

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

Flag Salute.

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

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. Pendergast seconded by Mr. Shea, to approve minutes of May 24, 2011 as submitted.

Vote all ayes
1 Abstention (Valenta)
Motion carried

APPROVAL OF MONTHLY REPORTS – MAY

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

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

Vote all ayes
Motion carried

RESIGNATION OF MAYOR SCHAUMBURG

Councilman Smith read the resignation of Mayor Schaumburg effective June 3, 2011. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to accept the resignation of Mayor Schaumburg with regrets.

Vote all ayes
Motion carried

RESOLUTION #115-11 – APPOINTMENT OF COUNCIL CHAIR PRO TEM

Councilman Smith read Resolution #115-11 and explained that with the resignation of Mayor Schaumburg and important projects that are in the process of being addressed, someone with background of the projects and the expertise should be appointed as Council Chair Pro Tem. The Council Chair Pro Tem will be able to sign contracts and will be acting as mayor with the powers and the authority to run meetings. Mr. Cushing explained that the vacancy can be filled by an appointment made by Council. A motion was made by Mrs. Insel, seconded by Mr. Duffy, to adopt Resolution #115-11, naming Robert B. Smith, P.E. as Mayor Pro Tem.

RESOLUTION # 115- 11
RESOLUTION APPOINTING COUNCIL CHAIRMAN PRO TEM

WHEREAS, Mayor Christine Schaumburg resigned from office effective June 3, 2011 and the office is now vacant;

WHEREAS, and NJSA 40A:62-3 and provides that in the absence of the Mayor, the Council may elect one of its own as chairman for the time being;

WHEREAS, Section 4-3A of the Code of the Town of Clinton provides that in the absence of the Mayor the Council may elect one of its own as Chairman Pro Tem

WHEREAS, it is necessary to have a chairman appointed to fulfill the duties of Mayor while there is a vacancy in the office

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Clinton, Hunterdon County, that Robert B. Smith, P.E. is hereby appointed to be Chairman Pro Tem of the Council during the period of vacancy of the office of Mayor.

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

Vote all ayes
Motion carried

Councilman Pendergast suggested amending the Council appointments, especially those that the mayor is appointed to, to insure continuity during the time a interim mayor is appointed.

1. Finance Committee – Appoint Maria Valenta
2. Alternate Court Member be made a regular Court member – Marty Pendergast
3. Chairperson of the Personnel Committee – Dan Shea and regular member be named - Laurie Insel
4. Police Committee – Marty Pendergast, Robert B. Smith and appoint Rich Duffy

A motion was made by Mr. Shea, seconded by Mr. Duffy, to amend Resolution #19-11 with the aforementioned changes.

Vote all ayes
Motion carried

FARMER'S MARKET

Harvey Finkel and Rob Dougherty of the Clinton Book Shop and organizers of Hunterdon First, came before Council to explain the progress in holding a Farmer's Market on a weekly basis. A packet that detailed their Business Plan was provided to Council summarizing the purpose, situation analysis, location and parking, schedule, products and management of the market. Harvey and Rob met with Chief Matheis following their introduction of the market idea and chose the Clinton Fire Department as the ideal location to hold the market. Harvey met with Scott Wintermute of the Clinton Fire Department and the Fire Department does not have any problems with the market being held on their grounds. Mr. Smith asked about insurance and was informed that Hunterdon First has insurance, however, all vendors will list the Town as additional insured with a rider. Mr. Cushing said that is reasonable. Mr. Shea asked about parking and learned that vendors will set up then move their cars to another location. Mrs. Insel said it sounds like a good plan. The vendors will be responsible for removing all garbage. An application is being prepared and Council will review it. Caroline Conboy, Insurance Agent, will review the

insurance forms provided. There will be a seasonal fee and their goal is to gear it to local farmers. The market is scheduled to be held on Sundays, from 10:00 a.m. to 2:00 p.m.

Frank Gallagher, 31 Center Street, commended Harvey on a great plan.

Mr. Finkel was asked if he spoke to the Zoning Officer just to confirm zoning issues are not an issue.

A motion was made by Mr. Duffy, seconded by Mrs. Valenta, to accept the conceptual plan for the Town of Clinton Weekly Farmers Market!

Vote all ayes
Motion carried

MAYORAL APPOINTMENT

Mr. Smith explained that interviews will take place after the payment of bills.

REFUNDS TO MERCHANTS

Mr. Shea explained that all the building owners that had the pavers laid in front of their properties had to pay a \$75.00 Road Opening Permit. After discussing this with the Road Committee and the Administrator, Mr. Naples, it was decided to rescind the fees to them. A motion was made by Mr. Duffy, seconded by Mr. Pendergast, to return the \$75.00 Road Opening Permit fees.

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

Vote all ayes
Motion carried

RESOLUTION # 111-11 – ASSESS LEIN TO BLOCK 25, LOT 15

Council briefly discussed the ongoing situation at Block 25, Lot 1. The Town has had to cut the grass on several occasions and had to secure the property for safety reasons per the Housing Inspector. Mr. Smith suggested Mr. Cushing send a letter to the owners addressing the condition of the property. Mr. Cushing stated that it is the jurisdiction of the Hunterdon County Health Department to address the conditions surrounding the structure regarding the rodents, deer ticks and vermin. Clerk will contact the Health Department and notify them.

RESOLUTION # 111 - 11

WHEREAS Section 45 BRUSH, GRASS, AND WEEDS, of the Town of Clinton Code Book requires that certain aspects of a homeowners property be maintained as to not create a concern to the public, welfare and safety or constitute a fire hazard; and,

WHEREAS the code states that all grass and weeds must be maintained so as not be greater than 3 inches in height; and,

WHEREAS the Code Enforcement Official is authorized to enforce Section 45 by notifying residents of a violation and allowing ten (10) days to abate a violation; and,

WHEREAS of the owner of said property does not abate the problem within ten (10) days after receipt of the notice, a provision in the Section allows for the Public Works/ Business Administrator to reinspect the lands in question and report to Council at its next regular meeting the condition complained of, and

WHEREAS the Public Works/ Business Administrator shall cause the condition complained of to be abated and certify to the Mayor and Council, the cost charged which shall become a lien upon the lands and be added to become a part of taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, that steps to abate conditions as stated in Section 45 to the following properties have been remedied by the Town of Clinton Public Works Department and the liens on the respective fees be assessed to the said properties are as follows:

	TOTAL AMOUNT
31 West Main Street Block 25, Lot 15	\$230.00

BE IT FURTHER RESOLVED that the Mayor and Council have reviewed documentation and approve the liens to be assessed as presented. Certified copies of this resolution shall be presented to the Town of Clinton Tax Assessor and Tax Collector.

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #111-11 as submitted.

Vote all ayes
Motion carried

RESOLUTION #112-11 – BYOB -- CLINTON FIRE DEPARTMENT

The Clinton Fire Department is hosting another public fund raiser on Friday, June 24 from 5:30 pm to 9:00 pm. A motion was made by Mr. Duffy, seconded by Mr. Shea to adopt Resolution #112-11 allowing for the consumption of alcoholic beverages at the event. Mr. Duffy also announced that a new ice cream vendor in Town, Kona Ice, will be available to sell shaved ice and packaged ice cream.

RESOLUTION # 112-11

WHEREAS, the Code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council; and

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at a public fund raiser at the Clinton Fire Department to be held on Friday, June 24, 2011 between the hours of 5:30 PM and 9:00 PM

Vote all ayes
Motion carried

RESOLUTION #113-11 – ASSESS LIENS

Three additional properties have been addressed by the Public Works Department and liens have been assessed. Mr. Cushing stated that the Police may issue summons for failure to comply with

Section 45. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #113-11 and directed the Police to issue the appropriate summons.

RESOLUTION #113-11

WHEREAS Section 45 BRUSH, GRASS, AND WEEDS, of the Town of Clinton Code Book requires that certain aspects of a homeowners property be maintained as to not create a concern to the public, welfare and safety or constitute a fire hazard; and,

WHEREAS the code states that all grass and weeds must be maintained so as not be greater than 3 inches in height; and,

WHEREAS the Code Enforcement Official is authorized to enforce Section 45 by notifying residents of a violation and allowing ten (10) days to abate a violation; and,

WHEREAS of the owner of said property does not abate the problem within ten (10) days after receipt of the notice, a provision in the Section allows for the Public Works/ Business Administrator to reinspect the lands in question and report to Council at its next regular meeting the condition complained of, and

WHEREAS the Public Works/ Business Administrator shall cause the condition complained of to be abated and certify to the Mayor and Council, the cost charged which shall become a lien upon the lands and be added to become a part of taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, that steps to abate conditions as stated in Section 45 to the following properties have been remedied by the Town of Clinton Public Works Department and the liens on the respective fees be assessed to the said properties are as follows:

	TOTAL AMOUNT
2 Hillside Drive Block 5, Lot 17	\$134.00
8 Hillside Drive Block 5 Lot 20	\$134.00
19 West Main Street Block 25, Lot 20	\$134.00

BE IT FURTHER RESOLVED that the Mayor and Council have reviewed documentation and approve the liens to be assessed as presented. Certified copies of this resolution shall be presented to the Town of Clinton Tax Assessor and Tax Collector.

Vote all ayes
Motion carried

RESOLUTION #114-11 – HOLIDAY INN LIQUOR LICENSE

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to adopt Resolution #114-11 for the renewal of Plenary Retail Consumption License # 1005-36-004-007.

RESOLUTION # 114-11

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION), #1005-36-004-007 for:

**HIC ASSOCIATES, LLC
HOLIDAY INN CLINTON
111 ROUTE 173
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2011, renewal of the above captioned license for the 2011-2012 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

RESOLUTION #116-11 – TAX REDEMPTION

A motion was made by Mr. Duffy, seconded by Mr. Pendergast, to adopt Resolution #116-11 as submitted:

RESOLUTION #116-11

WHEREAS the Tax Collector of the Town of Clinton has been paid \$227.14 amount necessary to redeem Tax Sale Certificate #2010-8 on Block 2, Lot 27, assessed to Atlas Construction Group, Inc. and purchased by US Bank Cust for Pro Capital I, LLC.

NOW THEREFORE BE IT RESOLVED, on this 14th day of June, 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 \$227.14 payable to US Bank Cust for Pro Capital I, LLC, 20 S. 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 #2010-8 on Block 2, Lot 27, assessed to Atlas Construction Group, Inc. from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

SPRUCE RUN BLOCK PARTY

A motion was made by Mr. Shea, seconded by Mrs. Insel, to approve the Annual Spruce Run Road Block Party on June 25, 2011. The hours of the party will be from 2:00 p.m. to 11:00 p.m.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

WATER REFUND

The Water Collector is requesting a refund of \$11.58 be forwarded to Virginia Barnes, Account # 002263. A motion was made by Mr. Pendergast, seconded by Mrs. Insel to refund the amount requested.

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

Vote all ayes
Motion carried

WAIVERS FOR NON-PROFITS FOOD PERMITS

Clerk Covino is requesting Council to waive food permit fees for non-profit organizations that are designated as 501- (C) – 3 groups. Hunterdon County Health Department waives their fees for non-profits organizations inspections and non-profits follow up with letters to the Town to waive the fees. In order to save multiple requests to the Town Council, the Clerk is requesting these organizations have fees waived when the County waives them. A motion was made by Mrs. Valenta, seconded by Mr. Shea, to approve the request to waive fees for non-profits.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. Hunterdon Healthcare Medical Center Foundation is requesting an opportunity to make a brief presentation to the governing body at a regular meeting after Labor Day, 2011. The presentation would require approximately 20 minutes followed by an 8 minute video. Council agreed to the presentation but asks that the Foundation forego the video.
2. The Hunterdon County SWAT Team was recently recognized during the 2011 200 Club Merit Award Ceremony. Members of the SWAT Team are Detective Sgt. Jay Hunter and Patrolman Jim Kramer.
3. Anthony Kearns, Hunterdon County Prosecutor, is proposing an ordinance prohibiting the underage consumption and possession of alcohol on private property. Mr. Cushing explained the proposed ordinance with Council and Chief Matheis. This ordinance would allow police to approach a residence or a private party, in response to a complaint of noise. Underage persons drinking alcohol could face consequences of either a fine or license suspension, at the discretion of the court, but would not incur the consequences associated with conviction of a disorderly person's offense. Chief Matheis explained that the ordinance may be aimed at larger homes in rural areas, however, in a smaller Town such as Clinton, the police officers have a wide range of discretion such as verbal or written summons. A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to table this discussion at this time.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Brett Matheis

1. To clarify 101.5 radio station report of a stolen police car, be assured that once again, this was the Township of Clinton and not the Town. The Town has anti-theft devices, making it impossible to steal a police car.

James T. Naples, PW/Business Administrator

1. Attended a tour with the Hunterdon County SWAC team. Visited the Colgate paper recycling plant to see how single stream recycling is sorted. Obtained good information for the next garbage contract.
2. Attended PEOSHA training for the workplace.

Councilman Shea

1. Attended the Flag Day ceremony held at the Red Mill this evening with Councilwoman Insel.
2. Roads Committee – East Main, Main and Lower Center Street project, preparing the bids and attempting to coordinate the project with the replacement of water mains. Geared to August or September with the least amount of impact.

Councilwoman Insel

1. Smart Growth Committee to meet Thursday, June 16, 2011 at 7:30 p.m. Continuing discussions for an Economic Development Committee.

Councilman Pendergast

1. Sewer – Shared Services agreement with Clinton Township is going well.

Councilwoman Valenta

1. Historic Commission to meet the third Wednesdays of the month at 7:30 p.m.

Councilman Duffy

1. Clinton Fire Department is hosting another clam bake on the Fire Department grounds. It will be held on Friday, June 24, 2011 beginning at 5:30 p.m. Resolution #112 -11, adopted earlier this evening, will permit adults to BYOB! Burgers and hot dogs will also be served.
2. Buildings and Grounds – two dumpsters are located at the Treatment Plant, Scrap metal and Electronics.
3. Improvements to Gebhardt Grandstand should begin within the next few weeks.
4. Municipal Building will be getting new railings and repairs made to steps and ramp.
5. Community Center will be having the roof replaced.
6. Energy efficient improvements at the cost of \$130,000 worth of upgrades are being made. Grants in the amount of \$25,000 have been received – re-cooping energy costs.
7. Summer Recreation Program begins June 20, 2011.

Councilman Smith

1. Rescue Squad responded to 146 calls in May, with a response time in Town under 4 minutes.
2. Water Committee will meet June 15th at 8:00 a.m. Construction of the 2.5 MG Storage Tank to begin soon.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta to approve the standby and overtime pay attached to these minutes for May 13 through June 9, 2011.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

8:30 P.M. – INTERVIEWS FOR INTERIM MAYOR

The Democratic Committee submitted the three names of candidates for the position of interim mayor: Janice Kovach, Richard F. Miller and Michelle Harrison.

Councilman Pendergast thanked the Democratic Committee for submitting the three names, however, he did question why Councilwoman Maria Valenta, having experience of sitting on Council, was not considered. Mr. De Cleene, Chairman of the Democratic Committee, stated that Mrs. Valenta was approached to be one of the candidates and was not interested. Mrs. Valenta explained at the moment she was called, she was not interested. However, allowing time to think about the idea, Mrs. Valenta changed her mind and called Mrs. Kovach to say she would be interested. Unfortunately, the three names were chosen and Mrs. Valenta was not one of the three.

Mrs. Menichillo, 11 Haver Farm Road, questioned the process to appoint an interim mayor and why, then, is there a need to appoint a Council chair pro tem? Is it the intent of council to appoint an interim mayor this evening? Mr. Smith explained that a chair pro tem of the council would be to act in the place of a mayor being absent and to be available to sign contracts and proceed if an emergency arises. Yes, it is council's intent to appoint an interim mayor tonight from the three names submitted by the Democratic Committee.

Council proceeded to interview the three candidates.

Janice Kovach was the first to address Council and the audience. Ms. Kovach gave an overview of her professional work experience and background. Mrs. Kovach sat as Councilwoman from 2004 – 2006. Mrs. Kovach was instrumental in obtaining the DEP Grant for the Clinton Mills Dam and Dike Project.

Richard F. Miller addressed Council and presented his Educational, Professional Experience and Community Activities involvement. Mr. Miller is currently on the Board of Trustees, previously serving as President, of the Red Mill Museum Village. Mr. Miller acted as the Interim Executive Director of the Red Mill from November, 2009 through April, 2010. He is a retired History teacher.

Michelle Harrison approached Council and spoke of her experiences with Bloomberg, L.P. where she founded and managed a division to provide continuous 24 hour analytic support to a worldwide base of customers. Ms. Harrison is a member of the Environmental Commission and the Clinton First Aid & Rescue Squad.

Mr. Pendergast thanked the candidates and explained that Council would be entering a brief Executive Session to discuss Personnel. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #117-11 at 8:45 p.m.

Vote all ayes
Motion carried

RESOLUTION # 117-11 – EXECUTIVE SESSION – PERSONNEL

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to enter into Executive Session at 8:45 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. Pendergast, seconded by Mrs. Valenta, to come out of Executive Session at 9:00 p.m.

Vote all ayes
Motion carried

Mr. Shea thanked the three nominees for their dedication to their community. Mr. Shea nominated Richard F. Miller to act as interim mayor, seconded by Mr. Pendergast. Mr. Shea stated that Mr. Miller's community involvement with the Historical and Environmental Commission and all segments of our society helped Council in making this decision. Mr. Cushing administered the Oath of Office to Mr. Miller and a round of applause filled the room!

Mr. Miller took a seat at the dias and continued with business. Council was scheduled to enter into an Executive Session to discuss Contract Negotiations and Potential Litigation. Mr. Miller asked for a motion, made by Mr. Pendergast, a second, made by Mrs. Insel, and a vote....

All ayes
Motion carried

RESOLUTION #- 118-11 – EXECUTIVE SESSION – Potential Litigation – Contract Negotiations

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to enter into Executive Session at 9:10 p.m. to discuss a matter of Potential Litigation and Contract Negotiations.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

_____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof
(Specify contract:

____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

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 9:45 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Duffy seconded by Mrs. Valenta to adjourn the meeting at 9:50 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Councilman Robert B. Smith

Richard F. Miller, Mayor