

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

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast, Shea, Smith, Valenta
Absent – 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. Smith, seconded by Mr. Shea to approve minutes of February 8, 2011 as submitted.

Vote all ayes
2 Abstentions (Insel, Valenta)
Motion carried

APPROVAL OF MONTHLY REPORTS

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

Treasurer’s Report, Wastewater Treatment Plant Superintendent’s Report

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS

1. Mayor Schaumburg, along with four other mayors, met with Senator Sweeny last week to discuss shared services. Senator Sweeny is preparing a bill for June.
2. Governor Christie’s Budget address was made today. Points of interest are as follows:
 - Municipal Aid remaining flat, no decrease
 - Slight increase in school aid
 - Pushing hard for pension and health care reform

PUBLIC HEARING OF ORDINANCE #11-2 – DEVELOPMENT FEE ORDINANCE

Richard P. Cushing, Esq. explained the ordinance, which has been prepared by the Town Planner, Carl Hintz, for the purpose of the collecting fees from developers for the maintenance and expenditures pursuant to COAH regulations. Fees collected are used for the sole purpose of providing low and moderate income housing.

A motion was made by Mr. Smith, seconded by Mrs. Insel, to open the public hearing of Ordinance #11-2:

**ORDINANCE # 11-2
DEVELOPMENT FEE ORDINANCE**

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith seconded by Mr. Shea to adopt Ordinance #11-2 on second reading.

ROLL CALL: AYES: Duffy, Insel, Pendergast, Shea, Smith, Valenta

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #11-3 – MUNICIPAL MAINTENANCE

A motion was made by Mr. Smith, seconded by Mrs. Valenta, to open the public hearing of Ordinance #11-3:

ORDINANCE # 11-3
AN ORDINANCE AUTHORIZING MUNICIPAL MAINTENANCE OF
GEORGES PLACE EXTENSION /
PINE RIDGE HOMEOWNERS ASSOCIATION

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Mrs. Insel, seconded by Mr. Duffy, to adopt Ordinance #11-3 on second reading.

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

Vote all ayes
Motion carried

Vince Cardarelli and Tom O’Sullivan of Pine Ridge Homeowners Association thanked Council for their assistance and requested a copy of the ordinance for their records.

RESOLUTION #59-11 – OVERPAYMENT OF TAXES

A motion was made by Mr. Shea, seconded by Mrs. Insel, to adopt Resolution #59-11 as submitted:

RESOLUTION # 59-11

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

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:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
8	10	Bieksha, Joseph & Leigh	\$ 2,050.71

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 1st quarter of 2011.

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

Vote all ayes
Motion carried

RESOLUTION #60-11 – CANCEL LIEN

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #60-11 as submitted:

RESOLUTION # 60-11

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$30,937.41 the amount necessary to redeem Tax Sale Certificate #2010-3 on Block 11, Lot 7, assessed to Clinton Main Street, LLC, and purchased by U.S. Bank/Sass Muni V DTR.

NOW THEREFORE BE IT RESOLVED, on this 22nd day of February, 2011 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$30,937.41 (certificate) & \$14,000.00 (premium) payable to U.S. Bank-Cust/Sass Muni V DTR, 2 Liberty Place, 50 South 16th Street-Suite 1950, Philadelphia, PA, 19102, upon receipt of the original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2010-3 on Block 11, Lot 7, assessed to Clinton Main Street, LLC, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #61-11 – CANCEL LIEN

A motion was made by Mr. Shea, seconded by Mrs. Valenta, to adopt Resolution #61-11 as submitted:

RESOLUTION # 61

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$25,126.22 the amount necessary to redeem Tax Sale Certificate #2010-2 on Block 11, Lot 6, assessed to Clinton Main Street, LLC, and purchased by U.S. Bank/Sass Muni V DTR.

NOW THEREFORE BE IT RESOLVED, on this 22nd day of February, 2011 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$25,126.22 (certificate) & \$11,500.00 (premium) payable to U.S. Bank-Cust/Sass Muni V DTR, 2 Liberty Place, 50 South 16th Street-Suite 1950, Philadelphia, PA, 19102, upon receipt of the original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2010-2 on Block 11, Lot 6, assessed to Clinton Main Street, LLC, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #62-11 – APPOINTMENT OF LABOR COUNSEL

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #62-11 as submitted:

RESOLUTION #62-11
APPOINTMENT OF SPECIAL LABOR COUNSEL

WHEREAS, there exists a need for the services of a Special Labor Counsel for the Town of Clinton for the calendar year 2011; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” and the contract itself must be available for public inspection;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the Town of Clinton, in the County of Hunterdon, that, Richard Flaum of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C. be and is hereby appointed to serve as Special Labor Counsel to provide the Town with preparation and attendance at Police negotiations meetings with various labor organization representatives at a cost of \$155.00 per hour; and

BE IT FURTHER RESOLVED by the Common Council of the Town of Clinton in the County of Hunterdon as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Richard Flaum, of the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer, P.C a Professional Corporation located at 15 Mountain Boulevard, Warren, New Jersey 07059.
2. This contract is awarded as a “Professional Service” under the provisions of the Local Public Contracts Law, subject to N.J.S.A. 40A:5-11, which states that “No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A:5-4”.
3. A notice of this action shall be printed once in the Hunterdon Review.

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

Vote all ayes
Motion carried

RESOLUTION #63-11 – POSTPONEMENT OF MORTGAGE

Attorney Cushing explained the Postponement of Mortgage for residents of Alton Place, Affordable Housing units. The Town of Clinton holds the mortgage along with the NJ Council on Affordable Housing. The owner wishes to refinance their mortgage and a condition is that the Town of Clinton be subordinated to the Affinity Federal Credit Union. If for any reason the unit goes into foreclosure, the unit will continue as an affordable housing unit.

A motion was made by Mrs. Insel, seconded by Mrs. Valenta, to adopt Resolution #63-11 as submitted.

RESOLUTION # 63-11

**Resolution Authorizing the Postponement of a Mortgage Between
The Town of Clinton and Affinity Federal Credit Union**

WHEREAS, on January 31, 2008, Daniel Vergara and Maricar Vergara, husband and wife, made a mortgage to the N.J. Council on Affordable Housing, Town of Clinton (Clinton Town Affordable Housing Authority) for property shown on the Tax Map of the Town of Clinton in Hunterdon County as Block 31, Lot 1.21 and known by the street address of 21 Rolling Hill Road, Clinton, NJ, said mortgage being filed on February 5, 2008 in Mortgage Book 3225 at Page 897 in the Hunterdon County Clerk's Office which mortgage was second and subordinate to a first mortgage with Affinity Federal Credit Union in the original principal amount of \$90,325; and,

WHEREAS, Daniel Vergara and Maricar Vergara now seek to refinance their mortgage with Affinity Federal Credit Union in the amount of \$87,000.00, and a condition of her refinance is that the mortgage held by the Town of Clinton be subordinated to the new Affinity Federal Credit Union mortgage and remain a second priority mortgage; and,

WHEREAS, the governing body of the Town of Clinton and the Clinton Town Affordable Housing Authority have reviewed the proposed form of Postponement of Mortgage and have determined that it may be executed without detriment to the Town of Clinton or the Clinton Town Affordable Housing Authority and herein authorize the appropriate individuals to execute the Postponement of Mortgage in the form annexed to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Clinton that the Mayor and Clerk are authorized on behalf of the Town of Clinton and the Clinton Town Affordable Housing Authority to execute the approved Postponement of Mortgage in the form annexed hereto and shall sign same within two (2) business days of the date herein; and,

BE IT FURTHER RESOLVED that the Township Clerk will advise the Vergara when the Postponement has been signed and is available for pick up and shall receive a receipt for its delivery.

Vote all ayes
Motion carried

RESOLUTION #64-11 – CANCEL LIEN

A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #64-11 as submitted:

RESOLUTION # 64-11

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$595.45 amount necessary to redeem Tax Sale Certificate #2010-7 on Block 31, Lot 1.14 Condo, assessed to Kim Crimmins, and purchased by FNS Jersey Lien Services, LLC.

NOW THEREFORE BE IT RESOLVED, on this 22nd day of February, 2011 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$595.45 payable to FNA Jersey Lien Services, LLC, P.O. Box 1030, Brick, NJ, 08723, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel Lien #2010-7 on Block 31, Lot 1.14 Condo, assessed to Kim Crimmins, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #65-11 – NJEIT – WWTP FILTER REPLACEMENT PROJECT

Mr. Naples explained that the Town of Clinton intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Wastewater Treatment Plant Filter Replace Project. Resolution #65-11 authorizes Mr. Naples to act as an Authorized Representative to represent the Town of Clinton in all matter relating to the project and to sign the necessary documents. A motion was made by Mr. Smith, seconded by Mr. Shea, to adopt Resolution #65-11 as submitted:

RESOLUTION # 65

Applicant: Town of Clinton
NJEIT Loan Number: 340924-04

WHEREAS, the Town of Clinton intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Wastewater Treatment Plant Filter Replacement Project.

NOW, THEREFORE BE IT RESOLVED that James Naples, Administrator be authorized to act at the Authorized Representative to represent the Town of Clinton in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at P.O. Box 5194, Clinton NJ 08809; (908) 735-8616

Vote all ayes
Motion carried

RESOLUTION #66-11 – CANCELLATION OF TRUST SUPLUS

Councilman Smith made a motion, seconded by Mrs. Valenta, to adopt Resolution #66-11. Discussion took place prompted by Mr. Smith, questioning the item of Road Opening Permits and the balance of \$8,500.00. He explained that after 2 or 3 years following a project's completion, portions of monies are returned and the balance remains with the Town. On a regular basis, the CFO cancels these balances and they are put into a Trust Surplus.

Mr. Smith requested that this Resolution be tabled to the March 8, 2011 meeting when CFO, Kathy Olsen, is available to respond.

RESOLUTION #67-11 – EXECUTION OF AGREEMENT WITH STATE OF NEW JERSEY

Attorney Cushing explained the New Jersey Department of Transportation road improvement project known as “Route 78 Edna Mahan Frontage Road”. The work will include relocation or adjustment of water lines that would be affected by the project. The State requires a signed agreement by the Town before it will accept the Suburban Consulting Engineers, the Town’s Water Engineer, invoices for payment. To date, bills received from Suburban have totaled \$5,044.20 and the agreement provides for an estimated \$5,000.00. Resolution #67-11 authorizes the Mayor and Clerk to execute the NJDOT Agreement No. UCEA-1-RT.78-038039. A motion was made by Mr. Shea, seconded by Mr. Smith, to adopt Resolution # 67-11 to sign the agreement so the invoices for Suburban Consulting will be paid by the State, short of \$44.50. Looking forward, if the project is reactivated, the Town can negotiate and sign an Agreement Modification with an increased estimate for engineering costs prior to beginning work on the next phase.

RESOLUTION # 67 - 11

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION REGARDING THE INTERSTATE ROUTE 78/ EDNA MAHAN/FRONTAGE ROAD IMPROVEMENT PROJECT

WHEREAS, the Town of Clinton has received invoices from Suburban Consulting Engineers totaling \$5,044.20 in connection with initial design work for a New Jersey Department of Transportation road improvement project known as “Route 78 Edna Mahan Frontage Road” (“the Project”); and

WHEREAS, the design work concerned the protection, relocation, or adjustment of water lines that would be affected by the Project; and

WHEREAS, the Project is on indefinite hold at this time, but the State will pay for engineering expenses already incurred on its behalf in the preliminary design phase; and

WHEREAS, the State requires a signed agreement with the Town before it will accept the SCE invoices for payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County, that the Mayor and Clerk are hereby authorized to execute NJDOT Agreement No. UCEA-1-RT.78-038039 in the form attached hereto.

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

Vote all ayes
Motion carried

REQUEST FOR WAIVER

Clinton Presbyterian Church has requested a waiver to the Board of Adjustment fee of \$25.00 to display a temporary banner to promote awareness for Vacation Bible School. A motion was made

by Mr. Smith, seconded by Mr. Duffy, to grant the request. Mr. Cushing stated that waiving fees for churches will become practice for all future waivers requests from places of worship.

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

Vote all ayes
Motion carried

CORRESPONDENCE – None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Duffy

1. Board of Recreation – Registration is now open for the 2011 season of Summer Rec. The program will run from June 22 through July 27 from 9:00 a.m. to noon, Monday through Friday. Construction is expected to begin soon on the Grandstands hoping to be completed by early Spring.
2. Annual Senior Luncheon is scheduled for Sunday, May 1, 2011.
3. Clinton Mills Dam and Dike project will be completed when the weather begins to break.
4. Clinton Fire Department – The light for the north side of the parking lot is still being addressed and quotes are being reviewed.
5. Community Garden is still open for discussion, few locations are being considered.
6. Clinton Fire Department has begun joint training with Station 46 and is working well.

Councilwoman Valenta

1. Board of Education will have a 1% increase in budget. Suggestions are encouraged and being accepted.
2. A letter has been sent to the county expressing an interest in finding out more information about shared services regarding the Newsletter and the Web Site.

Councilwoman Insel

1. Clinton Guild will be holding their re-organization meeting on Wednesday, February 23, 2011.
2. Smart Growth Committee

Councilman Shea

1. SWAC – Re-organization meeting held and officers remained the same. A group of SWAC members planned meet with the Freeholders but the meeting was cancelled. They will reschedule.

Councilman Smith

1. Announced that the Town received a check in the amount of \$50.00 from the Mom's Club of

Pittstown. The club held a Trike-A-Thon in the Municipal Parking lot on September 20, 2010 and donated the check as a thank you. This was a fund raiser for St. Jude Children's Research Hospital and the club collected over \$400.00.

2. The Hunterdon County Planning Board Awards were announced. The Town of Clinton will Receive a Transportation Award for Allie's Way. A dinner and award presentation will be held March 30, 2011.

James T. Naples, PW/Business Administrator

1. Mr. Naples stated that he, Mr. Shea and Mrs. Insel met with the New Jersey Department of Transportation to discuss the Safe Routes to School grant on February 9, 2011. This application has been before the DOT for many years. The Town learned at this meeting that a Request for Proposal (RFP) must now be prepared for engineering purposes to proceed with the grant. Mrs. Insel thanked Mr. Naples for his quick response to preparing the RFP.
2. The Town has enlisted a 3rd party company for a proposal of energy aggregation for all Municipal buildings. If the proposal is favorable, we will have to put out a electric RFP for bid.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith seconded by Mr. to approve the standby and overtime pay attached to these minutes for February 4 through February 17, 2011.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Smith seconded by Mrs. Insel to adjourn the meeting at 8:02 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC

Councilman Pendergast