

Mayor Richard F. Miller called the meeting to order at 7:35 p.m.

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast, Shea, Smith, Mayor Miller
Arrived at 8:45pm – Valenta

STATEMENT OF ADEQUATE NOTICE:

Mayor Miller read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Smith, seconded by Mrs. Insel, to approve the special council meeting minutes of August 26, 2011 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS- AUGUST

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

Assessor’s Report, Administrator’s Report, Buildings and Grounds Foreman’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Code Enforcement/Housing Officer Report, Construction Control/Inspection Report, Fire Official Report for July and August, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Treasurer’s Report for July, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

1. Mr. Tony Yacka, 22 West Main Street, Clinton reported the basement of the old Agway building located at 19 West Main Street is flooded from Hurricane Irene. Mr. Yacka recommended the fire department come to pump the basement out if it is possible due to oil tanks located in the basement. He would like someone to check the property.

Police Chief Brett Matheis stated we must be able to get access to the property. We will make Jack Daniels, Housing Code Official, and the Department of Transportation aware of the situation.

- 2. Mr. Frank Gallagher, 31 Center Street, asked the council if the residents of Center Street can be notified when the street sweeper is coming by so the residents can move their cars.
- 3. Mr. Frank Gallagher, 31 Center Street, commented on the flower boxes around the trees down Main Street. He asked if the boxes can be more similar to enhance the streetscape.

Councilwoman Insel replied there will be new grates after the Main Street roads project is complete.

MAYOR’S COMMENTS

1. Mayor Miller reported the 911 Remembrance held at the Clinton Firehouse this past Sunday, September 11, 2011 was a beautiful dedication to tragic events of September 11, 2001. The town event was very moving. There was a good turn out from the public.

PROCLAMATION – OUTSTANDING RESPONSE BY EMERGENCY PERSONNEL

Mayor Miller presented and read a proclamation thanking and commemorating the outstanding work of the Clinton Police Department, Clinton Fire Department and the Clinton First Aid and Rescue Squad, Town of Clinton Water Department, Water Treatment Plant, the Municipal staff and Public Works Department during Hurricane Irene on August 27-28, 2011.

RESOLUTION #137-11 – OVERPAYMENT OF TAXES

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to authorize the Chief Financial Officer to refund the overpayment of taxes. Tax refund is issued to Brezina in the amount of \$1,911.63.

RESOLUTION #137-11

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>
31	13.03 Condo	Brezina, Marci	\$1,911.63

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 3rd quarter of 2011.

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

Vote all ayes
Motion carried

RESOLUTION #138-11 – DISCHARGE OF MORTGAGE

A resolution concerning the discharge of mortgage on an affordable housing unit in the Town of Clinton from Burgoyne to Silver/Zanetti at Ten Rolling Hill Road.

A motion was made by Mrs. Insel, seconded by Mr. Shea to pass Resolution #138-11 as submitted:

**RESOLUTION #138-11
RESOLUTION CONCERNING DISCHARGE OF AFFORDABLE HOUSING MORTGAGE**

WHEREAS a former Town of Clinton resident, Bunny Burgoyne, purchased a home at Ten Rolling Hill Road, Clinton, New Jersey, on April 14, 2004: and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton:
and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Bunny Burgoyne executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on April 16, 2004 in Mortgage Book 2681 on page 836: and

WHEREAS Bunny Burgoyne has now sold the home to Katherine H. Silver, who has executed a mortgage to the Affordable Housing Authority:

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Bunny Burgoyne to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #139-11 – RESOLUTION FOR LEIGH STREET SECTION 1

A motion was made by Mr. Shea, seconded by Mr. Smith, to adopt Resolution #139-11 as submitted:

**RESOLUTION #139-11
RESOLUTION FOR LEIGH STREET SECTION 1**

RESOLUTION: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Leigh Street Improvement Project Section 1.

WHEREAS, Leigh Street Section 1 is in need of Improvement

WHEREAS, Robert J. Clerico, P.E., Town Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Town of Clinton formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Town of Clinton -00237 to the New Jersey Department of Transportation on behalf of the Town of Clinton.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Vote all ayes
Motion carried

RESOLUTION #140-11 – RESOLUTION FOR LEIGH STREET SECTION 2

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #140-11 as submitted:

**RESOLUTION #140-11
RESOLUTION FOR LEIGH STREET SECTION 2**

RESOLUTION: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Leigh Street Improvement Project Section 2.

WHEREAS, Leigh Street Section 2 is in need of Improvement

WHEREAS, Robert J. Clerico, P.E., Town Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Town of Clinton formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Town of Clinton -00238 to the New Jersey Department of Transportation on behalf of the Town of Clinton.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Vote all ayes
Motion carried

RESOLUTION #141-11 – SPECIAL CHARGES TO PROPERTIES

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #141-11 as submitted:

RESOLUTION #141-11

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 the violation and allowing ten (10) days to abate a violation: and,

WHEREAS, 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 re-inspect 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, the 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.

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

Vote all ayes
Motion carried

RESOLUTION #142-11 – ENERGY AGGREGATION

James T. Naples, PW/Administrator explained this resolution will allow the Town to bid out to a third party to assist with reducing our energy cost with no additional charges to the Town.

A motion was made by Mr. Duffy, seconded by Mr. Shea, to adopt Resolution #142-11 as submitted

RESOLUTION #142-11

AUTHORIZATION TO CONSIDER HAVING THE TOWN OF CLINTON BECOME A GOVERNMENT AGGREGATOR FOR THE PURPOSE OF DEVELOPING A “STAND ALONE” ENERGY AGGREGATION PROGRAM WITH A LICENSED ELECTRIC POWER SUPPLIER AND A LICENSED GAS SUPPLIER FOR ALL TOWN OWNED FACILITIES IN AN EFFORT TO REDUCE ITS ENERGY COSTS THROUGH THE UTILIZATION OF LOWER PRICE BULK PURCHASES OCCURRING THROUGH THE PROCESS OF ENERGY COMPETITION (GIVEN THE DEREGULATION OF THOSE SUPPLIERS) SO AS TO ACHIEVE AN ACCEPTABLE FIXED RATE AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXPLORE AND INVESTIGATE ALL ASPECTS OF CREATING SUCH A PROGRAM INCLUDING THE RETENTION OF A BPU REGISTERED ENERGY AGENT/CONSULTANT AND THE AWARDED OF CONTRACTS TO BPU LICENSED ELECTRIC AND GAS SUPPLIERS, PURSUANT TO THE “ELECTRICAL DISCOUNT AND ENERGY COMPETITION ACT (EDECA),” N.J.S.A. 48:3-49 TO 98, AND THE RULES PROMULGATED THEREUNDER BY THE BPU RECITED IN N.J.A.C. 14:4-1.1 ET SEQ.

WHEREAS, the Mayor and Council of the Town of Clinton are desirous of reducing the energy utility costs for electric and gas for Town owned facilities; and

WHEREAS, the Mayor and Council of the Town of Clinton, preliminarily, believe that there is a potential to achieve substantial savings in electric and gas energy costs for its facilities, given the current state of deregulation of the industry, through bulk energy purchases at a fixed rate determined by the competition presently existing between BPU licensed electric and gas suppliers; and

WHEREAS, the Mayor and Council of the Town of Clinton are desirous of having a Government Energy Aggregation Program investigated and explored in order to determine if the above mentioned goals are achievable and, to this end, desire that its current utility bills be examined and analyzed and inquiries made concerning those licensed energy and gas suppliers and the rates they are offering either by a Registered Energy Agent/Consultant to be retained and/or by the appropriate Town Officials; and

WHEREAS, the Town of Clinton is deemed, by law, pursuant to N.J.A.C, 14:4-1.2, to be a "Government Aggregator" since it meets the following criteria: 1) it is subject to the Local Public Contracts Law and 2) it is interested in entering into a contract with a TPS, which is a licensed electric and gas suppliers, as they are known under the EDECA, for the Government Aggregator's (Town) use with respect to its own facilities; and

WHEREAS, N.J.S.A. 48:3-89 of the EDECA declares that "a government aggregator may enter into a contract with a licensed electric power supplier or a licensed gas supplier, as provided in N.J.S.A. 48:3-91,for its own use....; and

WHEREAS, N.J.S.A. 48:3-91 of the EDECA declares that "...a government aggregator may obtain: electric generation servicegas supply service....for its own facilities....; and

WHEREAS, the rules promulgated by the BPU, pursuant to the EDECA, allow a municipality to retain the type of consultant described hereinabove to analyze current billing and to seek out interested electric and gas suppliers based on the following definitions:

"**Energy Agent** means a person that is registered with the Board....and is thereby authorized to arrange the retail sale of electricity....gas supply....between government....and electric or gas power suppliers....".

"**Energy Consultant** means an energy agent that is registered with the Board and is thereby authorized to receive certain customer information from an LDC (licensed distributing company such as PSE&G, JCP&L, etc.) through electronic data interchange."

WHEREAS, the establishment of an energy aggregation program is permitted, pursuant to N.J.A.C. 14:4-6.3(a) which states, in pertinent part:

"A government aggregator may establish an energy aggregation program to purchase electric generation service, electric related service, gas supply service or gas related service... The energy aggregation program may purchase these services for use by one or more of the following:

1. The government aggregator's own facilities (stand-alone program);
2. Facilities of other government aggregators (multi-government program); and/or
3. If the government aggregator is a municipality, residential and/or non-residential customers (government-private program)"

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

- A. It wishes to consider having the Town become a Government Aggregator for the purpose of developing a "stand alone" energy aggregation program with a licensed electric supplier and a licensed gas supplier for the Town owned facilities.
- B. It desires to do so for the purpose of attempting to reduce its energy costs through the utilization of lower price bulk purchases occurring through the process of energy competition among suppliers (given their present deregulation status) so as to achieve

an acceptable fixed-rate which, over the course of time, will produce a cost savings greater than that which would occur based on the utilization of the daily fluctuations of rates.

- C. It hereby directs the appropriate Town Officials to explore, investigate and analyze all aspects of creating an energy aggregation program, including the retention of a BPU registered agent/consultant and the awarding of contracts to BPU licensed electric and gas suppliers pursuant to the "Electrical Discount and Energy Competition Act (EDECA) and the rules promulgated thereunder by the BPU.

- D. Upon completion of the investigative, exploratory process described above, which shall include (not by way of limitation) examination and analysis of past and current utility bills and investigation concerning the aforementioned licensed electric and gas energy suppliers, their interest and analysis of their present and anticipated prospective market rates, the Town Council shall determine if the abovementioned energy-saving goals are achievable and whether a solicitation of bids and an award of contract pursued in accordance with the Local Public Contracts Law should follow.

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

Vote all ayes
Motion carried

RESOLUTION #143-11 – AWARD OF CONTRACT TO GOLDSTAR ENERGY GROUP

A resolution submitted to award a contract to Goldstar Energy Group an energy agent and consultant registered with the New Jersey Board of Public Utilities, to review and analyze the Town's utility bills to evaluate potential savings through fixed energy rates for a period of one year, prepare a fuel market cost analysis, prepare technical bid specifications for bulk gas and electric energy purchases, provide written analysis with respect to all bids received and make recommendations concerning any awards of contract.

Resolution #143-11 was tabled.

PUBLIC HEARING - ORDINANCE #11-11 – PETITION HIGHLANDS COUNCIL

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

Motion carried
Vote all ayes

**TOWN OF CLINTON
ORDINANCE # 11-11**

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Mr. Walter Wilson of Clinton Township issued a personal statement on the Ordinance even though he does not live in the Town of Clinton. He stated his concern about the impact this ordinance would have on the homes and businesses if they should need to rebuild from a disaster and would need to conform to the Highlands Plan.

There being no further discussion a motion was made by Mr. Smith, seconded by Mr. Pendergast to close the public hearing portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Shea, seconded by Mr. Duffy to adopt Ordinance #11-11 on second reading as submitted.

Vote all ayes
Motion carried

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

PUBLIC HEARING - ORDINANCE 11-12 – BOND ORDINANCE – ROAD IMPROVEMENTS

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to open the public hearing on Ordinance #11-12.

Vote all ayes
Motion carried

ORDINANCE #11-12

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS
IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON,
NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$412,000 BONDS OR NOTES OF THE TOWN TO
FINANCE PART OF THE COST THEREOF.

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

Vote all ayes
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Shea to adopt Ordinance #11-12 on second reading as submitted:

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

Vote all ayes
Motion carried

FEE WAIVER REQUEST – BOY SCOUT TROOP 121

A fee waiver request was submitted for a fire safety permit to be used at the Town picnic. However since the Town Picnic was moved to the rain date of September 24, the boy scouts cannot be there on that date. Therefore the fee waiver is withdrawn.

CITY CONNECTIONS – WEBSITE – CONTRACT RENEWAL 2012

Authorization to sign the yearly contract renewal for the web host City Connections.

Contract tabled until next meeting to provide Richard Cushing, Town Attorney, time to review the contract.

CORRESPONDENCE

1. Mayor Miller read a resolution received from West Amwell to join them in trying to amend the Open Public Records Act to inform the public of governmental websites where the information that they are requesting is readily available. West Amwell is requesting the Council to draw up a similar resolution to create a new format under OPRA to handle information that can be obtained through a governmental website therefore saving costs on extraction and copying.

2. Councilman Smith mentioned a letter received from Walter Wilson dated August 29, 2011 concerning the property at 102 West Main Street. The owner, D&D Enterprises, is requesting a certificate of occupancy from the Council. D&D Enterprises has renovated the building with new apartments upstairs with a cleaners and another store on the first floor. Mr. Wilson stated he has received the approvals from the Board of Adjustment.

Council asked James T. Naples, PW/Administrator to check with the Town Inspectors. Upon Mr. Naples review the Council will address this matter at the next meeting of September 27th 2011.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Brett Matheis

1. Chief Matheis met with FEMA at the Hunterdon County office on Route 12 in Flemington to discuss the process for public assistance due to the damages and flooding caused by Hurricane Irene. Private homes and businesses need to register with FEMA to receive aid. Flyers with the information were placed around the Town.

2. Chief Matheis stated he was very proud of the services provided by the Town during the storm and the flooding that followed. The Police Department and the Public Works Department did an outstanding job.

James T. Naples, PW/Adm.

1. Mr. Naples reported that Public Works Department worked diligently prior, during and after the storm to prepare the Town for the impact. Mr. Naples was very impressed and commended the services our Public Works Department gives to the Town.

Councilman Smith

1. Mr. Smith reported the Town of Clinton Water Department issued boil water notices on September 6, 2011. The Potterstown Well tested positive for e-coli in the raw water supply. According to Department of Environmental Protection notices must go out to water customers. The boil water notice was in affect for four days.

2. Another boil water notice was issued on September 10 due to a main break on Halstead Street. The cast iron pipe split on the top on both ends of the street. Mr. Smith questioned whether this was from the earthquake which occurred earlier in the month.

Councilwoman Insel

1. Smart Growth met this month and completed the by laws for the Black Potatoe Music Festival. Black Potatoe is a non profit organization to support and promote the arts and financial support to the Town. They wish to expand the event from two sections at the Red Mill to include Gebhardt Field They wish to also expand to Main Street where there will be no cost. The idea is to close Main Street to cars only on the festival days. The target dates are July 13, 14, 15, 2012. If all is approved they would like to get started soon to enable them to start booking artists. Councilwoman Insel will discuss the closing of Main Street with the Guild members at their next meeting to be held Thursday, September 15, 2011. Mr. Williams is willing to meet with any other Council members who cannot make the meeting.

Councilman Duffy

1. A Clinton Fire Department membership application has been submitted for Tamas Pusetai, of 11 School Street, Apt 5, Clinton. A motion was made by Mr. Duffy, seconded by Mr. Smith to accept the application as submitted.

Vote all ayes
Motion carried

2. Councilman Duffy attended a 911 Stair Climb Event. The event entailed climbing 110 stories in full gear the Hunterdon Medical Center. It was to demonstrate what the New York City firemen went through during that tragic event on September 11, 2001.

3. Some members of the Clinton Fire Department will be attending the Clinton Connecticut Centennial this coming weekend. They will be driving truck #62 up to Connecticut to participate in the parade.

4. The last grill night at the Clinton Firehouse will be September 23, 2011.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve the standby and overtime pay attached to these minutes for August 19, 2011 through September 1, 2011

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

Councilwoman Valenta arrived to meeting at 8:45pm.

RESOLUTION # 144-11 - EXECUTIVE SESSION – Contract Negotiations/Potential Litigation / Land Acquisitions

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to enter into Executive Session at 8:47 p.m. to discuss Contract Negotiations/Potential Litigation/Land Acquisitions.

Vote all ayes
Motion carried

RESOLUTION # 144-11

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;

 X 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.)

 X 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.

Council returned to the Regular Meeting with no action taken at 9:55 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast, seconded by Mrs. Insel to adjourn the meeting at 9:54 P.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Richard F. Miller