

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Councilman Smith 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. Insel, to approve minutes of March 22, 2011 as submitted.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

APPROVAL OF MONTHLY REPORTS – MARCH

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

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

Vote all ayes
Motion carried

PUBLIC COMMENT

Whitney Wetherill, 36 West Main Street, asked if a walkway could be designated from the firehouse parking area to the Post Office. Mr. Smith said there is a Roads meeting scheduled for Friday, April 15, and the committee will discuss this.

Ms. Wetherill also commented on the berm along the South Branch with signs posting, “No Trespassing”. She said that people ask if this work was done with State funds, why isn’t it accessible for the publics to walk along and enjoy. It was explained that this is all private property.

MAYOR’S COMMENTS – None

CLINTON PUBLIC SCHOOL – BOARD OF EDUCATION

Richard Katz, Superintendent, and Lisa Kraft, Business Administrator, attended tonight’s meeting to present the 2011-2012 Budget. Mr. Katz explained that 2010 was the first time their budget was defeated by the voters so they listened to the public, reviewed it closely and have now prepared a budget staying well under the 2% CAP. Mr. Katz distributed a packet to Council members and the public, outlining the proposal. Sharing services has proven to be a great way of saving money and the school board continues to explore additional opportunities to do so. Councilman Shea questioned Mr. Katz if Hampton Borough was ever approached to bring students in to Clinton? Mr. Katz had never considered that but will look into it.

Lisa Ayers addressed the Clinton- Glen Gardner merger, a new roof for the school to be done this summer, energy projects and shared services with Clinton Township.
The impact on an average household will be \$65.00. School Board Elections are April 27, 2011 from 7:00 a.m. to 9:00 p.m.

KNIGHTS OF COLUMBUS

The Knights of Columbus and the North Hunterdon Newcomers Club are hosting the 4th Annual Chili Cook Off and requesting a waiver for the Temporary Food License for \$100 and Propane permit, \$42.00. A motion was made by Mr. Shea, seconded by Mr. Pendergast, to approve the request to waive the fees.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #11-04 – BOND ORDINANCE

Kathy Olsen, CFO, explained that we have applied for a NJEIT grant to make improvements to the sewer utility, consisting of tertiary filter replacement for the wastewater treatment plant, and other necessary work. A motion was made by Mr. Pendergast, seconded by Mrs. Insel to open the public hearing of Ordinance #11-04 as submitted:

ORDINANCE #11-04

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,545,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,545,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF.

Vote all ayes
Motion carried

Whitney Wetherill, 36 West Main Street, questioned why this amount of money was needed and suggested raising the rates. Mr. Smith explained that rates have been raised recently however, the work that needs to be done is extensive. The filters are approximately 25 years old, the equipment that is in the building was installed and the structure was built around it. Therefore, the roof of the building must be removed to get the old equipment out. Part of the project is be funded by the New Jersey Environmental Infrastructure Trust fund at a very low interest rate.

There being no further comments, a motion was made by Mr. Pendergast, seconded by Mrs. Insel, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made Mr. Pendergast, seconded by Mrs. Insel to adopt Ordinance #11-04 on second reading.

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

Vote all ayes
Motion carried

RESOLUTION #84-11 – INCREASE BID THRESHOLD FOR QPA

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Resolution #84-11 as submitted:

**RESOLUTION # 84-11
RESOLUTION FOR INCREASING BID THRESHOLD**

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$36,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. established the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kathy Olsen possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Town of Clinton desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Town of Clinton, in the County of Hunterdon, in the State of New Jersey, hereby increases its bid threshold to \$36,000.00.

Vote all ayes
Motion carried

RESOLUTION 85-11 – AUTHORIZATION TO SIGN AGREEMENT WITH CTSA

A motion was made by Mr. Pendergast, seconded by Mr. Shea, authorizing the Mayor and Clerk to sign the agreement with Clinton Township for the Operation of their Sanitary Sewerage Collection System. The Clinton Township operator is retiring and this shared service will benefit both municipalities. This will be a one year agreement and will be reviewed before renewing.

RESOLUTION # 85-11

WHEREAS the Town of Clinton has entered into an agreement with Clinton Township for the Operation of their Sanitary Sewerage Collection System; and

WHEREAS at the time of renewal, the Town agrees to meet with the Authority to negotiate the terms of renewal within sixty (60) days of the expiration date of this agreement; and

WHEREAS either party shall have the right to terminate this agreement for any reason on twenty (20) days written notice to the other party;

WHEREAS the agreement is authorized pursuant to N.J.S.A. 40A:65-1 et seq. and has been approved by both parties; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Town of Clinton be authorized to execute the Agreement as submitted.

Vote all ayes
Motion carried

RESOLUTION #86-11 – CIVIL DYNAMICS

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to adopt Resolution #86-11 as submitted:

**RESOLUTION FOR AWARD OF PROFESSIONAL SERVICES
CONTRACT TO CIVIL DYNAMICS, INC. FOR
ENGINEERING SERVICES BY THE MAYOR AND COUNCIL
OF THE TOWN OF CLINTON,
HUNTERDON COUNTY, STATE OF NEW JERSEY**

RESOLUTION # 86-11

WHEREAS, the Town of Clinton is in need of contracting for engineering and related services for the reconstruction of the Clinton Mills Dam and Dike project, within the Town of Clinton, Hunterdon County, State of New Jersey; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bids and that the contract itself must be available for inspection;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County, State of New Jersey, that the Mayor and the Town Clerk of Clinton are hereby authorized, respectively, to execute and attest to an agreement with Civil Dynamics, Inc., for engineering and related services, at a fee not to exceed an additional \$30,000.00. This contract is awarded without competitive bidding as a “professional services contract” in accordance with N.J.S.A. 40A:11-5 (1)(a)(i) of the Local Public Contracts law.

Vote all ayes
Motion carried

**RESOLUTION #87-11 – AUTHORIZING EXECUTION OF AGREEMENT WITH
DONJON**

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #87-11 authorizing the Mayor and Clerk to enter into an agreement with Donjon Recycling. The dumpster will be located at the Wastewater Treatment Plant, inside the gates, signage will direct residents to location and guidelines. A special mailer will be sent out to Clinton residents when dumpster is in place.

RESOLUTION # 87 - 11

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH DONJON
RECYCLING FOR RECYCLING OF ELECTRONIC EQUIPMENT**

WHEREAS, the Town of Clinton received a proposal for electronic equipment recycling services from DONJON Recycling, a Division of Donjon Marine Co., Inc. at no cost to the Town; and

WHEREAS, the proposal will enable the Town to offer its residents a way to recycle unwanted electronic equipment in Town at the Wastewater Treatment Facility.

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 a contract with DONJON Recycling for electronic equipment recycling services at no cost to the Town in the form attached hereto.

Vote all ayes
Motion carried

PROCLAMATION – OLDER AMERICANS MONTH

Councilman Smith read the proclamation designating May as Older Americans Month. A motion was made by Mr. Pendergast, seconded by Mr. Shea, to support the proclamation and acknowledge the contributions of this municipality's older residents.

Vote all ayes
Motion carried

PROCLAMATION – ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, call Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees are a source of joy and spiritual renewal, and

WHEREAS, the Town of Clinton has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, Christine Schaumburg, Mayor of the Town of Clinton, do hereby proclaim Friday, April 29, 2011 as ARBOR DAY in the Town of Clinton, which day shall be dedicated to a celebration of trees and the many benefits they confer upon the community, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to proclaim April 29 as Arbor Day, to be celebrated with a tree planting on the corner of East Main Street and Leigh Street, in

front of Extraordinary Beads. The third graders from Clinton Public School will join officials at 10:00 a.m. to join in the celebration!

BANNER REQUEST – BALIC OF CLINTON & WDVR

Council is in receipt of a banner request from Balic of Clinton to display the banner “Wine on the river with WDVR” for the May 15, 2011 event. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to approve the request to display the banner May 8 through May 15, 2011.

Vote all ayes
Motion carried

BANNER REQUEST - ST. ANNA’S OPA GREEK FESTIVAL

Council is in receipt of a banner request from St. Anna’s Greek Orthodox Church to display the banner for the St. Anna’s Opa Greek Festival to be held May 28, 29, 30, 2011. The banner is to be displayed May 16 through May 23, 2011. A motion was made Mrs. Insel, seconded by Mr. Pendergast, to grant the request as submitted.

Vote all ayes
Motion carried

RAFFLE APPLICATION – CLINTON PUBLIC SCHOOL PTA

A motion as made by Mr. Pendergast, seconded by Mr. Duffy, to approve the raffle application for Clinton Public School PTA to hold a raffle on April 29, 2011 from 7:00pm to 9:00 pm.

Vote all ayes
Motion carried

CORRESPONDENCE

1. A letter of resignation received from Don Goehe, stepping down from the Environmental Commission for which he proudly served for 30 years! A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to accept the resignation of Mr. Goehe with regrets. Citizen Involvement applications are available and will be accepted to fill the position.
2. A request from Mark Dau, Scout leader, to coordinate the Annual Flag Day Flag Retirement Ceremony with the Scouts at DeMott Pond. Flag Day is June 14 which happens to be a Council night, however, if the ceremony can begin promptly at 6:00 p.m., Council members will be able to attend the ceremony and the council meeting at 7:30 p.m. Clerk will contact Mr. Dau.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Duffy

1. Clinton Fire Department lighting in the municipal parking lot is now working properly, shielded and on a timer. Thank you to Jim Naples, PW/BA and Art Dysart, Buildings and Grounds foreman.
2. Clinton Fire Department held their annual meeting and elected the 2011-2012 Officers:
Chief Steve Higgins
Deputy Chief Walter Dorf
President Jerry Malecki
Vice President Scott Wintermute
Secretary Matt Brown

Treasurer Bill Wintermute
Trustees: Tim Langston, Rick Dux and Quintus Joubert

Councilman Pendergast

1. Attended SWAC meeting March 29, very poor attendance. Out of 26 municipalities in Hunterdon County, eight municipalities are required to have a quorum and the minimum was not available, therefore, no quorum. However, the group still met for 1 hour and 20 minutes. All towns are required to have SWAC representatives and to date, Hampton, Glen Gardner and Stockton still have no one appointed.

A recycling poetry contest is being held for 4, 5, and 6 graders, that should be fun!

2. Sewer Committee holds quarterly meetings, next meeting is scheduled for May. Mr. Smith suggested the schedule be revised upon the start of the treatment plant projects.

Councilwoman Insel

1. Saturday, April 16, the Easter Bunny will be visiting Town from 1:30 to 3:30 p.m.
2. Smart Growth – Mrs. Insel, Carl Hintz, Planner, and Frank Gallagher, Planning Board Chair, met with the Highlands to discuss future funding for redevelopment plans. The group also discussed procedure for revising ordinances.

Clerk Covino

1. Ethics Forms are requested to be returned to the clerk by April 20, 2011 so they may be sent to the Division of Local Government Services by deadline April 30, 2011. Fines will be imposed for failure to submit.
2. Attended the Clerk's Annual Spring Conference from April 4 through April 7th. Obtained 16.5 continuing education units, and valuable information and updates to legislation.

Councilman Shea

1. Roads Meeting – Friday April 15 at 4:00 pm
2. Shade Tree – Arbor Day, Friday, April 29, 2011 at 10:00 a.m. on East Main Street. Mr. Shea and the third graders will gather with Lou Spanner, Town Arborist, to plant a cherry tree and pick a name for the tree!
3. Mr. Shea has been asked by Freeholder Rob Walton, to be a member of the Shared Services Committee being formed to share ideas and perspectives with other municipalities. The Committee met and were joined by Jim Robinson of Century Link. Mr. Robinson gave a very entertaining talk on how towns began. The Connect Group which talks about how towns can consolidate services may be an idea for future speakers.
4. SWAC – recycling presentation 8:00 a.m. at the County Complex on Friday, April 15. Mr. Shea will speak on behalf of the town's recycling program.

Councilman Smith

1. Water Meeting scheduled for Wednesday, April 20th at 8:00 a.m.
2. Rescue Squad responded to 65 more calls in March than last year. An average response time

is 9 minutes, 36 seconds. Calls are up 27% for the first quarter over last year.

3. Pony Truss Bridge will be closed beginning May 9, 2011, Monday through Friday, from 8:00 a.m. to 3:00 p.m. for approximately three weeks.

James T. Naples, PW/Business Administrator

1. Met with the Flemington Mayor and Councilmember to discuss possibly joining the Joint Municipal Court.
2. The Town applied to the Department of Transportation years ago for a Safe Routes to School Project. Monies were available through a Federal program. Recently Mr. Shea, Mrs. Insel and Mr. Naples met with representative from DOT to discuss their application and were told that modifications had to be made. A letter called a CED was required to be included in the package with the application. When the Town was unable to locate such a letter, the original letter was found by DOT. Mr. Naples stated that having this letter would have simplified the process. The application is close to being completed and submitted.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Duffy to approve the standby and overtime pay attached to these minutes for March 18 through March 31, 2011.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #- 88-11 – EXECUTIVE SESSION – Potential Litigation

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 8:46 p.m. to discuss a matter of Potential Litigation.

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);

_____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. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 8:58 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 9:00 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC

Councilman Robert B. Smith