

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**

Minutes of October 11, 2011 are tabled until the next meeting.

**APPROVAL OF MONTHLY REPORTS – SEPTEMBER**

A motion was made by Mr. Pendergast seconded by Mr. Smith to accept the monthly reports for the month of September as submitted:

Fire Official Report, Treasurer’s Report, Wastewater Treatment Plant Superintendent’s Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS**

1. Mayor Miller was proud to announce that a celebration is scheduled for 3:00 p.m. on November 26, 2011 for the 150<sup>th</sup> Birthday of the Leigh Mansion. The mansion was completed in 1861 by John Leigh and became the Clinton Municipal Building in 1970. Refreshments will be supplied by the Historic Commission, cake and cider on the menu. The public is encouraged to attend. A presentation will be made by Allie McGaheran, Town Historian.
2. Next Council Meeting rescheduled for November 9, 2011 due to Election Day.

**FEE WAIVER – 2 HALSTEAD STREET**

Jean Marie Pierson, 2 Halstead Street, sustained extensive damage to her home caused by Hurricane Irene and Tropical Depression Lee. Ms. Pierson is requesting a waiver of plumbing, electrical and building permits totaling \$909.00. A motion was made by Mrs. Insel, seconded by Mr. Smith to grant the fee waiver as requested. Mr. Smith commented that following a complete renovation of the home, the storm hit and caused all this damage. Mr. Naples commented that the Town has assisted in Hazard Mitigation in hopes that Ms. Pierson will be able to raise her home preventing future occurrences.

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

Vote all ayes  
Motion carried

**RESOLUTION #161-11 – AUTHORIZATION TO SUBMIT APPLICATION**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #161-11 as submitted:

**RESOLUTION #161-11**

**Resolution Authorizing Robert Clerico to Submit an Application to the State Historic Preservation Office for the Lower Center, Main and East Main Streets Improvement Project**

**WHEREAS**, the Town of Clinton has employed the services of Robert Clerico, Van Cleef Engineering Associates, for the preparation of construction documents for the Lower Center, Main and East Main Streets Improvement Project; and

**WHEREAS**, these plans require approval by the State Historic Preservation Office;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Clinton hereby authorize Robert Clerico, P.E., to submit the application for the Lower Center, Main and East Main Streets Improvement Project and fully supports the application being made to the State Historic Preservation Office for approval.

Vote all ayes  
Motion carried

**RESOLUTION #162-11 TRANSFER OF SURPLUS EMERGENCY EQUIPMENT**

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #162-11 as submitted:

**RESOLUTION # 162-11**

**RESOLUTION AUTHORIZING TRANSFER OF SURPLUS EMERGENCY EQUIPMENT TO THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, the Chief of Police has determined that certain surplus emergency equipment (light bar) is no longer needed or of value to the Town of Clinton; and

**WHEREAS**, the Township of Franklin Police Department has expressed an interest in acquiring the light bar; and

**WHEREAS**, the Town of Clinton Police Department and the Township of Franklin Police Department often back each other up and provide reciprocal services and benefits to each other; and

**WHEREAS**, it is in the public interest for the Town of Clinton to convey to the Township of Franklin the excess equipment; and

**WHEREAS**, the Chief of Police has determined that the excess surplus emergency equipment to be transferred to the Township of Franklin has nominal value.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that the Chief of Police is hereby authorized to transfer excess emergency equipment (light bar) to the Township of Franklin Police Department at no consideration.

Vote all ayes  
Motion carried

**RESOLUTION 163-11 – OVERPAYMENT OF TAXES**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #163-11 as submitted:

**RESOLUTION # 163-11**

**WHEREAS**, the Tax Collector of the Town of Clinton has received a double payment for the following block and lot due to refinance or closing,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Refund Department, PO Box 961250, Fort Worth, TX, 76161, for the following account:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>OWNER</u></b>	<b><u>AMOUNT</u></b>
29.01	11	Giosue & Angela Palladino	\$ 1,358.71

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayment on the above block and lot for the 4th quarter of 2011.

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

Vote all ayes  
Motion carried

**FEE WAIVER – RED MILL MUSEUM VILLAGE**

The Red Mill is requesting that a waiver be granted for \$115.00 variation fee for the installation of a screen house stairway project. A motion was made by Mr. Smith, seconded by Mrs. Insel, to approve the waiver as requested.

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

Vote all ayes  
1 Abstention (Mayor Miller)  
Motion carried

**CORRESPONDENCE**

1. The Horizon Foundation for New Jersey recently presented a grant award to the Hunterdon Art Museum. In 2010, Horizon Blue Cross Blue Shield of New Jersey and the Horizon Foundation for New Jersey invested more than \$5 million in supporting nonprofit organizations.
2. A letter of appreciation sent to Chief Matheis commending Officer Matt Thompson for his effective management of the crowd situation at the Haunted Mill.
3. A letter of resignation has been received from Felecia Niebojeski, DVM, due to a move to North Carolina. Dr. Niebojeski has been a member of the Board of Health for 25 years. A motion was made by Mr. Smith, seconded by Mr. Shea, to accept her resignation with regrets.

Vote all ayes  
Motion carried

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

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

1. Mr. Naples and Chief Matheis met with FEMA to discuss reimbursement following the damage caused by Hurricane Irene.
2. Solar panels may be a possibility at the Wastewater Treatment Plant. Other Town owned buildings will not be compatible due to shade issues.

**Kathy Olsen, CFO**

1. All departments have been given their 2012 budget sheets to review.

**Councilman Smith**

1. Water Committee is bidding the rehabilitation of the existing 2.5 water tank. The 30 year old tank will be drained and rehabilitated.
2. Board of Adjustment responded to council's decision for D & D Enterprises LLC and is moving ahead with a Temporary Certificate of Occupancy.

**Councilman Shea**

1. Roads committee is moving ahead with the RFP's for the Main Street project and grants. Leigh Street will be repaved in the Spring, after the settle of pavement during the winter.

**Councilwoman Insel**

1. Clinton Guild – Pumpkin Contest will be held Friday, October 28, 2011 at 7:45 p.m. Guild is looking for judges from Council. Mrs. Insel will arrange.

**Councilman Duffy**

1. Board of Recreation meeting will be held Thursday, October 27, 2011.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mrs. Insel seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes September 30, 2011 through October 13, 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. Smith seconded by Mr. Shea 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 #- 164-11 – EXECUTIVE SESSION – Personnel**

A motion was made by Mr. Smith seconded by Mr. Shea to enter into Executive Session at 7:46 p.m. to discuss a matter of 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;

\_\_\_\_\_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);

\_\_\_\_\_X\_\_\_\_\_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 7:52 p.m.

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Shea to adjourn the meeting at 7:55 P.M.

Vote all ayes  
Motion carried

\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

\_\_\_\_\_  
Richard F. Miller, Mayor

