

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

Flag Salute.

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

**STATEMENT OF ADEQUATE NOTICE:**

Councilman Pendergast 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. Duffy, seconded by Mrs. Valenta, to approve the minutes of December 28, 2010 as submitted.

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

A motion was made by Mr. Smith, seconded by Mr. Shea, to approve the minutes of January 4, 2011 as submitted.

Vote all ayes  
Motion carried

Minutes of January 11, 2011 tabled until the next meeting.

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS**

1. Councilman Pendergast announced on behalf of Mayor Schaumburg that the Clinton Town Bonfire held January 22, 2011 was a success in spite of the single digit temperatures. An estimated 300 people turned out for the event. Thank you to Sean Rogan for organizing the event, to the Board of Recreation, Department of Public Works, the Fire Department, Rescue Squad and all the merchants who donated warm refreshments, cookies and their time for making this another great happening in the Town of Clinton!
2. Mayor Schaumburg received good news for the Town, \$150,000 State of New Jersey grant was approved for the repaving and reconstruction of East Main Street. The job will include black top and new curbing.
3. The Town of Clinton has received recognition from the State of New Jersey Highland Water Protection and Planning Council for successful Petition for Plan Conformance, achieving conformance with the Highlands Regional Master Plan at their meeting held January 20, 2011.

**PRESENTATION OF PROCLAMATION TO CITIZENS OF THE YEAR**

Councilman Pendergast called Carol Beder and husband, Craig Reuter, to the front of a packed audience. In the absence of Mayor Schaumburg, Councilman Pendergast read the proclamation to Carol and Craig, as Councilwoman Valenta presented the couple with a beautiful bouquet of flowers on behalf of Linda Johnson, Guild President. Linda was also unable to attend but had flowers delivered earlier in the day to the Municipal Building. While the Proclamation was being read, family members, friends

and merchants listened to the kind words of appreciation prepared. A round of applause followed and Carol and Craig thanked everyone. The couple was honored for their hard work of over 30 years organizing Guild events and the couple was happy to accept. They offered their thanks and hope to continue for many years to come. Pictures were taken with the family and Nikki Gill was thanked publicly for suggesting the well deserved presentation.

**RESOLUTION #45-11 – AUTHORIZATION TO SIGN ANSUYA AGREEMENT**

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #45-11 as submitted:

**RESOLUTION # 45 -11  
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A  
DEVELOPER’S AGREEMENT WITH ANSUYA RIVERBEND, LLC**

**WHEREAS**, Ansuya Riverbend, LLC (“Ansuya”) received approvals from the Board of Adjustment of the Town of Clinton in 2004 and 2008 for the development of a multi-use commercial project on property known as Block 17, Lot 2 and Block 18, Lots 2.03, 2.04 and 6 on the Tax Map of the Town of Clinton, Hunterdon County, New Jersey; and

**WHEREAS**, the obligations of Ansuya with respect to this approved development have been set forth in a Developer’s Agreement that has been executed by Ansuya; and

**WHEREAS**, the Mayor and Council have reviewed the Developer’s Agreement and find that it is in the best interests of the Town to enter into the Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the Mayor and Clerk are hereby authorized to execute the Developer’s Agreement between the Town of Clinton and Ansuya Riverbend, LLC in the form attached hereto.

Vote all ayes  
Motion carried

**RESOLUTION #46-11 – APPOINTMENT OF MUNICIPAL HOUSING LIAISON**

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to adopt Resolution #46-11 as submitted:

**RESOLUTION #46-11  
RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON**

**WHEREAS**, the Town of Clinton was granted substantive certification of its Housing Element and Fair Share Plan by the Council on Affordable Housing (COAH) on January 25, 2011; and

**WHEREAS**, the Town of Clinton’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, *et. seq.*); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Town of Clinton is required to appoint a Municipal Housing Liaison for the administration of Town of Clinton’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Town of Clinton in the County of Hunterdon, and the State of New Jersey that James T. Naples is hereby appointed by the Governing

Body of Town of Clinton as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 4-28 of Town of Clinton's Code Book.

Vote all ayes  
Motion carried

**RESOLUTION #47-11 – BID AWARD FOR WELL 16**

A motion was made by Mr. Smith, seconded by Mr. Duffy, to accept the re commendation of Water Engineer, Andrew S. Holt, P.E. and to award the Construction and Testing of Clinton Water Supply Well 16 as submitted:

**RESOLUTION #47-11**

**WHEREAS**, on December 16, 2010 the Town of Clinton received bids from four prospective bidders for the Construction and Testing of Clinton Water Supply Well 16, 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 William Stothoff Company, Flemington, New Jersey in the total amount of \$249,235.00; and

**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 William Stothoff Company, 110 River Road, Flemington, New Jersey 08822 in the amount of \$249,235.00

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

Vote all ayes  
Motion carried

**RESOLUTION #48-11 – BID AWARD FOR GEBHARDT FIELD GRANDSTAND**

A motion was made by Mr. Duffy, seconded by Mr. Shea, to award the bid for the Reconstruction of the Gebhardt Field Grandstand and Bleachers to Charles Mann General Contractors, Inc.

**RESOLUTION #48-11**

**AUTHORIZING CONTRACT WITH CHARLES MANN GENERAL CONTRACTORS, INC. FOR RECONSTRUCTION OF GEBHARDT FIELD**

**WHEREAS**, the Town of Clinton advertised for bids for the reconstruction of Gebhardt Field on June 2, 2010 and on September 8, 2010, pursuant to the authority of N.J.S.A. 40A:11-1 et. seq.; and

**WHEREAS**, on both June 2, 2010 and on September 8, 2010, bids were received from 2 bidders: Charles Mann General Contractors, Inc. and DeSapio Construction, Inc., but on both occasions the bids were rejected by the Town Council of the Town of Clinton because the bids were not reasonable as to price based on the cost estimates prepared for the Town of Clinton prior to the advertising for bids; and

**WHEREAS**, pursuant to N.J.S.A.40A:11-5, both bidders were notified that the Town of Clinton intended to negotiate and afforded each bidder a reasonable opportunity to negotiate for the reconstruction of Gebhardt Field; and

**WHEREAS**, as a result of negotiations, the Town of Clinton has determined to enter into a contract with Charles Mann General Contractors, Inc., as is set forth in the proposal of Charles Mann General Contractors, Inc, dated September 10, 2010, as revised by the proposal of Charles Mann General Contractors, Inc., dated December 6, 2010, for a total contract amount of \$148,000.00; and

**WHEREAS**, the terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding in the two prior bids, except that Alternates 1b and 1c are not included in the negotiated contract; and

**WHEREAS**, the negotiated price to complete the work set forth in the proposal of Charles Mann General Contractors, Inc., dated September 10, 2010, as revised by the proposal of Charles Mann General Contractors, Inc., dated December 6, 2010, for a total contract amount of \$148,000.00, is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such services.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, Hunterdon County as follows:

1. The Town of Clinton authorizes the entry into a contract with Charles Mann General Contractors, Inc., as is set forth in the proposal of Charles Mann General Contractors, Inc, dated September 10, 2010, as revised by the proposal of Charles Mann General Contractors, Inc., dated December 6, 2010, for a total contract amount of \$148,000.00, which authorization is accomplished by a two thirds affirmative vote of the authorized membership of the Town Council of the Town of Clinton.
2. The form of contract to be entered between the Town of Clinton and Charles Mann General Contractors, Inc. shall be substantially as is attached hereto as Exhibit A.
3. The Mayor, Clerk, Administrator, Chief Financial Officer, as well as all other necessary officers or officials of the Town of Clinton are hereby authorized to sign any and all other documents necessary for the transactions contemplated by this Resolution.

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

Vote all ayes  
Motion carried

Mayor Schaumburg recused herself from any and all discussions and/or decisions made to award this bid to Charles Mann General Contractors, Inc.

**RESOLUTION #49-11 – CANCELLATION OF TAXES/PARCEL**

A motion was made by Mr. Shea, seconded by Mr. Duffy, to adopt Resolution #49-11 as submitted:

**RESOLUTION #49-11  
CANCELLATION OF TAXES/PARCEL**

**WHEREAS**, Block 14, Lot 32 QFARM was the subject to loss of farming assessment, and

**WHEREAS**, the Tax Assessor deleted Block 14 Lot 32 QFARM and added the full assessment to Block 14 Lot 32.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the taxes due for the first and second quarters of 2011 on Block 14, lot 32QFARM in the amount of \$258.79 be cancelled as well as parcel, and

**BE IT FURTHER RESOLVED** that the Tax Collector be relieved from the obligation to collect that assessment.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE 11-02 – DEVELOPMENT FEE ORDINANCE**

A motion was made by Mr. Smith, seconded by Mrs. Valenta, to introduce Ordinance 11-02 on first reading as submitted:

**Ordinance 11-02  
Development Fee Ordinance**

1. Purpose
  - a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
  - b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
  - c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.
2. Basic requirements
  - a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
  - b) Clinton Town shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. “Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - ii. “COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
  - iii. “Development fee” means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
  - iv. “Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
  - v. “Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
  - vi. “Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development fees

- a) Imposed fees
  - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.

- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
    - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
    - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
    - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
    - iv. Expansions and renovations to residential units where no new unit is created shall be exempt from development fees.
5. Non-residential Development fees
- a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
  - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.



- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Clinton Town as a lien against the real property of the owner.
6. Collection procedures
- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
  - b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
  - c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
  - d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
  - e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
  - f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- g) Should Clinton Town fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Clinton Town. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Clinton Town. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. payments in lieu of on-site construction of affordable units;

2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. any other funds collected in connection with Clinton Town's affordable housing program.

c) Within seven days from the opening of the trust fund account, Clinton Town shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8 Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Clinton Town's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Clinton Town for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-

income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Clinton Town may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) Clinton Town shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in

connection with Clinton Town's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing collection of fees
  - a) The ability for Clinton Town to impose, collect and expend development fees shall expire with its judgment of compliance unless Clinton Town has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Clinton Town fails to renew its ability to impose and collect development fees prior to the expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Clinton Town shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Clinton Town retroactively impose a development fee on such a development. Clinton Town shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

A copy of this ordinance will be published in the Hunterdon Review February 2, 2011 edition. A second reading and public hearing will be held February 22, 2011

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE 11-03 - PINE RIDGE HOMEOWNERS  
ASSOCIATION/GEORGES PLACE EXTENSION MUNICIPAL SERVICES**

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to introduce Ordinance #11-3 as submitted:

**ORDINANCE # 11-03  
AN ORDINANCE AUTHORIZING MUNICIPAL MAINTENANCE  
OF GEORGES PLACE EXTENSION**

**WHEREAS**, N.J.S.A. 40:67-23.1 authorizes a municipality to repair, maintain, or provide for the removal of snow, ice or other obstructions from roads that have not been dedicated to and accepted as public roads by adopting an ordinance providing for such activities if the governing body finds that travel on such roads is sufficient to justify the expense; and

**WHEREAS**, the Mayor and Council have determined that Georges Place Extension, a private road within the Town of Clinton, has sufficient travel to justify the expense of repair and maintenance of the road;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey as follows:

1. The Department of Public Works is authorized to repair and maintain Georges Place Extension by spreading tarmac on the road as needed to prevent erosion.
2. No repair or maintenance services will be provided on Georges Place Extension unless the Town has received written consent from the owner(s) of the road. Said consent shall be in a form acceptable to the Town.
3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
4. This Ordinance shall take effect upon final passage and publication according to law.

A copy of this ordinance will be published in the February 2, 2011 edition of the Hunterdon Review. The second reading and public hearing will be held February 22, 2011.

Vote all ayes  
Motion carried

**FIRE AND BUILDING SUB CODE OFFICIALS**

The part time positions of Fire and Building sub code have been advertised. Five applications were received and interviewed by Mr. Naples, PW/BA and a recommendation was made. Mr. Naples recommended the hiring of Ralph Price as Fire Sub Code, \$1,500 on an annual basis. Mr. Naples recommended James Fania as Building Sub Code/ Fire Inspector with an annual salary of \$5,000. A motion was made by Mr. Smith, seconded by Mr. Shea, to hire Mr. Price and Mr. Fania as recommended.

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

Vote all ayes  
Motion carried

**BANNER REQUESTS – RED MILL MUSEUM VILLAGE**

Two applications were received from the Red Mill Museum Village for upcoming events. Revolutionary War Days, August 6 and 7, 2011, banner dates July 29 through August 8, 2011. Civil War Days, April 2 and 3, 2011, banner dates March 25 through April 4, 2011. A motion was made by Mr. Shea, seconded by Mrs. Valenta, to approve the banner dates requested.

Vote all ayes  
Motion carried

**RECOMMENDATION OF LABOR COUNSEL**

Mr. Naples opened Request for Proposals for Labor Counsel. Four submissions were made and a review by Mr. Naples took place. Following his review, Mr. Naples made a recommendation to appoint Richard Flaum of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C. Mr. Naples has worked with Mr. Flaum and highly recommends him. A motion was made by Mrs. Valenta, seconded by Mr. Smith, to appoint Richard Flaum per Mr. Naples recommendation, for the calendar year 2011.

Vote all ayes  
Motion carried

**CORRESPONDENCE**

1. Board of Adjustment member Erik Trepkau has asked to be replaced as the liaison to the Planning Board. A recommendation by Board Chairs, Carol Gallo and Frank Gallagher, to appoint Board of Adjustment member Steve Feldmann as the liaison to the Planning Board. Mayor Schaumburg has approved the request and Mr. Pendergast presented it to Council. A motion was made by Mr. Smith, seconded by Mrs. Valenta, to appoint Steve Feldmann as liaison to the Planning Board.

Vote all ayes  
Motion carried

2. The annual check from Comcast Cable has been received in the amount of \$2,585.97 for the use of municipal rights-of-way.
3. Mayor Schaumburg addressed a letter to Governor Christie for further consideration to NJ Senate Bill S1/NJ and Assembly Bill A-3447, with regards to Affordable Housing.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Councilman Duffy**

1. Board of Recreation – approved the bid award for the reconstruction of Gebhardt Grandstand and Bleachers and hope to work started as soon as possible. Clinton Public School uses the Fields in April. The dugouts design has not yet been decided whether to be sunken or raised.
2. Buildings and Grounds – discussed the lights at the Clinton Fire Department and are looking at different ways so they will not interfere with the residents. 33 fire calls already in 2011.

**Councilwoman Valenta**

1. Board of Health held their annual Joint Rabies Clinic with Clinton Township on Saturday, January 22, 2011 from 8:00 a.m. to 11:00 a.m. 255 pets were inoculated.
2. Board of Education presented a community input session and urge residents to look at the audit. Ideas of saving money were discussed.
3. Historic Commission is hosting a Valentine's Day antique card exhibit in their quarters on Friday, February 4, 2011.
4. Newsletter Committee met and discussed the County's offer to host web sites. The Committee will send a letter of interest.

**Councilman Pendergast**

1. Recycling – following requests from residents to recycle electronics, Mr. Pendergast is looking into a depot in Franklin Township.

**Councilman Shea**

1. Shade Tree Commission discussed having an evening session near the Community Center to discuss new initiatives.
2. Roads Committee will discuss road projects at their next meeting, February 4, 2011.

**Councilman Smith**

1. Water Committee – will hold regular meetings on the third Wednesday of each month at 8:00 a.m. At the last meeting, the Committee discussed radio controlled meters, making it possible for one guy to read meters and another guy to use the leak detector and seek out leaks. New 2.5 MG Water tank project is progressing with the receipt of bids.
2. Rescue Squad – Following a Shared Services concept initiated by Freeholder Rob Walton. Clinton Squad arranged a meeting was held to discuss shared services among the 12 local squads, a follow up meeting will be held in High Bridge.

**RESOLUTION # 50-11 – TRANSFER OF FUNDS**

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution # 50-11 as presented:

**RESOLUTION #50-11**

**WHEREAS**, various 2010 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2010 Budget Appropriation Reserve in the last two months of 2010; and

**WHEREAS**, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that transfers in the amount of \$4,600.00 be made between the 2010 Budget Appropriation Reserves as follows:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
Streets & Roads		
Salary & Wages	\$2,600.00	
Animal Control		
Other Expenses	\$1,200.00	
Social Security		
Other Expenses	\$ 800.00	
Solid Waste Disposal		
Engineering		
Other Expenses		\$ 500.00
Streets & Roads		
Other Expenses		\$1,000.00
Buildings & Grounds		
Other Expenses		\$ 500.00
Water		
Other Expenses		\$ 100.00
Gasoline		
Other Expenses		\$2,500.00
<b>TOTALS</b>	<b><u>\$4,600.00</u></b>	<b><u>\$4,600.00</u></b>



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

Vote all ayes  
Motion carried

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to approve the standby and overtime pay attached to these minutes for January 7, 2011 through January 20, 2011

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION # 51-11 - EXECUTIVE SESSION – Contract Negotiations**

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to enter into Executive Session at 8:10 p.m. to discuss Contract Negotiations.

Vote all ayes  
Motion carried

Council returned to the Regular Meeting to take action at 9:10 p.m.

**RESOLUTION #52-11 – PBA CONTRACT**

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #52-11 authorizing the Mayor to execute the finalized Collective Bargaining Agreement between the Town of Clinton and PBA Local 188.

**RESOLUTION #52-11**

**WHEREAS**, the Town of Clinton (“Clinton”) and PBA Local 188 (“PBA”) have engaged in collective negotiations for a successor agreement; and

**WHEREAS**, the PBA filed for Interest Arbitration and the Public Employment Relations Commission (“PERC”) assigned Interest Arbitrator James Mastriani; and

**WHEREAS**, the parties engaged in a series of mediation sessions with Arbitrator Mastriani; and

**WHEREAS**, Arbitrator Mastriani issued a Recommended Decision; and

**WHEREAS**, the PBA has ratified the terms contained in Arbitrator Mastriani’s Recommended Decision and the parties’ Side Bar Agreement modifying certain terms set forth in the Recommended Decision;

**NOW THEREFORE BE IT RESOLVED**, the Mayor and Council of the Town of Clinton does hereby ratify the terms and conditions set forth in Arbitrator Mastriani's Recommended Decision and the accompanying Side Bar Agreement; and

**BE IT FURTHER RESOLVED** that the Mayor and Council authorize Labor Counsel to revise the current Collective Bargaining Agreement to reflect the changes contained in Arbitrator Mastriani's Recommended Decision and the parties' Side Bar Agreement; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the finalized Collective Bargaining Agreement between the Town of Clinton and PBA Local 188.

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

Vote all ayes  
Motion carried

**ADJOURNMENT**: There being no further business, a motion was made by Mr. Pendergast, seconded by Mr. Duffy to adjourn the meeting at 9:15 P.M.

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC

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Councilman Marty Pendergast