

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

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast (at 8 pm), Shea, Smith, Valenta  
Absent – Valenta, 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. Shea, seconded by Mrs. Insel, to approve minutes of May 10, 2011 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS – APRIL**

A motion was made by Mr. Duffy, seconded by Mr. Shea to accept the monthly Treasurer’s report for the month of April as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENT - None**

**MAYOR’S COMMENTS - None**

**PUBLIC HEARING OF ORDINANCE #11-08**

A motion was made by Mr. Shea, seconded by Mr. Duffy, to open the public hearing of Ordinance #11-08:

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 THEREFORE AND AUTHORIZING THE  
ISSUANCE OF \$1,035,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE  
COST THEREOF

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Shea, seconded by Mr. Duffy, to close the public hearing.

Vote all ayes  
Motion carried

A motion was made by Mr. Shea, seconded by Mr. Duffy, to adopt Ordinance #11-08 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #11-09 – CAPITAL ORDINANCE**

A motion was made by Mr. Duffy, seconded by Mrs. Insel, to open the public hearing of Ordinance #11-09:

ORDINANCE # 11-09

CAPITAL ORDINANCE OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE SUM OF \$159,500 FROM THE TOWN OF CLINTON CAPITAL IMPROVEMENT FUND AND CAPITAL SURPLUS FUND

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Mr. Duffy, seconded by Mrs. Insel, to adopt Ordinance #11-09 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #11-10 – CAPITAL ORDINANCE**

A motion was made by Mrs. Insel seconded by Mr. Shea, to open the public hearing of Ordinance #11-10:

SEWER UTILITY  
CAPITAL ORDINANCE #11-10

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$137,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Mr. Duffy, seconded by Mr. Shea to adopt Ordinance #11-10 on second reading.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**RESOLUTION #106-11 – CLINTON HOUSE LIQUOR LICENSE**

A motion was made by Mr. Shea, seconded by Mr. Duffy, to approve the Plenary Retail Consumption License, # 1005-33-003-005 for Sidiounda, L.L.C., t/a the Clinton House as submitted:

**RESOLUTION # 106-11**

**WHEREAS**, the Town of Clinton Governing Body is in receipt of an application for the renewal of **PLENARY RETAIL CONSUMPTION LICENSE, #1005-33-003-005** for:

**SIDIROUNDA, L.L.C.  
t/a the CLINTON HOUSE  
2 WEST MAIN STREET  
CLINTON, NEW JERSEY 08809**

**WHEREAS**, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2011, renewal of the above captioned license for the 2011-2012 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes  
Motion carried

**RESOLUTION #107-11 – QUICK CHEK FOOD STORES/SHOPRITE LIQUORS**

A motion was made by Mr. Duffy, seconded by Mrs. Insel, to approve the Plenary Retail Distribution License # 1005-44-001-002 for Shop Rite Liquors as submitted:

**RESOLUTION # 107-11**

**WHEREAS**, the Town of Clinton Governing Body is in receipt of an Application for the renewal of **PLENARY RETAIL DISTRIBUTION LICENSE #1005-44-001-002** for;

**QUICK CHEK FOOD STORES/SHOPRITE LIQUORS  
41, 41 ½ & 43 OLD HIGHWAY ROUTE 22  
CLINTON, NEW JERSEY 08809**

**WHEREAS**, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2011, renewal of the above captioned license for the 2011-2012 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes  
Motion carried

**RESOLUTION #108-11 – AWARD OF CONTRACT**

A motion was made by Mr. Duffy, seconded by Mr. Shea, to adopt Resolution #108-11, awarding the contract for the Leigh Street Water Mains.

**RESOLUTION #108-11**

**WHEREAS**, on April 14, 2011, the Town of Clinton received bids from twelve (12) prospective bidders for the Leigh Street Water Main Replacement; 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 Reivax Contracting Corporation, Harrison, New Jersey in the amount of \$653,131.05, as compared to the Engineer's estimate of \$1,076,991.28; and

**WHEREAS**, an approval dated May 16, 2011 to award to Reivax Contracting Corporation was also 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 Reivax Contracting Corporation in the amount of \$ 653,131.05.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**RESOLUTION #109-11 – CHANGE ORDER # 1**

The Town of Clinton has a job being performed by William Stothoff Company, Inc. for the Construction of Well #16. Mr. Naples explained that NJDEP required an additional monitoring well to be installed in the vicinity of the new Well #16 at a depth of 470 feet below grade but deductions are a result from the reduced depth to which the well needs to be drilled. This change order resulted in a decrease in cost by \$14,415.00. A motion was made by Mr. Duffy, seconded by Mrs. Insel, to approve the Change Order #1 as submitted:

**RESOLUTION #109-11  
CHANGE ORDER NO. 1**

**WHEREAS** the need has arisen for a change order to complete the Construction of Well #16 being performed by William Stothoff Company, Inc. and;

**WHEREAS** an additional monitoring well in the vicinity of the new Well 16 is required per NJDEP requirements, at an estimated cost of \$16,945.00; and

**WHEREAS** deductions to the estimated quantities of the original contract resulting from the reduced depth to which the well needs to be drilled, and

**WHEREAS** Water Engineer, Andrew S. Holt, PE, of Suburban Consulting has reviewed the payment request and considers it to be in compliance with the performance of the contract to recommend the following changes:

<b><u>ITEM NO.</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>COST DECREASE</u></b>	<b><u>COST INCREASE</u></b>
4	12 in. nominal dia. borehole Decreased depth from 410 to 220	\$18,050.00	

9	6 in. dia. 60-slot stainless steel screen Decreased length 350 to 264	7,310.00	
8	6 in dia. Stainless steel blank casing Decreased length 50 to 0	6,000.00	
CO1	Observation Well Installation		\$16,945.00
	Amount of Original Contract	\$249,235.00	
	Total Change Order – decrease	<u>14,415.00</u>	
	Adjusted contract price	\$234,820.00	

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that the Change Order for the Well #16 be approved.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**BANNER REQUEST – CRUISIN’BOB’S CLASSIC CAR SHOW**

A motion was made by Mrs. Insel, seconded by Mr. Shea, to grant the request to Interfaith Hospitality Network and The ARC of Hunterdon County to display a banner promoting Cruisin’ Bob’s Classic Car Show to take place July 17, 2011. The banner will be displayed July 11 through July 18, 2011.

Vote all ayes  
Motion carried

**PERMIT WAIVER REQUEST – BACKFLOW CERTIFICATION FEES**

Requests have been received from the Clinton First Aid & Rescue Squad and the Clinton Public School, to have the fees waived for the Annual Backflow Certifications in the amount of \$65.00 each. A motion was made by Mr. Duffy, seconded by Mr. Shea, to approve the requests as submitted.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**WATER REFUND**

Nancy Burgess, Water Collector, is requesting that a water refund be issued in the amount of \$150.00 to Kathy Silver-Zanetti, account #6062. A motion was made by Mrs. Insel, seconded by Mr. Duffy, to approve the request.

ROLL CALL: Ayes: Duffy, Insel, Shea, Smith

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. Flag Day requests have been received for the Red Mill Museum Village and the Clinton Guild. On Friday, June 10, 2011 at 6:45 p.m., the Guild is requesting that Lower Center Street be closed temporarily for the children’s bike assembly for the Flag Day Celebration.

Chief Matheis explained to Carol Beder, parade organizer, that the road closure had to be a council decision. Chief Matheis explained that it would be for 15 – 20 minutes and that traffic would be halted at the corner from the bridge to enter. Once the parade begins, the bridge traffic will be diverted up Lower Center Street. A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve the request. Mr. Shea agreed to do the opening of the parade with a flag salute.

Vote all ayes  
Motion carried

“Pause for the Pledge” is a Flag Day celebration at the Red Mill which will be held June 14, 2011 with a closing ceremony at 7:00 p.m. Council representation has been requested and Mr. Duffy has agreed to lead the flag salute at 7:00 p.m.

Boy Scout Troop 121 will hold the Flag Retirement Ceremony at DeMott Pond on Tuesday, June 14, 2011 at 6:00 p.m. Councilman Duffy will also be attending the ceremony there. Other Council members are welcome to attend.

2. Flemington Department Store is holding a Hunterdon County Volunteer Appreciation Weekend June 11 and 12, 2011 for Firemen and Rescue Departments.

## **REPORTS FROM COUNCIL & TOWN OFFICIALS**

### **Police Chief Brett Matheis**

Chief Matheis reported on a motor vehicle accident that occurred this afternoon around 3:00 p.m. and tied up traffic in every direction of the Town. The accident has been cleared and traffic should continue now to flow, freeing up the Town limits.

Councilwoman Insel asked the Chief with the threats of tornados in our area lately, are there any plans in place to notify residents such as using sirens? The Chief explained that the sirens are for fire and rescue but if necessary they can be activated. If this extreme weather becomes the norm, he would have to look into the matter more deeply.

### **James T. Naples, PW/Business Administrator**

1. Attended the Smart Growth Meeting and discussed many good ideas about forming an Economic Development Committee.
2. Mr. Naples was happy to announce he passed his test and is now a Municipal Housing Liaison.
3. Attending Recycling training the entire month of May, Mr. Naples will take a test on June 10, 2011.
4. Met with the Mayor and Councilperson from Flemington Borough, discussion continue Regarding joining our Municipal Court. Savings would benefit everyone involved.

### **Kathy Olsen, CFO**

1. Attended the Tax Collector and Treasurer’s Conference, gained important information and several continuing education units.

### **Councilman Shea**

1. Roads Committee discussed the televising of storm drains and water mains and

detected several problem areas on the 30 year old mains located on Lower Center Street. Main Street and East Main were found to be in good condition.

2. Shade Tree Committee did not meet this month. The Town lost a dedicated volunteer and good friend, Don Goehe. Don and Pat Goehe have been a great team and so helpful in Mr. Shea getting his Shade Tree training. Don was the Chairman of the Environmental Commission for 30 years! Don will be missed and never forgotten.

#### **Cecilia Covino, Town Clerk**

Clerk Covino asked members of Council, the Attorney and the Police Chief, if they felt it necessary for everyone to receive a copy of the League of Municipalities monthly magazine. The cost per issue per year is \$16.00 and it was found that the Town pays for the Attorney and the Engineer's issues. The current annual cost is \$240.00. After a brief discussion, it was decided that we will slash the number of issues received down to six issues.

#### **Councilwoman Insel**

1. Councilwoman Insel suggested a memorial of some type in honor of Don Goehe. Suggested planting a tree with a bronze plaque or possibly naming the Rain Garden near DeMott Pond after Don, (Eagle Scout Project). Mr. Smith suggested waiting one month and asking Pat Goehe for her ideas.
2. Smart Growth – Meeting May 19, 2011 at 7:30 p.m. Mr. Naples joined the meeting and gave a fabulous presentation on Economic Development ideas that he experienced in Bridgewater.

#### **Councilman Pendergast**

1. Sewer Committee – meeting Friday, May 27 at 8:00 a.m. at the Treatment Plant.

#### **Councilman Duffy**

1. Clinton Fire Department hosted their first fund raiser clam bake on the Fire Department grounds on Friday, May 20, 2011. 80 dozen clams, burgers and hot dogs were served up! It was a great turnout and the Fire Department is considering holding others in the future.
2. Buildings & Grounds meeting is scheduled for Thursday, May 26, 2011.
3. Attended the Hunterdon County Planning Board “Coffee with the County on Creating a Community Garden” on Wednesday, May 25, 2011. Mr. Duffy, Chair of Buildings and Grounds, attended the session and gathered information to pursue a project such as a Community Garden.

#### **Councilman Smith**

1. Water Committee – Construction on 2.5 MG Storage Tank to begin first week of June.
2. Water Committee discussed a resident's request to waive extraordinary charges incurred by a faulty water softener that kept running in the resident's home. Their bill of \$748.48 remains the responsibility of the customer. They have been advised that it cannot be absolved.
3. Annual water restrictions will be altered to permit power washing. Less water is used power washing than with a hand held device.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Duffy, seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes for April 29 through May 12, 2011.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #- 110-11 – EXECUTIVE SESSION – Potential Litigation – Contract Negotiations**

A motion was made by Mr. Duffy, seconded by Mrs. Insel, to enter into Executive Session at 8:12 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;

  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 \_\_\_\_\_

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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 8:35 p.m.

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Shea seconded by Mrs. Insel to adjourn the meeting at 8:37 p.m..

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC  
Town Clerk

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Councilman Robert B. Smith