached to these minutes)

RESOLUTION #136-08 – COMBE LANDFILL – PAYMENT AND EXECUTION OF RELEASES

A motion was made by Mr. Ragozine, seconded by Mr. Pender, authorizing the settlement payment and execution of releases in the consolidated actions entitled United States of America V. Beckman Coulter, et als, and New Jersey Department of Environmental Protection V. American Thermoplastics Corp., et als., as follows:

1. The Mayor, Clerk and other necessary municipal officials are hereby authorized to execute a limited release with Travelers Casualty and Surety Company.
2. The Mayor, Clerk and other necessary municipal officials are hereby authorized to execute a limited release with Hartford Fire Insurance Company.
3. The Mayor, Clerk and other necessary municipal officials are hereby authorized to make settlement payment on behalf of the Town in the amount of \$29,468.36.

Regular Council Meeting

December 9, 2008

ROLL CALL: Ayes: Insel, Pender, Ragozine, Shea, Mayor Schaumburg

Vote all ayes
Motion carried

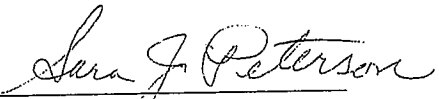
It should be noted that the payment in the amount of \$29,468.36 was not in the Town's budget for the year 2008 and the Town was able to provide the funds to pay this amount through budget transfers.

(A copy of this Resolution is attached to these minutes)

ADJOURNMENT

There being no further business, a motion was made by Mr. Pender, seconded by Mr. Ragozine, to adjourn the meeting at 8:20 p.m.

Vote all ayes
Motion carried



Sara J. Peterson, RMC
Deputy Clerk

Christine Schaumburg, Mayor

RESOLUTION - 133-08

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 2008, 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 2008 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

| | <u>From</u> | <u>To</u> |
|--------------------------|---------------------|--------------------|
| Solid Waste Disposal | | |
| Other Expenses | \$ 2,000.00 | |
| Employee Group Insurance | | |
| Other Expenses | \$ 15,000.00 | |
| Municipal Clerk | | |
| Other Expenses | \$ 3,500.00 | |
| Tax Assessment | | |
| Other Expenses | \$ 1,000.00 | |
| Planning Board | | |
| Other Expenses | \$ 3,000.00 | |
| Vehicle Maintenance | | |
| Other Expenses | \$ 5,000.00 | |
| Parks & Recreation | | |
| Other Expenses | \$ 4,500.00 | |
| Parks & Recreation | | |
| Salary & Wages | \$ 8,000.00 | |
| Streets & Roads | | |
| Salary & Wages | \$ 10,000.00 | |
| Maintenance Parks | | |
| Other Expenses | \$ 4,000.00 | |
| Legal | | |
| Other Expenses | | \$55,000.00 |
| Engineering | | |
| Other Expenses | | \$ 500.00 |
| Buildings & Grounds | | |
| Other Expenses | | \$ 500.00 |
| TOTALS | <u>\$ 56,000.00</u> | <u>\$56,000.00</u> |

2.

| | <u>From</u> | <u>To</u> |
|---------------------------------|--------------|---------------------|
| Water Utility Salary & Wages | \$ 30,000.00 | |
| Water Utility Other Expenses | _____ | <u>\$ 30,000.00</u> |
| TOTALS | \$ 30,000.00 | \$ 30,000.00 |

Mayor Christine Schaumburg

Adopted:

December 9, 2008

Municipal Clerk

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 134-08

A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE

WHEREAS, Frances M. Beattie purchased a home at 19 Rolling Hills Road, Clinton, New Jersey, on March 8, 2002; and


WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton; and


WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Frances M. Beattie executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on March 28, 2002 in Mortgage Book 2180 on page 471; and

WHEREAS, Frances M. Beattie died, testate, a resident of Hunterdon County on July 29, 2008, and John D. Beattie was appointed Executor of the Estate of Frances M. Beattie by the Hunterdon County Surrogate's Court; and

WHEREAS, on November 24, 2008, the Estate of Frances M. Beattie sold the said property to Cynthia M. McGuire, who has executed a mortgage to the Affordable Housing Authority, which has been duly recorded;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by the late Frances M. Beattie to the Town of Clinton Affordable Housing Authority.


CHRISTINE SCHAUMBURG, Mayor


CECILIA COVINO, Town Clerk

Date: December 9, 2008

Prepared by

Lori Kopf MacWilliam, Esq.

DISCHARGE OF MORTGAGE

A certain Mortgage dated March 8, 2002, was made by

FRANCES M. BEATTIE

to

THE TOWN OF CLINTON
AFFORDABLE HOUSING AUTHORITY

This Mortgage was made to secure payment of \$0.00 and interest. It was recorded or registered in the office of the county recording officer of Hunterdon County, New Jersey, on March 28, 2002 in Mortgage book 2180, page 471.

This Mortgage has been PAID IN FULL or otherwise SATISFIED and DISCHARGED. It may now be discharged of record. This means that this Mortgage is now canceled and void.

I sign and CERTIFY to this Discharge of Mortgage on December 9, 2008.

Witnessed or Attested By:

Cecilia Covino
CECILIA COVINO, RMC
Town Clerk

Christine Schaumburg
CHRISTINE SCHAUMBURG
Mayor of the Town of Clinton

STATE OF NEW JERSEY
COUNTY OF HUNTERDON: SS

I CERTIFY that on December 9, 2008,

Cecilia Covino personally came before me and stated under oath to my satisfaction that:

- (a) this person is the Clerk of the Town of Clinton, the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the Mayor of the Town of Clinton;
- (c) this document was signed and delivered by the Town of Clinton as its voluntary act duly authorized by a proper resolution of its Mayor and Council;
- (d) this person knows the proper seal of the corporation which was affixed to this document;
- (e) this person signed this proof to attest to the truth of these facts.

Cecilia Covino
Cecilia Covino, Attesting Witness

Signed and sworn to before me
this 7th day of December, 2008

Kathleen Maguire Olsen
Name:
Notary Public of State of New Jersey
My commission expires:

RECORD AND RETURN TO :

KATHLEEN MAGUIRE OLSEN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 15, 2011

Walter N. Wilson, Esq.
148 Main Street
Lebanon, NJ 08833

TOWN OF CLINTON
RESOLUTION #135-08

BE IT RESOLVED, by the Mayor and Town Council of the Town of Clinton, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

LITIGATION AND PERSONNEL

Sara J. Peterson, Deputy, RMC
Deputy Clerk

Date of Adoption: December 9, 2008

TOWN OF CLINTON
RESOLUTION NO. 136-08

A RESOLUTION AUTHORIZING SETTLEMENT AND EXECUTION OF
RELEASES IN THE CONSOLIDATED ACTIONS ENTITLED UNITED STATES OF
AMERICA V. BECKMAN COULTER, ET ALS. AND NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION V. AMERICAN THERMOPLASTICS CORP.,
ET ALS.

WHEREAS, certain claims have been asserted against the Town of Clinton (the "Town") in the consolidated actions entitled United States of America v. Beckman Coulter, Inc., et als., Civil Action No. 98-4812 (WHW) and New Jersey Department of Environmental Protection v. American Thermoplastics Corp., et als., Civil Action No. 98-4781 (WHW) pending in the United States District Court for the District of New Jersey (the "Litigation") regarding alleged environmental contamination at the Combe Fill South Landfill in Chester, New Jersey ("Site"); and

WHEREAS, certain Third-Party Defendant municipalities, school boards, school districts, colleges, park commissions and housing authorities, including the Town are members of a group known as the Municipal Group in the Litigation; and

WHEREAS, the Municipal Group on behalf of its members engaged in settlement negotiations with the United States Department of Justice and the State of New Jersey ("Governmental Plaintiffs") under the supervision of the Honorable Esther Salas, United States Magistrate Judge; and

WHEREAS, the Town executed an escrow agreement and partial consent decree in order to settle the suit on behalf of the Town.

WHEREAS, the escrow agreement and partial consent decree require the Town to pay a total of \$368,354.58 in settlement of the Litigation with the Governmental Plaintiffs; and

WHEREAS, certain insurance coverage is available to the Town for payment of the settlement of the Litigation, but the insurance coverage is incomplete; and

WHEREAS, due to incomplete insurance coverage the Town must pay \$29,468.36 of the \$368,354.58 settlement in order to resolve the Litigation; and

WHEREAS, certain insurance carriers are requiring that the Town execute limited releases in exchange for settlement payment; and

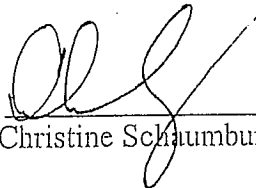
WHEREAS, the Mayor and Council are authorized under N.J.S.A. 40A:62-1, et seq. to adopt resolutions for any purpose required for the government of the municipality


or for the accomplishment of any public purpose for which the municipality is authorized to act under general law; and

WHEREAS, the Governing Body recognizes that the settlement of the Litigation is in the best interests of the Town and desires to effectuate settlement with the governmental plaintiffs, and with the insurance carriers in accordance with the negotiated terms.

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

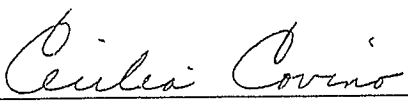
1. The Mayor, Clerk and other necessary municipal official is hereby authorized to execute a limited release with Travelers Casualty and Surety Company.
2. The Mayor, Clerk and other necessary municipal official is hereby authorized to execute a limited release with Hartford Fire Insurance Company.
3. The Mayor, Clerk and other necessary municipal official is hereby authorized to make settlement payment on behalf of the Town in the amount of \$29,468.36.
4. This resolution shall take effect immediately.


Christine Schaumburg, Mayor


Cecilia Covino, RMC/CMC
Town Clerk

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a resolution adopted by the Town Council of the Town of Clinton at a meeting of said Town Council conducted on December 9, 2008.


Cecilia Covino, RMC/CMC
Town Clerk