

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Mayor Miller read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Smith seconded by Mr. Pendergast, to approve minutes of June 28, 2011 as submitted.

Vote all ayes
2 Abstentions (Duffy, Shea)
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

A motion was made by Mrs. Insel, seconded by Mr. Shea, to accept the monthly reports for the month of June as submitted:

Assessor’s Report, Administrator’s Report, Buildings and Grounds Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Fire Official Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plant Superintendent’s Report, Water Superintendent’s Report, Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

James Smith, Board of Adjustment member and member of the Smart Growth Committee, addressed Council this evening of the prospect of expanding the visions of the Smart Growth Committee. Currently, on the top of the agenda, is the Black Potatoe Festival scheduled for this weekend, Thursday, July 14 through Sunday, July 17, 2011. The Festival has been an annual event in Town for 15 years and organizer, Matt Williams, now feels there is a need to expand The committee has discussed with Matt the potential to keep the cultural event in Clinton with the possibility of expanding to the Art Museum with displays and possibly Gebhardt Field for bands. The Committee discussed starting up a 501-(3) – c, non profit group to get big sponsors and to hire a director to oversee the non-profit organization. The Town would not be required to expend money but may be asked to have police presence and street closures made available. Mr. Williams explained that the operation has run on the work of two people, him and Jack Devany, for years. The Red Mill has always assisted with volunteers, however, they are considering a broader range of volunteers, not just town residents. Smart Growth and Council members Insel, Pendergast and Shea all agreed that this would be an exciting venture for the Town! Mayor Miller thanked everyone for coming and presenting their ideas and asked the Committee to keep us informed as plans progress.

MAYOR'S COMMENTS

1. The 22nd Rubber Ducky Race was held on Sunday, July 10, 2011 and it was great fun! Perfect weather made for the wonderful day! Great prizes and happy winners! This is the 11th year the race was hosted by the Sunrise Rotary which has raised over \$100,000 in their history and have donated to the American Cancer Society.
2. Mayor Miller will be cutting the ribbon at the Farmer's Market on Sunday at 10:00 a.m. to kick off the weekly event. The market will be held every Sunday at the Clinton Fire Department parking lot from 10:00 a.m. to 2:00 p.m.

WATER REFUND

The Water Collector is requesting a refund of \$20.88 to Michael Pizzirusso. A motion was made by Mr. Smith, seconded by Mr. Shea to refund the amount requested.

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

Vote all ayes
Motion carried

WATER REFUND

The Water Collector is requesting a refund of \$259.10 to Clinton Township for Account # 1686. A motion was made by Mr. Smith, seconded by Mr. Pendergast to refund the amount requested.

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

Vote all ayes
Motion carried

PERMIT WAIVER – RED MILL MUSEUM VILLAGE

A request has been made by the Red Mill Museum Village to have the town rescind the fire permit fee in the amount of \$42.00. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to grant the request.

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

Vote all ayes
Motion carried

RESOLUTION #121-11 – CHAPTER 159

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to adopt Resolution #121-11 to insert \$143,200 grant money received from the Highlands Grant into the 2011 Budget.

RESOLUTION – 121-11

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approved the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$143,200.00 from the State of New Jersey and wishes to amend its 2011 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2011 in the sum of \$143,200.00 which is now available as a revenue from:

Miscellaneous Revenues
Special Item of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Highlands Plan Conformance Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$143,200.00 is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from the 2.5% Cap
Public and Private Programs Off-Set by Revenues:
Highlands Plan Conformance Grant:
Other Expenses

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

Vote all ayes
Motion carried

RESOLUTION #122-11 – PERSON TO PERSON TRANSFER - HOLIDAY INN LIQUOR LICENSE

A motion was made by Mr. Pendergast, seconded by Mr. Smith to adopt Resolution #122-11 for the Person to Person transfer of Plenary Retail Consumption License # 1005-36-004-008.

RESOLUTION #122-11
PERSON TO PERSON TRANSFER OF LIQUOR LICENSE

WHEREAS, an application has been filed for a Person-to-Person Transfer of Hotel Exception License Number 1005-36-004-007 heretofore issued to HIC Associates, LLC for premises located at 111 Route 173, Clinton, New Jersey 08809;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 12, 2011, the transfer of the aforesaid Hotel Exception License to A Hunts Mill Associates, LLC and does hereby direct the Town Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: This license, subject

to all its terms and conditions, is hereby transferred to A Hunts Mill Associates, LLC effective July 12, 2011.

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

Vote all ayes
Motion carried

Mr. Gulshan Chhabra, new owner of the Holiday Inn, thanked Council and Chief Matheis for the thorough Police investigation completed by the Department.

RESOLUTION #123-11 – BAN ON FRACKING

A motion was made by Mr. Duffy, seconded by Mr. Shea, to adopt Resolution #123-11 as presented:

**RESOLUTION #123-11
Resolution Calling for a Ban on Fracking**

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, there have been more than a 1,000 documented cases of water contamination near fracking sites; some people who live near these sites can now light their drinking water on fire; and

WHEREAS, wastewater from fracking can contain radioactive elements and has been discharged into rivers that supply drinking water for millions, according to the *New York Times*.

WHEREAS, use of these hydraulic fracturing mixes exposed adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation, and

WHEREAS, the Fracturing Responsibility and Awareness of Chemicals Act (“FRAC Act”), which is currently pending in Congress, would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the wise stewardship of our natural resources involves protection of the Town of Clinton water supplies and water resources for generations to come; and

WHEREAS, protection of the Town of Clinton’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 12th day of July, 2011, the Town of Clinton supports a statewide and national ban on hydraulic fracturing for natural gas, banning the import and disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking;

AND BE IT FURTHER RESOLVED, that the Town of Clinton supports the FRAC Act;

AND BE IT FURTHER RESOLVED that the Town of Clinton will send a letter to our State Representatives, Congressional Representative and Senator Menendez calling for a ban on fracking and asking our federal representatives to join Senator Lautenberg, Congressman Pallone and Congressman Holt as co-sponsors the FRAC Act, H.R. 1084/ S. 587;

NOW, THEREFORE, BE IT ORDAINED, that hydraulic fracturing for natural gas is prohibited within the Town of Clinton.

NOW, THEREFORE, BE IT ORDAINED, that the Town of Clinton will not accept hydraulic fracturing fluids and/or other waste produced by natural gas drilling.]

PASSED, APPROVED, AND EFFECTIVE on this 12th day of July, 2011.

Vote all ayes
Motion carried

WEB SITE POSTING OF THE MASTER PLAN

A request by a Planning Board and Board of Adjustment member to post the Master Plan of the Town of Clinton on the web site has been made. The cost to do so is \$100.00. A motion was made by Mr. Smith, seconded by Mrs. Insel, to proceed with the process of having the Master Plan posted and the expenditure of \$100.00.

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

Vote all ayes
Motion carried

ADDRESSING FORECLOSED AND ABANDONED PROPERTIES

Councilman Pendergast addressed a handout that was distributed by Police Chief Matheis. The guide offers ideas to help policymakers, law enforcement agencies and community partners address the challenges presented by foreclosed and abandoned properties. Mr. Pendergast asked Council members and Attorney Cushing if they had a chance to review the valuable information. A copy was given to Mr. Cushing and will be discussed and the next meeting.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Duffy

1. A fire at 70 Center Street broke out on Thursday, July 7, 2011, with damage to the roof and attic. The fire was manned by volunteer fire departments from Annandale, Quakertown, High Bridge, Raritan, Lebanon, Califon and Washington Borough. At the time of the Fire, Clinton had a couple trucks out of service and with the support of the Mutual Aid Agreement, the fire was extinguished within an hour. Annandale Fire Department also lent a truck to Clinton for the night. An example of teamwork and shared services at its finest! Mr. Duffy suggested a formal letter of thanks be sent to the Annandale Fire Department

Councilman Pendergast

1. North Hunterdon Municipal Court – following the resignation of Mayor Schaumburg, Mayor Stanley Kovach of Glen Gardner stepped up to fill the position as Court Chair. The Court is now at a point to either renew their lease, renegotiate or move. The Court is asking if the Town of Clinton would consider holding court sessions here in the Council Chambers.
2. Mr. Pendergast asked Mr. Naples for the 2011 figures on garbage since changing the solid waste and recycling pick up days. Figures show solid waste is down 20% and recycling figures are up 10%.

Councilwoman Insel

1. Clinton Guild meeting Thursday at 8:30 a.m. Farmer's Market beginning on Sunday, July 17, 2011, from 10:00 a.m. to 2:00 p.m. at the Clinton Fire Department parking lot.

Councilman Shea

1. Electronic dumpsters located at the Treatment Plant have brought in 3,376 lbs of electronic waste.
2. Roads / Water – a recent alignment meeting of the two committees to discuss how to proceed with the Main Street, East Main and Lower Center Street project. It appears that the project will be postponed to a February/March timeframe. A public information meeting for the merchants and residents will be arranged and will also include members of the water, sewer and roads committee as well as the engineer.

Councilman Smith

1. Water Committee – All required monitoring reports have been completed and have received satisfactory standing from the Department of Environmental Protection.

James T. Naples, PW/Business Administrator

1. Buildings and Grounds – Stairs and railings are finished at the Municipal Building. Community Center roof replacement is underway.
2. Leigh Street water main replacement to begin, road closure will be daily for the next four weeks for the first phase of this project.
3. Safe Routes to School grant is ready to put out the Requests for Proposals. Engineer, Robert C. Bogart gave assistance with preparing the RFP. \$225,000 in Federal grant money is available to the Town.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes for June 24 through July 7, 2011.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #- 124-11 – EXECUTIVE SESSION – Potential Litigation – Contract Negotiations – Personnel

A motion was made by Mrs. Insel, seconded by Mr. Pendergast to enter into Executive Session at 8:15 p.m. to discuss a matter of Potential Litigation and Contract Negotiations and Personnel.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, **THEREFORE**, BE IT **RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

_____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof
(Specify contract:

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

 X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the

Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: _____
(estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes
Motion carried

A motion was made by Mr. Smith seconded by Mr. Pendergast to return to the Regular Council meeting at 8:50 p.m. to take action.

Vote all ayes
Motion carried

OFFICER LEON COHEN

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to suspend Officer Leon Cohen without pay. A letter will be sent to Officer Cohen notifying him of council's decision and newspapers will be notified.

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Duffy, to return to the Executive Session to discuss matters of Potential Litigation and Contract Negotiations at 8:52 p.m.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to return to the Regular council meeting in order to adjourn at 9:13 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 9:15 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Richard F. Miller, Mayor