

Councilman Smith called the meeting to order at 7:30 p.m.

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Councilman Smith 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 Mrs. Insel, to approve minutes of April 12, 2011 as submitted.

Vote all ayes
1 Abstention (Valenta)
Motion carried

PUBLIC COMMENT

In response to a request posed at the last meeting by Whitney Wetherill, 36 West Main Street, the Roads Committee met and discussed her request for a designated crosswalk leading from the Clinton Fire Department parking lot to East Main Street. Mr. Shea, Chairman of the Roads Committee, said it would not be possible to install a crosswalk at this time due to new ADA regulations which require new angles of curb ramps at corners and the possibility of having to install new sidewalks. The Town Engineer is studying the present conditions and will provide a cost estimate.

MAYOR’S COMMENTS

1. Councilman Pendergast reported that Mayor Schaumburg sends her regrets for not attending this evening’s meeting, however, she is representing the Town of Clinton with her attendance at the New Jersey Conference of Mayors.

EAGLE SCOUT PRESENTATION – MATT SINGER

Jim Naples, PW/Business Administrator, introduced Eagle Scout, Matt Singer, and his mother, Heidi. Mr. Naples has been meeting with Matt to discuss his proposed Rain Garden Project to be located at DeMott Pond. Mr. Naples said that Matt has gone above and beyond expectations in his planning this project. When asked for his input, Mr. Naples provided a few changes which increased the benefits of this project.

Scout Singer proceeded to display a tri-fold display of his proposal and distributed copies of his project description to all Council members. Matt’s goal:

Rain Garden: “The project I plan to do is help my town by creating a rain garden near DeMott Pond. This project will include sizing, shaping, layout, excavating and planting of the Rain Garden. It will also involve researching and acquiring the proper materials such as, soil mix, mulch, native plants and aesthetics. I will demonstrate leadership by showing the scouts and helpers, where to execute the tasks, such as digging or planting and supervising all aspects of the project.”

Matt provided a detailed outline of the steps he intends to follow, determining soil type, rain garden depth, size and shape and the plants he will use. Plants will be perennials that will bloom throughout May until October in a variety of colors! Matt's extensive research is bound to produce a successful project and we wish him much success! He will emphasize water conservation while beautifying an area of our Town and providing a sanctuary for humming birds, butterflies and animals. We look forward to seeing Matt and his crew late May, early June, with shovels in hand!!

PUBLIC HEARING – ORDINANCE #11-05 – AMENDMENT TO FEE SCHEDULE

A motion was made by Mrs. Insel seconded by Mr. Shea, to open the public hearing of Ordinance #11-05:

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

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mrs. Insel seconded by Mr. Pendergast to adopt Ordinance #11-05 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING – ORDINANCE #11-06 - GAMES OF CHANCE

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to open the public hearing of Ordinance #11-06:

ORDINANCE #11-06

AMENDING CHAPTER 81, "GAMES OF CHANCE" OF THE TOWN OF CLINTON

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mrs. Insel, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Ordinance #11-06 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #11-07 – CAP BANK

Kathy Olsen, CFO, explained that the State allows municipalities a 2% increase and up to 3% by adopting this ordinance. The Town has stayed within the 2% therefore the difference between 2% and 3% goes into a CAP Bank.

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta to open the public hearing of Ordinance #11-07:

ORDINANCE #11-07
ORDINANCE TO ESTABLISH A CAP BANK FOR
CALENDAR YEAR 2011

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mrs. Insel, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Ordinance #11-07 on final reading.

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

Vote all ayes
Motion carried

2011 MUNICIPAL BUDGET

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to open the public hearing of the 2011 Municipal Budget.

Vote all ayes
Motion carried

Municipal Auditor, Paul Freda, attended this evening's meeting to discuss the budget and answer any questions that may arise. He stated that his firm, Suplee, Clooney & Company, reviewed the budget and reported that the Town has stayed below the 2% cap levy. There being no questions from Council or the public, a motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt the 2011 Municipal Budget as submitted.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #11-08 – IMPROVEMENTS TO WATER UTILITY

A motion was made by Mr. Pendergast, seconded by Mr. Shea to adopt Ordinance #11-08 on first reading as submitted:

ORDINANCE # 11-08
BOND ORDINANCE PROVIDING FOR IMPROVEMENTS
TO THE WATER UTILITY IN AND BY THE TOWN OF
CLINTON, IN THE COUNTY OF HUNTERDON, NEW
JERSEY, APPROPRIATING \$1,035,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,035,000 BONDS OR
NOTES OF THE TOWN FOR FINANCING THE COST
THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,035,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Town, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,035,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the water utility, consisting of the replacement of water mains along Lower Center Street, Main Street, East Main Street, New Street and Leigh Street, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,035,000, but that the net debt of the Town determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

Mr. Naples explained the need for this ordinance. The Town recently received two grants for resurfacing Main Street, East Main Street and Lower Center Street and have decided that prior to work beginning, that it would be logical to replace the existing old water mains and to examine the sanitary sewers. A loan through NJEIT will provide very low interest rates.

A notice will be published in the May 4, 2011 edition of the Hunterdon Review. A second reading and public hearing will be held May 24, 2011.

RESOLUTION #89-11 – CANCELLATION OF FUNDS

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to adopt Resolution #89-11 as submitted:

RESOLUTION #89-11

WHEREAS, certain Capital appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be removed from the Town's books;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the following unexpended balances be cancelled:

General Capital

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Purpose</u>	<u>Amt.-Unfunded</u>
05-17	11/22/05	Ladder Truck	\$148,131.91
08-11	8/26/08	Clinton Knolls Phase II	\$100,051.11

Water Utility Capital

02-12	8/13/02	Imp. To Water System	\$ 178.41
08-09	7/30/08	Clinton Knolls Phase II	\$316,050.86

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

Vote all ayes
Motion carried

RESOLUTION #90-11 – CANCELLATION OF FUNDS

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to adopt Resolution #90-11 as submitted:

RESOLUTION #90-11

WHEREAS, certain Capital appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the following unexpended and dedicated balances of Capital Improvement Appropriations be cancelled to their respective Capital Improvement Funds:

Water Utility Capital

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Purpose</u>	<u>Amt.-Funded</u>
09-02	4/14/09	Well Reconstruction and Rehabilitation	\$ 850.00
10-03	2/23/10	Pipe Replacements	\$ 1,181.43

Sewer Utility Capital

07-01	2/13/07	Imp. Sewer System	\$ 198.97
08-10	8/26/08	Clinton Knolls Phase II	\$ 58,795.00
11-1	2/8/11	Filter Replacement Proj.	\$173,000.00

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

Vote all ayes
Motion carried

RESOLUTION #91-11- 2011 SALARY

A motion was made by Mr. Shea, seconded by

2011 SALARY RESOLUTION

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

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2011:

<u>POSITION</u>	<u>SALARY</u>
Mayor	5,200.00
Council Members	4,700.00
Town Clerk	39,352.77
Assessment Search Officer	1,134.14
Collector of Taxes	2,652.00
Deputy Tax Collector	13,645.25
Tax Search Officer	1,123.23
Collector of Water Rents	48,272.74
Collector of Sewer Rents	25,327.61
Chief Financial Officer	28,320.55
Deputy Treasurer	10,996.49
Treasurer of Water Utility	19,099.99
Treasurer of Sewer Utility	18,441.36
Finance Assistant #1	27,989.83
Finance Assistant #2	20,535.84
Secretary to Planning Board	7,268.35

Secretary to Board of Adjustment	7,268.35
Secretary to Board of Health	2,042.51
Registrar of Vital Statistics	2,042.51
Superintendent of Water Department	68,015.84
Superintendent of Wastewater Treatment Plant	89,646.73
Laboratory Supervisor/Manager	72,296.20
Public Works Foreman	35.67
Wastewater Treatment Plant Foreman	32.44
Water Department Foreman	27.32
Buildings & Grounds Foreman	26.48
Chief of Police	109,262.40

2.

School Crossing Guard	19.51
Emergency Management Coordinator	1,285.93
Building Sub-Code Official	4,000.00
Fire Sub-Code Official	1,500.00
Fire Inspector	1,000.00
Plumbing Sub-Code Official	7,368.94
Construction Control Official	22,916.02
Zoning Officer	1,260.72
Fire Prevention Officer	15,130.17
Code Enforcement/Housing Officer	12,597.18
Electric Sub-Code Official	5,203.69
Construction Official	6,828.90
Building Inspector	2,101.20
Janitor Community Center	16.93
Stand-by Rate	5.00
Mileage	Per IRS Regulations
Longevity Pay – After Five Years	2% of Base Pay
Longevity Pay – After Ten Years	3% of Base Pay
Longevity Pay – After Fifteen Years	4% of Base Pay

The foregoing resolution shall take effect immediately upon passage and publication thereof according to law.

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

Vote all ayes
Motion carried

RESOLUTION #92-11 – LEASE OF 2011 DODGE CHARGER

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to adopt Resolution #92-11 as submitted:

RESOLUTION #92-11

WHEREAS, the Town of Clinton wishes to lease/purchase a Police Vehicle from an authorized vender under the Cranford Co-op 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, Warnock Fleet has been awarded the Cranford Co-op Contract #101 Item #8 effective October 1, 2010 to September 30, 2011; 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 Police Vehicle is expected not to exceed \$25,418.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$9,805.68 under the 2011 Water Utility Budget, Other Expenses, and the balance pending funding in subsequent budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Warnock Fleet be awarded a contract for the lease/purchase of a Police Vehicle.

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

Vote all ayes
Motion carried

MUNICIPAL CLERKS WEEK'S PROCLAMATION

Councilman Smith read the proclamation declaring Municipal Clerk's Week, May 1 through May 7, 2011. After a few quirky remarks made in jest, a motion was made by Mr. Pendergast, seconded by Mrs. Insel to support the Proclamation!

Vote all ayes
Motion carried

CLINTON UNITED METHODIST CHURCH – WAIVER REQUEST

The Clinton United Methodist Church is requesting a Fire Safety Permit fee of \$42.00 for an event held April 23, 2011. A motion was made by Mr. Shea, seconded by Mrs. Insel, to grant the waiver as requested.

Vote all ayes
1 Abstention (Smith)
Motion carried

BANNER REQUEST

Council is in receipt of a banner request from the South Branch Watershed Association to display a banner announcing the "Treasurers of the South Branch Fair, on June 11, 2011. The banner dates are June 6 through June 13, 2011. A motion was made by Mrs. Insel, seconded by Mrs. Valenta, to approve the request as submitted.

Vote all ayes
Motion carried

BANNER REQUEST

Council is in receipt of a banner request from the Red Mill Museum Village to display a banner from August 29 through September 5 announcing the Wine & Beer Event at the Museum on September 9, 2011. A motion was made by Mrs. Insel, seconded by Mrs. Valenta to approve the request as submitted.

Vote all ayes
Motion carried

A send request from the Red Mill Museum Village to display a banner for the Annual Haunted Mill in October. The dates of the event are October 15, 21, 22, 28, and 29, 2011. The banner dates are October 10 through November 1, 2011. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to approve the request as submitted.

Vote all ayes
Motion carried

CORRESPONDENCE

None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilwoman Valenta

1. Board of Health – The Annual Report from Hunterdon County has been distributed, designating Hunterdon County as the healthiest county in New Jersey.
2. Environmental Commission – Following the decision of Don Goehe to step down as Chairman, Jeff Schaumburg agreed to be the new chair. The Commission met on Monday, April 25, 2011 and has a very positive meeting making plans to be part of the Green Fair at the Red Mill Museum in September. The Commission will present measures of flood control.
3. Board of Recreation – will be hosting the annual Senior Luncheon on Sunday May 15, 2011 beginning at 12:30 p.m.
4. Pete Pender's annual Fishing Derby will be held on Saturday, May 7, 2011 beginning with registration at 8:00 a.m.

Councilman Pendergast

1. SWAC – following a poorly attended SWAC meeting in March, 15 out of 26 municipalities attended the April meeting. A May 31, 2011 road trip to Colgate was discussed.

Councilwoman Insel

1. Smart Growth met and had a very productive meeting. Research is being done by some members to consider an Economic Development Committee. Guest speakers would be invited to address the committee with fresh ideas.
2. Clinton Guild will be hosting the Pansy Festival on Sunday, May 1, 2011. The Girl Scouts and Brownies joined in the planting of the pansies.

Clerk Covino

1. Copies of the 2010 Annual Audit were distributed to the Council for their review.

Councilman Shea

1. Attended a Recycling Program at the County and gave a presentation about our Town's recycling program which is very much respected. Also learned how more rural municipalities handling their programs and a very interested presentation from Somerset County. Thanks to Jim Naples for material and his help in preparing the presentation.
2. Shade Tree – Arbor Day, Friday, April 29, 2011 at 10:00 a.m. on East Main Street. Mr. Shea and the third graders will gather with Lou Spanner, Town Arborist, to plant a cherry tree and pick a name for the tree and read the Proclamation.
3. Roads Committee met and discussed the project process for Lower Center Street, Main and East Main Street. The Committee also discussed with the Roads Engineer topics of the construction elements adjacent to the Art Museum that may be impacted for drainage issues and that may have to be completed before the construction project and before the Museum completes their project.

James T. Naples, PW/Business Administrator

1. Toured Clinton Public School with Board Administrator, Lisa Kraft. As they toured the Facility, they discussed sharing services and professionals.

Councilman Smith

1. Water Meeting – coordination for road project on Lower Center Street, Main and East Main.
2. Rescue Squad – Attending a meeting with the Rescue Squad in Quakertown on Tuesday, May 3, 2011 to discuss sharing services.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Duffy to approve the standby and overtime pay attached to these minutes for April 1 through April 14, 2011.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #- 93-11 – EXECUTIVE SESSION – Potential Litigation – Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 8:21 p.m. to discuss a matter of Potential Litigation and Contract Negotiations.

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: _____)

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 Mr. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 9:02 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Shea seconded by Mr. Pendergast to adjourn the meeting at 9:04 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC

Councilman Robert B. Smith