

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

Flag Salute.

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

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 Mr. Smith, seconded by Mr. Shea, to approve minutes of March 8, 2011 as submitted.

Vote all ayes
1 Abstention (Mayor Schaumburg)
Motion carried

A motion was made by Mrs. Insel, seconded by Mr. Duffy, to accept the Budget meeting minutes of March 9, 2011 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS

A motion was made by Mr. Smith, seconded by Mr. Duffy, to accept the monthly reports for the month of February as submitted: Wastewater Treatment Plant Collector’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS – None

FARMER’S MARKET DISCUSSION

Mayor and Council addressed a proposal to have a Farmer’s Market which would take place during the summer months in the Town of Clinton. Mayor Schaumburg remarked that it is a great idea for the Town, for residents and merchants alike, however, the question is, where to have it?

Mr. Shea commented that North Plainfield has one every Sunday and it is very beneficial to the area. Mrs. Valenta and Insel agreed. Harvey Finkel, of the Clinton Book Shop, 12 East Main Street, attended this evening’s meeting with many supporters of a Farmer’s Market in Town. Mr. Finkel first started planning last year to have the market and did extensive research since that time. He suggested setting up in front of his store on Sunday mornings when businesses on Old Highway 22 are closed which would allow for parking. Mr. Finkel stated there is grant money available through USDA to “market markets”! Mr. Finkel also has guidelines and checklists that can help with the process. Frances Versprille, 9 Leigh Street, expressed her support for the market. Chief Matheis was on hand tonight to discuss the proposal and suggested getting together with the group and look at different locations. The Chief was concerned about having the market on Old 22 because of traffic. Councilwoman Insel agreed to be the liaison to Council. To be continued.....

INTRODUCTION OF ORDINANCE #11-07 – CAP BANK

Mrs. Olsen, CFO, explained the CAP index to Council. A motion was made by Mr. Shea, seconded by Mrs. Insel, to adopt Ordinance #11-07 on first reading as submitted:

ORDINANCE # 11 - 07
CALENDAR YEAR 2011
ORDINANCE TO ESTABLISH A CAP BANK
(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 final budget appropriations to 2.0% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Town of Clinton, County of Hunterdon, hereby determines that this difference in the amount of \$41,291.27 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; 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.

Vote all eyes
Motion carried

A copy of this ordinance will be published in the March 30, 2011 edition of the Hunterdon Review. A second reading and public hearing will be held April 26, 2011.

RESOLUTION #80-11 – ANNUAL BUDGET EXAMINATION

Mrs. Olsen, CFO, explained that the Town of Clinton is in sound fiscal condition to assume the responsibility for a self examination as explained in the resolution.

RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the

Director of the Division of Local Government Services, of conducting the annual budget examination, and

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

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Town of Clinton been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Town meets the necessary conditions to participate in the program for the 2011 budget year, so now therefore

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

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #80-11 as submitted.

Vote all ayes

Motion carried

2011 MUNICIPAL BUDGET

Mayor Schaumburg was happy to announce that the Municipal tax rate will remain flat for 2011. Figures for the County and School have not yet been received. A motion was made by Mr. Shea, seconded by Mr. Smith, to accept the 2011 Municipal Budget for the Town of Clinton. A public hearing will be held April 26, 2011.

Vote all ayes
Motion carried

Copies available in the Clerk's office. Once the 2011 budget is adopted, it will be posted on the Town of Clinton web site. www.clintonnj.gov

STREET BANNER REQUEST

Council is in receipt of a banner application from the Board of Recreation to display the Town Picnic Banner from September 5 through September 12, 2011. The date of the picnic Saturday, September 10, 2011. A motion was made by Mrs. Insel, seconded by Mrs. Valenta, to grant the request as submitted.

Vote all ayes
Motion carried

RAFFLE APPLICATION – RUBBER DUCKY RACE

A raffle application has been received from the Whitehouse Rotary Club to hold the off premise Ducky Race on July 10, 2011 from 12 pm – 3:00 pm. A motion was made by Mrs. Valenta, seconded by Mr. Duffy, to approve the request as submitted.

Vote all ayes
Motion carried

RAFFLE APPLICATION – CLINTON PUBLIC SCHOOL

A 50/50 raffle application has been submitted by the Clinton Public School Partners in Education Foundation, Inc. for two dates in May. On May 24 and May 25, 2011 there will be drawings at the Clinton Public School between 7pm and 10:00 p.m. A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve the request as submitted.

Vote all ayes
Motion carried

RAFFLE APPLICATION – CLINTON PUBLIC SCHOOL

A motion was made by Mr. Smith, seconded by Mrs. Valenta, to approve the raffle license application for June 18, 2011 as submitted.

Vote all ayes
Motion carried

RAFFLE APPLICATION – HUNTERDON ART MUSEUM

A raffle application has been received from the Hunterdon Art Museum to hold a raffle on May 14, 2011 on the grounds of the Museum. A motion was made by Mrs. Insel, seconded by Mr. Shea, to approve the requested as submitted.

Vote all ayes
Motion carried

RESOLUTION #82-11 – AUTHORIZATION TO SIGN AGREEMENT WITH HIGHLANDS

**RESOLUTION #82-11
AUTHORIZATION TO SIGN AGREEMENT
BETWEEN THE TOWN OF CLINTON AND THE HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL REGARDING THE CONSISTENCY DETERMINATION FOR
WATER ALLOCATION PERMIT 5220X-MAJOR MODIFICATION**

WHEREAS the New Jersey Highlands Council has prepared a Water Protection and Planning Council in Support of the Highlands Regional Master Plan Report; and

WHEREAS, the Town of Clinton is located in the Highlands Region with lands lying within the Planning Area, and

WHEREAS, the Town of Clinton has applied to the NJDEP under the Water Supply Management Act for a major modification to Water Allocation Permit 5220X to provide for the addition of a new well (Well 16) to their permitted ground water sources, and

WHEREAS the Highlands Council states that the proposed major modification to Water allocation Permit 5220X is consistent with the Regional Master Plan under certain conditions, and

WHEREAS the agreement has been reviewed by Water Engineer, Andrew S. Holt, P.E., is found to be in order and recommends entering into the agreement with the Highlands Council,

NOW, THEREFORE, BE IT RESOLVED, that upon the review of the agreement and the conditions contained therein, and following the recommendation of Andrew s. Holt, P.E. the Mayor is hereby authorized to execute the agreement between the Town of Clinton and the New Jersey Highlands Water, Protection and Planning Council.

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #82-11 which authorizes the Mayor to sign the agreement with the Highlands Water Protection and Planning Council.

Vote all ayes
Motion carried

RESOLUTION #75-11 – CANCELLATION OF ACCRUED SICK TIME FUNDS

A motion was made by Mr. Shea, seconded by Mr. Duffy, to adopt Resolution #75-11 as submitted:

RESOLUTION # 75-11

WHEREAS, there exists on the books within the Town's Trust Funds an account for Accrued Sick Time; and

WHEREAS, the account is currently over funded for the purpose it is intended;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the amount of \$150,000.00 is hereby cancelled to Trust Surplus.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #76-11 – AWARD OF 2.5 MG WATER STORAGE TANK

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #76-11 awarding the bid for the construction of a 2.5 Million Gallon Water Storage Tank to Natgun Corporation.

RESOLUTION #76-11

WHEREAS, on January 26, 2011, the Town of Clinton received bids from two (2) prospective bidders for the Construction of a 2.5 Million Gallon Water Storage Tank, Phase 1; and

WHEREAS, the bids were received and reviewed by Water Engineer, Andrew S. Holt, P.E. and a recommendation was made for the lowest responsible bidder; and

WHEREAS, the lowest bid was submitted by Natgun Corporation of Wakefield, Massachusetts in the amount of \$1,487,942.00; and

WHEREAS, correspondence has been received from the attorney of the other bidder, Dutchland, Inc. who submitted a bid in the amount of \$1,727,600.00, dated January 27, 2011, January 31, 2011, and March 16, 2011, alleging certain deficiencies in the bid of the low bidder, Natgun Corporation. Upon advice of the attorney for the Town of Clinton, to the extent that any deficiencies exist in the bid of the low bidder, Natgun, the same are not material and are hereby waived by the Town of Clinton; and

WHEREAS, approval dated March 11, 2011 for the award to Natgun Corporation has also been received from the New Jersey Department of Environmental Protection Bureau of Administration and Management;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the Mayor and Clerk be authorized to execute a contract with Natgun Corporation, Wakefield, Massachusetts in the amount of \$1,487,942.00.

Mr. Tom Carmody, 100 Oakwood Drive, Wayne, New Jersey, addressed Council on behalf of Dutchland, Inc., who submitted a bid in the amount of \$1,727,600.00 and has sent correspondence alleging deficiencies in the low bidder, Natgun Corporation's submission. They stated that an out of state notary signed documents and insurance statements were not sufficient. Town Attorney, Richard P. Cushing, informed Council that he has been in touch with the attorney for Dutchland, Inc. in response to correspondence received. An extensive analysis has been completed and Mr. Cushing addressed the concerns raised by Mr. Carmody. However, the concerns raised were waivable items and it is in the best interest of the Town to go with the low bidder, Natgun Corporation, of Wakefield, Massachusetts in the amount of \$1,487,942.00.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #77-11 – SEWER RENTAL FEES

A motion was made by Mr. Smith, seconded by Mrs. Valenta, to adopt Resolution #77-11 establishing the 2011 sewer rates as submitted:

RESOLUTION # 77-11
RESOLUTION ESTABLISHING THE FLAT-RATE SANITARY SEWER RENTAL

WHEREAS, Section 112-10 of the Code of the Town of Clinton provides that an annual flat-rate sanitary sewer rental for each flat-rate sewer rental unit shall be set by resolution adopted by the Town Council; and

WHEREAS, pursuant to statute, sewer rentals shall be set so as to cover the costs of acquisition, construction and operation of sewerage facilities ; and

WHEREAS, due to operating costs, including the cost of electricity, the Sewer Committee has recommended the flat-rate sewer rental stay the same for 2011; and

WHEREAS, the Mayor and Town Council have reviewed this recommendation and find the recommended rate to be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the annual flat-rate sewer rental for each sewer rental unit is set at \$380.00.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #78-11 – 2011 RECREATION FEES

A motion was made by Mrs. Valenta, seconded by Mr. Duffy, to adopt Resolution #78-11 adopting the fees for 2011 as submitted by the Board of Recreation:

**RESOLUTION #78-11
RESOLUTION ESTABLISHING 2011 RECREATION PROGRAM FEES**

WHEREAS, Ordinance #08-01 provides that fees for programs sponsored by the Board of Recreation Commission shall be set yearly by Resolution of the Mayor and Council; and

WHEREAS, the Board of Recreation Commissioners has submitted recommendations to the Mayor and Council as to the fees to be established for 2011; and

WHEREAS, the Mayor and Council have reviewed these recommendations and find the recommended fees to be appropriate

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the following Program Fees are effective for 2011:

Summer Recreation Program Registration Fees:

One Hundred Twenty Five (\$125.00) Dollars per student, One Hundred (\$100.00) Dollars for second child, Seventy Five (\$75.00) Dollars for third child & fourth child for Town of Clinton-Glen Gardner Students

One Hundred Fifty (\$150.00) Dollars per student for Out-of-District Students

Five (\$5.00) Dollar non-refundable fee for each trip

Fifty (\$50.00) Dollars late Registration fee after the cut-off date for accepting Registrations

Tennis Program Registration Fees:

Sixty (\$60.00) Dollars for Clinton Public School Students and Town Residents

Eighty Five (\$85.00) Dollars for out of town residents

Basketball Program Registration Fees:

Eighty (\$80.00) Dollars to Eighty-Five (\$85.00) Dollars per student depending upon grade

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #79-11 – AUTHORIZING APPLICATION TO MERGE DOT GRANTS

Town Engineer, Robert J. Clerico, Van Cleef Engineering, is seeking permission to merge the 2010 and 2011 grants and to extend the date for awarding a contract under the 2010 Grant.

**TOWN OF CLINTON
RESOLUTION # 79- 11**

**RESOLUTION AUTHORIZING AN APPLICATION TO THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION TO
PERMIT THE MERGER OF TWO GRANTS AND THE
EXTENSION OF THE DEADLINE FOR AWARDING A
CONTRACT**

WHEREAS, the Town of Clinton has received two grants from the New Jersey Department of Transportation's ("NJDOT") Municipal Aid Program for road improvement projects: "Main Street & Lower Center Street – FY-2010 Municipal Aid Program -- \$163,000 Grant" ("the 2010 Grant") and "East Main Street – FY 2011 Municipal Aid Program -- \$125,000 Grant" ("the 2011 Grant") (sometimes referred to collectively as "the Grants"); and

WHEREAS, as currently awarded, the Grants would be individually bid, awarded and constructed; and

WHEREAS, the 2010 Grant has a deadline of July 27, 2011 for the award of contract; and

WHEREAS, the Mayor and Council have been advised by the Town Engineer that there would be significant advantages in merging the Grants and bidding both under a single construction project, including that a single project would be more economical, cause less

disruption of the downtown business district through more efficient construction scheduling, and allow for all pavement restoration work to be completed once the new water main replacement project has been completed; and

WHEREAS, the Mayor and Council have been advised by the Town Engineer that a maximum four month extension of the deadline for the award of a contract pursuant to the 2010 Grant may be needed for the following reasons: the Town was delayed in preparing the design and bidding of the 2010 Grant project because of concurrent construction of the Dam & Dike Restoration Project; the Town experienced an unusually large number of water main breaks in 2010 that needed to be addressed prior to the road improvement projects and required additional time to design and fund water main repair; and the Town may require additional time to complete a coordinated design of the projects covered by the Grants; and

WHEREAS, the Mayor and Council have considered the information provided by the Town Engineer and have concluded that it is in the best interests of the public for the Town to request permission from the NJDOT for the Grants be combined to be bid, awarded, and constructed as a single project and approval from the NJDOT for extending the deadline for the award of a contract under the 2010 Grant for four months, from July 27, 2011 to November 23, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton in the County of Hunterdon, that the Town Engineer is hereby authorized to write to the NJDOT on behalf of the Town to request the following: (1) that the 2010 Grant and the 2011 Grant be merged or combined to be bid, awarded and constructed as a single project and (2) that the deadline for the award of a contract under the 2010 Grant be extended for a maximum of four months, from July 27, 2011 to November 23, 2011.

A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve Resolution #79-11 authorizing Mr. Clerico to proceed with the merger of the two Municipal Aid Program Grants .

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #81-11 – TRANSFER OF FUNDS

A motion was made by Mr. Duffy, seconded by Mr. Shea, to adopt Resolution #81-11 as submitted:

RESOLUTION # 81-11

WHEREAS, various 2010 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2010 Budget Appropriation Reserve in the last two months of 2010; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$2,000.00 be made between the 2010 Budget Appropriation Reserves as follows:

| | <u>FROM</u> | <u>TO</u> |
|-----------------------------------|--------------------------|--------------------------|
| Group Insurance Other Expenses | \$2,000.00 | |
| Legal Other Expenses | | \$2,000.00 |
| TOTALS | <u>\$2,000.00</u> | <u>\$2,000.00</u> |

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #11-05 – AMEND FEE SCHEDULE

A motion was made by Mrs. Insel, seconded by Mr. Duffy, to adopt Ordinance #11-05 on first reading as submitted:

ORDINANCE # 11-05

AMENDING SUBSECTION 73-3 A., “SCHEDULE OF FEES AND CHARGES” OF
CHAPTER 73, “FEES” OF THE CODE OF THE TOWN OF CLINTON

WHEREAS, the Town of Clinton is required to conform its copying charges to the recently amended copying charges set forth by the Legislature in N.J.S.A. 47:1A-5.

NOW THEREFORE, BE IT ORDAINED,

that subsection 73-3A, “Schedule of Fees and Charges” of Chapter 73, “Fees” of the Code of the Town of Clinton is hereby amended by deleting the sentences,
“ All other documents where printed copies are available---\$0.50 per page.,” and
“All other documents where printed copies are not available---\$1.00 per page.”
in their entirety and replacing the same by the following:

- (1) A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation.
- (2) Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller.
- (3) Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.07 per legal size page or larger.

- (4) If the Town can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the Town of Clinton shall be permitted to charge the actual cost of duplicating the record.
- (5) Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

If any part or parts of this ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this ordinance. All other parts of Chapter 73 that are not inconsistent herewith are confirmed and ratified.

A copy of this ordinance will be published in the March 30, 2011 edition of the Hunterdon Review. A second reading and public hearing will be held April 26, 2011.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #11-06 – GAMES OF CHANCE

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to adopt Ordinance #11-06 on first reading as submitted:

ORDINANCE # 11-06

AN ORDINANCE TO AMEND CHAPTER 81, “GAMES OF CHANCE”, OF THE CODE OF THE TOWN OF CLINTON

WHEREAS, the Mayor and Council enact certain changes to the Town’s ordinance regarding games of chance.

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

g. Chapter 81 of the Code of the Town of Clinton is hereby amended by adding new sections to the same as follows:

h. A new section 81-7 shall be added to read as follows:

Issuing authority:

The issuing authority for the Town of Clinton responsible for approving bingo and raffle licenses shall be the Municipal Clerk.

i. A new section 81-8 shall be added to read as follows:

Application.

The issuing authority shall approve or deny all applications for bingo or raffle licenses with due expedition after the filing of the application. Applications must be filed with the Municipal Clerk, together with required fees pursuant to law.

The applicant shall demonstrate in writing compliance with the provisions of all applicable laws and regulations.

- j. A new section 81-9 shall be added to read as follows:

Violations and penalties.

Any person violating the provisions hereof shall be subject to a fine of not less than \$100 and incarceration in the county jail for a term not to exceed six months.

- D. A new section 81-10 shall be added to read as follows:

Suspension or revocation of license.

The governing body, pursuant to *N.J.S.A. 5:8-30* and *N.J.S.A. 5:8-57*, may suspend and revoke any issued bingo or raffle license, after a hearing, for any violation of this Chapter or state law. The governing body may suspend the operation of a bingo or raffle pending hearing, in which case a hearing must be held within five (5) days after such action. Notice of a hearing shall be served personally upon an officer of the licensee or the member in charge of the conduct of the bingo or raffle or sent by registered mail or certified mail to the licensee at the address shown on the license. All decisions and findings by the governing body regarding the suspension or revocation of a bingo or raffle license shall be in writing.

- E. Amend Section 81-3 shall read as follows:

Police required

“All games of chance at which the public may obtain admission where the prize (s) total exceeds \$5,000.00 shall be attended by at least one (1) Police Officer of the Town whose duty it shall be to preserve order thereat. The Police Officer(s) shall be assigned by the Chief of Police of the Town. Police Officers assigned shall be paid by the organization that is licensed and conducting the game of chance at the rate of pay and conditions established by the current P.B. A. Contract”.

- F. Amend Section 81-2 shall read as follows:

Hours of Operation.

No licensee authorized by law shall hold, operate or conduct any game of chance at the place where the game of chance is being conducted under any license except between the hours of 12:00 a.m. and 2:00 a.m. the next day.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall only apply to the section, paragraph,

subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and enforceable.

This Ordinance shall take effect upon final passage and publication according to law.

A notice of this ordinance will be published in the March 30, 2011 edition of the Hunterdon Review. A second reading and public hearing will be held April 26, 2011.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Resignation received from Ben Sniecinski, Board of Adjustment member, as he is moving out of Town. A citizen involvement application was received from Ken Carberry, expressing his interest in becoming a member of the Board. A motion was made by Mrs. Valenta, seconded by Mr. Duffy, to accept Mr. Sniecinski's resignation and appoint Mr. Carberry to the alternate #2 position of the Board of Adjustment.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. Chief Matheis informed Council that the gentleman from Clinton Township, Mr. Graber, is back at Pond Ridge picking up trash on his own endeavor. The Chief asked Public Works and the Police to assist when possible.

James T. Naples, PW/Business Administrator

1. Mr. Naples thanked Chief Matheis for preparing for flooding before leaving for vacation recently. The Town fared well, the new dam/dike was put to the test and won!
2. Attended the Clinton Guild meeting with Councilwoman Insel.
3. The new energy upgrades should begin with the next 3 to 4 weeks, new lighting and HVAC.
4. At the last Roads Committee, it was decided to send fliers to all residents and merchants in the Downtown area, advising them of the Main, East Main, Lower Center and Leigh Street project. In addition to roads being worked on, the mains will be televised to survey their condition. Work will take place later in the afternoons.

Councilman Smith

1. Roads – Notification received from the Department of Environmental Protection stating that the Town will not need permits to replace water mains and services on Main, East Main, Lower Center and Leigh Streets.
2. Water – The 2.5 Million Gallon Storage Tank Project is “shovel ready!”

Councilman Shea

1. SWAC – Mr. Shea will be attending a Recycling Breakfast Talk on Friday, April 1, 2011 as A member of the shared services group headed by Freeholder Rob Walton.

Councilwoman Insel

1. Clinton Guild – will be hosting the Easter Bunny’s visit on Saturday, April 16, 2011 from 1:30 pm to 3:30 pm on Main Street.

Councilwoman Valenta

1. Board of Recreation meeting is scheduled for Thursday, March 24th at 7:30 p.m. Lou Tranquilli reported at the meeting that the basketball season went very well.

Councilman Duffy

1. Clinton Fire Department has been working with Clinton Township on shared services combining drills and equipment.
2. Buildings and Grounds – getting quotes on repairing handrails and a roof at the Community Center. The Community Garden is on hold this year with the prospect of the Farmer’s Market.
3. Electronic recycling – no longer accepted with the garbage, the Town will be having a dumpster located at the Treatment Plant for disposal. Scrap metal will also be accepted. The dumpster will be placed inside the gate to prevent misuse. The Town will receive 50% on all scrap and will increase recycling figures. There is no cost to the Town.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Duffy seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes for March 4 through March 17, 2011.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith, Valenta, Mayor Schaumburg

Vote all ayes
Motion carried

RESOLUTION #83-11 – EXECUTIVE SESSION – Contract Negotiations and Potential Litigation

A motion was made by Mrs. Insel, seconded by Mr. Duffy to enter into Executive Session at 8:20 p.m. to discuss matters of Contract Negotiations and Potential Litigation.

Vote all ayes
Motion carried

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.

A motion was made by Mr. Smith, seconded by Mrs. Insel, to return to the regular council meeting at 8:28 P.M.

ADJOURNMENT: There being no further business, a motion was made by Mr. Smith seconded by Mrs. Insel, to adjourn the meeting at 8:35 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Christine Schaumburg