

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

Flag Salute.

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

**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 September 27, 2011 as submitted.

Vote all ayes  
1 Abstention (Valenta)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – SEPTEMBER**

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

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

Vote all ayes  
Motion carried

**PUBLIC COMMENT**

1. Peter Grantham, East Main Street, questioned why there is no sign prior to the approach of the Pony Truss Bridge on Main Street. Hunterdon County, Bridges and Roads Department explained that the painting is being done intermittently on the bridge and is never closed to traffic during the day.
2. Frank Hooper wished to thank the Mayor and Council for recognizing former zoning officer, John Leonard, for his 47 ½ years of service to the Town of Clinton. Mr. Leonard retired in June, 2010. Mr. Leonard was presented with a plaque at the Town Appreciation Dinner held October 2, 2011.
3. Mrs. Yacka questioned the status of the Agway Building and securing the site. It was explained to her that Aurora Bank is still not in complete control of the site, it is still in the hands of Global Ag.

**MAYOR’S COMMENTS**

1. Mayor Miller was proud to announce that a celebration is being planned for the Leigh Mansion this year. The mansion was completed in 1861 by the Leigh family and became the Clinton Municipal Building in 1970. Any suggestions to help with the celebration may be made by contacting the clerk.

**SUNRISE ROTARY PRESENTATION**

Sunrise Rotarians, President Dave Gansfuss, Vice President Lynn Arnold, District Governor Megan Jones-Holt, and Freeholder Matt Holt, attended this evening's council meeting to make a presentation to the Clinton Police Department and Clinton First Aid and Rescue Squad. Representing the Police Department was Chief Brett Matheis and the Squad was represented by Melinda Stortz. Lynn Arnold and Dave Gansfuss held plaques and checks and spoke words of appreciation to Matheis and Stortz, for all their help during the Rubber Ducky Race. The money raised goes to educating people of cancer and increase awareness. Mayor Miller expressed his gratitude to the Rotary for their work. He first met Lynn Arnold when she was working with the American Cancer Society and being a former patient in the Fall of 2002, Mayor Miller was grateful for all that he learned through their efforts.

**RESOLUTION #159-11 - D & D ENTERPRISES, LLC**

Attorney Walter Wilson appeared before Council with his client, Charles Didea, of D & D Enterprises, LLC, to request a temporary certificate of occupancy so that he may start renting the units while completing improvements. Mr. Cushing explained that the Board of Adjustment, as a condition of approval, required the paving of the site in lieu of site plan waiver. The Mayor and Council can conditionally approve a temporary certificate of occupancy if conditions are met with the Board of Adjustment. Mr. Smith stated that he would like to see a performance bond posted with a timeline for paving. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #159-11 as dictated by Mr. Cushing.

**RESOLUTION #159-11  
CONDITIONAL APPROVAL FOR D & D ENTERPRISE, LLC.**

**BE IT RESOLVED** that the Mayor and Council of the Town of Clinton hereby conditionally approve the occupancy of Block 1, Lot 33 owned by D & D Enterprise, LLC, without satisfying the conditions that there be a repaving of the parking lot, provided that:

1. The applicant goes back and secures the permission to do this from the Board of Adjustment;
2. The applicant posts a bond in an amount to be established by the Town Engineer for the work;
3. Complies with the terms and conditions of the Board of Adjustment approvals.

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

Vote all ayes  
Motion carried

**CITY CONNECTIONS ANNUAL RENEWAL**

Council reviewed the Web Page Services Agreement with the changes discussed. A motion was made by Mr. Smith, seconded by Mrs. Insel, to approve the annual renewal as presented.

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 fees in the amount of \$126.00 for the Haunted Mill. A motion was made by Mr. Shea, seconded by Mrs. Valenta, to grant the request.

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

Vote all ayes  
Motion carried

**PERMIT WAIVER – 72 CENTER STREET**

A request has been made by Steven Tsukroff of 72 Center Street, to issue a permit fee refund of \$390.00. As a result of Hurricane Irene, his garage roof was badly damaged by a fallen tree, creating structural damage and a roof replacement. A motion was made by Mr. Smith, seconded by Mrs. Valenta, to grant the refund as requested.

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

Vote all ayes  
Motion carried

**FOOD LICENSE AND FIRE SAFETY FEE WAIVER – KNIGHTS OF COLUMBUS**

The Haunted Mill is scheduled for October 15, 21, 22, 28, 29, 2011 and the Knights of Columbus are regular vendors. A motion was made by Mr. Shea, seconded by Mr. Smith, to grant a fee waiver for \$150.00 food license and \$42.00 for the Fire Safety Permit.

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

Vote all ayes  
Motion carried

**RESOLUTION #157-11 – WATER AGREEMENT – GRAYROCK PROPERTIES, LLC.**

Grayrock Properties, LLC was granted a right to connect to the Town of Clinton Water System subject to certain improvements to the infrastructure in connection with Block 78, Lot 1. A Day Care center is proposed for the site. A motion was made by Mr. Shea, seconded by Mr. Pendergast, authorizing the Mayor and Clerk to sign the agreement.

**RESOLUTION # 157-11  
RESOLUTION AUTHORIZING EXECUTION OF WATER AGREEMENT OF  
BLOCK 78, LOT 1**

**WHEREAS**, Grayrock Properties, LLC (formerly Hensfoot Development) requested and was granted right to connect to the Town of Clinton Water System subject to certain improvements to the infrastructure of the Town's water system made necessary by that connection in connection with Block 78, Lot 1; and

**WHEREAS**, the Town's water consultant has concluded that the proportionate contribution amount for the improvements to the Town's water system necessary to serve Block 78, Lot 1 is \$100,000; and

**WHEREAS**, a Water Agreement between the Town of Clinton, Hunterdon County, and Grayrock Properties, LLC has been negotiated and is in a form acceptable to the Town's water consultant and attorney; and

**WHEREAS**, Grayrock Properties, LLC has deposited a check with the Town of Clinton in the amount of \$100,000 to pay for its share of the improvements to the Town of Clinton Water System necessary to serve Block 78, Lot 1; and

**WHEREAS**, it is in the best interest of the Town of Clinton that the Water Agreement between the Town of Clinton, Hunterdon County, and Grayrock Properties, LLC be executed; and

**WHEREAS**, Robert Smith, Water Commissioner, wrote a letter, dated October 4, 2011, regarding the intention of the Town of Clinton to enter into a Water Agreement in connection with Block 78, Lot 1.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that the Mayor and Clerk are hereby authorized to execute the Water Agreement Between the Town of Clinton, Hunterdon and Grayrock Properties, LLC which Agreement will be dated October 11, 2011;

**IT IS FURTHER RESOLVED**, that a letter sent by Robert Smith, Water Commissioner, dated October 4, 2011, is hereby ratified.

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

Vote all ayes  
Motion carried

**RESOLUTION #158-11 – AWARD OF ROCK SALT**

A motion was made by Mrs. Insel, seconded by Mr. Smith to enter in the cooperative purchasing with Hunterdon County for rock salt.

**RESOLUTION # 158 -11**

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders have awarded a contract to International Salt Company, LLC (Rock Salt); and

**WHEREAS**, the Town of Clinton wishes to participate in the County Purchasing Department's cooperative pricing for ice control;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, that in order to begin a contractual relationship for rock salt, the Town states the following:

1. The contract period is October 4, 2011 to October 3, 2012
2. The vendor for rock salt is International Salt Company, LLC
3. The price of the contract for rock salt is \$54.55 per ton.
4. The Town agrees, that should the bid threshold of \$21,000.00 / QPA \$36,000) be exceeded, that the Town, in accordance with N.J.A.C. 5:34-5, hereby awards the rock salt contract to International Salt company, LLC at their low bid of \$54.55 per ton, said price to be in effect until October 3, 2012.

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

Vote all ayes  
Motion carried

**COMMUNITY PLANNING MONTH PROCLAMATION**

Mayor Miller read the Proclamation celebrating National Community Planning Month which gives us the opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen planners who have contributed their time and expertise to the improvement of the Town of Clinton. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to declare that October 2011 is hereby designated as Community Planning Month.

Vote all ayes  
Motion carried

**PLANNING BOARD RECOMMENDATION TO COUNCIL**

At the September meeting of the Planning Board, the board discussed drafting an ordinance that would regulate the use of Town sidewalk space and would have required the provision of proof of insurance by any merchants making use of such space. Councilwoman Insel, Planning Board liaison, discussed this matter with the Guild President, Linda Johnson. Ms. Johnson said she would like to discuss this further with the members of the guild. At this time, Council is seeking input from members of the guild and counsel.

**SPECIAL EVENT - BLACK POTATOE MUSIC FESTIVAL**

**Councilman Duffy was available by speaker phone for discussion and vote.**

Details of the Black Potatoe Music Festival have been discussed at length at prior Council meetings. The event is scheduled to run July 12, 13, 14, 15, 2012. Times of the event are Thursday 6 – 11 pm; Friday 6 – 11 pm; Saturday noon to 8 pm; Sunday 12 – 8 pm. A Main Street closure has been requested from Friday 3 pm to Sunday 8 pm. A stage will be erected on Main Street for the public to enjoy at no charge. Five additional stages will be at the Red Mill Museum Village and at Gebhardt Field. Discussions have taken place with the Clinton Guild and they are in favor of the concept.

A motion was made by Mrs. Valenta, seconded by Mr. Smith, to grant the Main Street closure as requested.

ROLL CALL: Ayes: Duffy, Smith, Valenta, Mayor Miller

Abstentions: Insel, Pendergast, Shea (members of the Festival Committee)

Vote 4 ayes  
3 Abstentions  
Motion carried

**25<sup>TH</sup> CLINTON GUILD CHRISTMAS PARADE**

Frank Hooper and Dan Torrone, “Doctor D” came before Council to request the Special Event application to hold the 25<sup>th</sup> Annual Christmas Parade on December 2, 2011 from 7:00 p.m. to 8:15 p.m. The parade will follow the traditional route. A motion was made by Mr. Smith, seconded by Mrs. Valenta, to approve the request.

Vote all ayes  
Motion carried

In preparation of the 150<sup>th</sup> celebration the Leigh Mansion, Mr. Hooper and Mr. Torrone said a float can be made to replicate the Leigh Mansion for a cost! Just a thought!!

**CORRESPONDENCE**

1. The Governor's office will recognize volunteers that went above and beyond to help neighbors and their communities during Hurricane Irene on October 26, 2011 at the War Memorial in Trenton. Janice Kovach, Mitchell Lane, offered the name of Karyn Hissner, of Leigh Street, for her assistance to her neighbors.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

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

1. Check received from Elizabethtown Gas in the amount of \$17,044.57 representing an energy SMART rebate on the high efficiency natural gas equipment installed under the Direct Install Program qualifying for an additional rebate offered by Elizabethtown Gas.

**Kathy Olsen, CFO**

1. Tax Sale was held October 5, 2011. Payments for water and sewer were made on nine properties.

**Councilman Smith**

1. Rescue Squad – calls were down and so are donations.
2. HomeServe USA, a provider of Affinity Warranty and Repair Plans programs. HomeServe would like to be included in the RFP process when considering third parties to provide added customer service benefits to customers and generate incremental revenue. This is a type of insurance policy.
3. Water Committee discussed groundwater rules and requirements pertaining to Well 4 Action Plan.

**Councilman Shea**

1. Shade Tree Committee met with Town Arborist, Lou Spanner, and made a list of trees that require attention.

**Councilwoman Insel**

1. Clinton Guild – October 13 morning, meeting of the Guild, the evening of October 13 Ladies Night on Main Street!
2. Planning Board to meet with High Bridge to discuss economic development week of October 17, 2011.

**Councilman Pendergast**

1. Sewer committee meeting Friday, November 4, 2011.

**Councilwoman Valenta**

1. Board of Health – President Felecia Neibojeski is moving out of state in November. Council will be presenting Dr. Neibojeski with a proclamation at the November 9 Council meeting.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Smith, seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes September 16, 2011 through September 29, 2011.

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

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: Insel, Pendergast, Shea, Smith, Valenta, Mayor Miller

Vote all ayes  
Motion carried

**RESOLUTION #- 160-11 – EXECUTIVE SESSION – Potential Litigation – Contract Negotiations**

A motion was made by Mr. Shea, seconded by Mr. Smith to enter into Executive Session at 8:48 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 \_\_\_\_\_



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 9:25 p.m.

Vote all ayes  
Motion carried

**REGULAR MEETING SCHEDULE**

The Clerk asked the Mayor and Council if they would like to reschedule the Regular Council meeting of November 8, 2011 to another date due to Election day falling on the 8<sup>th</sup>. Council decided to hold the meeting on November 9, 2011 at 7:30 p.m.

**ADJOURNMENT:** There being no further business, a motion was made by Mrs. Insel, seconded by Mr. Smith to adjourn the meeting at 9:30 P.M.

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC  
Town Clerk

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Richard F. Miller, Mayor