

Mayor Miller called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast, Shea, Smith, Mayor Miller
Absent: 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 Mr. Pendergast, to approve minutes of September 13, 2011 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – AUGUST

A motion was made by Mrs. Insel, seconded by Mr. Shea, to accept the monthly reports for the month of August as submitted: Wastewater Treatment Plant and Treasurer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

1. Whitney Wetherill, 36 West Main Street, questioned the status of the Hunterdon Art Museum property, specifically the parking area, and stated her feelings. “It is an eye sore, a nuisance, and as a taxpayer, would like to know how much of taxpayer money is going into this site”? Ms. Wetherill stated she would like:
 - a reconciliation date,
 - taxpayers % and the Art Museum’s %
 - make the Museum go to the Board of Adjustment for the parking access

Ms. Wetherill continued by saying the Town cleans up the site after flooding and she made a suggestion that the Town take control of the area.

Attorney Cushing explained to Ms. Wetherill and the audience that there has been communication between the Museum, their attorney and the Town. Mr. Cushing gave background of the project. The goal of this project was protect against breach of the dam/dike with storms. The museum wished to extend the downstream wall and the parking area to make it more attractive and agreed that the museum would pay for that portion. Engineer, Chris Adams, designed the project for the museum and provided cost quotes with the understanding that the museum would assume 13% of the cost. Now, following the work, the museum is claiming that the engineer’s figures are off and have declined to pay. The museum has an expert who is challenging Chris Adams’s fact based and expert based figures. Ms. Wetherill questioned why the museum is not going for site plan approval, Mr. Cushing responded that issue is being put off during negotiations while economic issues are being addressed.

2. Mrs. Yacka, 22 West Main Street, following up on her husband's complaint made at the September 13, 2011 Council meeting, regarding 19 West Main Street, asked if anything has been done. Mr. Naples said contact has been made with a California Bank handling the foreclosure and turned it over to Clerk Covino for further details. Several phone conversations and emails have been exchanged and a visit has been made to the site by the Disaster Recovery Company, along with the Clerk, regarding pumping out the basement, and securing all the buildings on the site. Aurora Bank is also interested in having someone visit the site on a regular basis to know that the property is being maintained.
3. A group of scouts in the audience were asked to identify themselves and the reason for attending the meeting. They responded that they are working on their Community Citizenship Badge and it is required that they attend a meeting of the Governing Body.

MAYOR'S COMMENTS

1. Mayor Miller expressed his appreciation to the Town of Clinton staff and volunteers. An annual event, the Mayor and Council host a dinner to say thank you to everyone. Employees are rewarded for longevity and special awards are presented. This year, John Leonard, former Zoning Officer and employee of the Town for 47 ½ years, will be recognized. The event will be held Sunday, October 2, 2011 at the Clinton Fire Department.

CITY CONNECTIONS, LLC – ANNUAL RENEWAL

Following the Council meeting of September 13, 2011, and upon review by Mr. Cushing, Town Attorney, several questions arose and were forwarded to the Town Web Mistress, Patty Hatalla, for explanation. A satisfactory response was received late today by Ms. Hatalla. Mr. Smith suggested that the changes be incorporated into the contract and presented at the October 11, 2011 meeting. Morris A. Enyeart, President of City Connection, LLC, will be notified by the Town Clerk of the changes and request an amended contract. Motion was made by Mr. Smith, seconded by Mr. Pendergast, to follow suggested procedure.

Vote all ayes
Motion carried

RESOLUTION #145 -11 – PLACE TO PLACE TRANSFER – CLINTON HOUSE

A motion was made by Mr. Pendergast, seconded by Mr. Smith to adopt Resolution #145-11 for the Place to Place transfer of Plenary Retail Consumption License # 1005-33-003-005.

RESOLUTION # 145-11 PLACE TO PLACE TRANSFER EXTENSION OF PREMISES

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1005-33-003-005, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective September 27, 2011, the expansion of the aforesaid Plenary Retail

Consumption licensed premises located at 2 West Main Street, Clinton, New Jersey 08809 to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Vote all ayes
Motion carried

RESOLUTION #146-11 – BYOB

The Mayor and Council are hosting their annual Employee and Volunteer Appreciation Dinner on Sunday, October 2, 2011 at the Clinton Fire Department. A request to allow guests to BYO has been made. A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #146-11 as submitted.

RESOLUTION # 146-11

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 the Clinton Fire Department at the Town of Clinton Employee and Volunteer Bar-B-Que to be held on Sunday, October 2, 2011 between the hours of 3:00 and 6:00 P.M.

RESOLUTION #147-11 – GOLDSTAR ENERGY GROUP, INC.

Mr. Naples explained Resolution #147-11 will authorize the Town of Clinton to award a contract to Goldstar Energy Group, Inc./DCO Energy LLC, a registered energy agent/consultant with regard to an electric and gas energy aggregation program for the town owned facilities. The consultant is a New Jersey Board of Public Utilities engineer and he will manage the bid process and the contract. This company is being retained to seek out lower energy prices. A motion was made by Mrs. Insel, seconded by Mr. Shea, to adopt Resolution #147-11 as presented:

RESOLUTION 147-11

AUTHORIZING AN AWARD OF CONTRACT TO GOLDSTAR ENERGY GROUP, INC./ DCO ENERGY, LLC FOR EXTRAORDINARY UNSPECIFIABLE SERVICES (EUS) AS A REGISTERED ENERGY AGENT/CONSULTANT (PURSUANT TO N.J.A.C. 14:4-5.8 & 5.11 OF THE REGULATIONS PROMULGATED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES) WITH REGARD TO AN ELECTRIC AND GAS ENERGY AGGREGATION PROGRAM FOR TOWN OWNED FACILITIES.

WHEREAS, the Town of Clinton is desirous for the bulk purchase of electricity and gas to lower energy bills necessary to maintain Town owned facilities; and

WHEREAS, Goldstar Energy Group, Inc./DCO Energy Group, LLC (hereinafter “Goldstar”), an energy agent and consultant registered with the New Jersey Board of Public Utilities pursuant to N.J.A.C. 14:4-5.8 & 5.11, will 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 analyses with respect to all bids received and make recommendations concerning any awards of contract, coordinate all services with the Town of Clinton Department of Public Works and, otherwise, fulfill all the duties and obligations delineated in this Resolution and the Agreement between the parties attached hereto; and

WHEREAS, through this type of bulk energy purchase (assuming one is consummated between the Town and the energy supplier), the Town's rates will be fixed for one year; and

WHEREAS, the Town seeks to retain Goldstar Energy Group, Inc./DCO Energy Group, LLC to pursue lower energy prices for Town owned facilities, as delineated hereinabove and in the Agreement attached hereto, thereby benefiting the best interests of the citizens of the Town of Clinton; and

WHEREAS, the aforementioned Registered Agent/Consultant shall only be entitled to be paid for its services if the Town, in its sole discretion, awards a one year contract to an electric and/or gas supplier (as those terms are defined in the BPU Regulations) pursuant to the solicitation of bids and bid specifications referenced hereinabove and as further articulated in the Agreement with Goldstar attached hereto; and

WHEREAS, assuming one year supplier contracts are entered into as delineated hereinabove, the Registered Agent/Consultant shall be paid an administrative fee by the successful contractor/supplier (not the Township) as follows: \$0.0275 per kilowatt regarding any electric energy contract and \$0.30 per dekatherm regarding any gas energy contract, which fee shall be added to the Town fixed rate financial obligation to the energy supplier(s) to whom any one year contracts are awarded; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5 (a) (ii)) requires that there be a resolution authorizing the award of this type of contract for "extraordinary unspecifiable services," which are specialized and qualitative in nature, requiring expertise, extensive training and proven reputation in the field of endeavor (N.J.S.A. 40A:11-2 (7) EUS definition); and

WHEREAS, the Town Administrator has determined and certified in writing that the value of the acquisition will not exceed \$17,500, that document being entitled Certificate of Value; and

WHEREAS, such award of contract shall be made as a non- fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, and

WHEREAS, Goldstar Energy Group, Inc./DCO Energy Group, LLC has completed and submitted a Business Entity Disclosure Certification to the Town, prior to the adoption of this Resolution, which certifies that Goldstar (including any individual with an ownership "interest" or control of more than 10% of its profits or assets or 10% of its stock, if a corporation, or any of its principals, partners, officers or directors or their spouses) has not made any reportable contributions to a political or candidate committee in the name of Marty Pendergast, Maria Valenta, or Robert B. Smith, members of the Town of Clinton Council and/ or Mayor Richard F. Miller and that this contract will prohibit Goldstar Energy Group, Inc./DCO Energy Group, LLC from making any reportable contributions, contrary to N.J.S.A. 19:44A-20.5, through the term of its contract with the municipality; and

WHEREAS, Goldstar has submitted a New Jersey Business Registration Certificate prior to the execution of any contract; and

WHEREAS, Goldstar has completed and submitted to the Town, the following documents in accordance with the New Jersey Local Unit "Pay to Play" Laws (N.J.S.A. 19:44A-20.4 et seq):

1. Political Contribution Disclosure Form
2. Stockholder Disclosure Certification

and acknowledges that the statutory terms and conditions relating to the Political Contribution Disclosure including the possible need to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission are contained as separate provisions within the Town Services Agreement which Goldstar will be required to sign; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (a) (ii)) requires that the Town Council cause to be printed once, in its official newspaper, a brief notice stating the nature, duration, service and amount of the contract and the fact that the resolution and contract are on file and available for public inspection in the office of the Clerk of the Town of Clinton; and

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

1. An award of Contract, as an EUS, is hereby made to Goldstar Energy Group, Inc./DCO Energy Group, LLC, an energy agent and consultant registered with the New Jersey Board of Public Utilities pursuant to N.J.A.C. 14:4-5.8 & 5.11, to render services to the Town as follows: 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 analyses with respect to all bids received and make recommendations concerning an award of contract, coordinate all services with the Town of Clinton Department of Public Works and, otherwise, fulfill all duties and obligations delineated in the Agreement between the parties attached hereto.
2. The term of this Contract between Goldstar and the Town shall be one year.
3. Payment to Goldstar shall only be as follows. Goldstar shall only be entitled to be paid for its services if the Town, in its sole discretion, awards a one year contract to an electric and/or gas supplier (as those terms are defined in the BPU Regulations) pursuant to the solicitation of bids and bid specifications referenced hereinabove and as further articulated in the Agreement with Goldstar attached hereto and, assuming one year supplier contracts are entered into as delineated hereinabove, Goldstar shall then be paid an administrative fee by the successful contractor/supplier (not the Town) as follows: \$0.0275 per kilowatt regarding any electric energy contract and \$0.30 per dekatherm regarding any gas energy contract, which fee shall be added to the Town fixed rate financial obligation to the energy supplier(s) to whom any one year contracts are awarded.

4. The Mayor and Town Clerk are hereby authorized and directed to execute the attached Agreement with Goldstar Energy Group, Inc./DCO Energy Group, LLC to serve as the Town's Registered Energy Agent/Consultant.
5. This Agreement is awarded without competitive bidding as a contract for "extraordinary unspecified services" in accordance with N.J.S.A. 40A: 11-5 (1) (a) (ii) of the Local Public Contracts Law and N.J.A.C. 5:34-2.1, 2.2 & 2.3 of the regulations of the New Jersey Division of Local Government Services regarding the award of a contract as an EUS.
6. A notice of this action shall be printed once, in the Hunterdon Review, the official newspaper of the Town of Clinton, which notice shall state the nature, duration, service and amount of the contract and the fact that this resolution and contract are on file and available for public inspection in the office of the Clerk of the Town of Clinton; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification, Determination of Value Certification, Political Contribution Disclosure Form and Stockholder

Disclosure Certification reference hereinabove be placed on file with the Town Clerk along with this resolution.

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

Vote all ayes
Motion carried

**RESOLUTION #148-11 – APPOINTMENT OF WATER ENGINEER -
REHABILITATION OF 2.5 WATER STORAGE TANK**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution 148-11, appointing Andrew S. Holt, P.E., to serve as Water Engineer relating to the rehabilitation of the existing 2.5 MG Water Storage Tank.

RESOLUTION # 148 -11
RESOLUTION APPOINTING WATER ENGINEER
REHABILITATION OF 2.5 MG WATER STORAGE TANK

WHEREAS, there exists a need for the performance of special construction engineering services during the year 2011 which cannot be handled by the Municipal Engineer; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Treasurer from the New Jersey Environmental Infrastructure Trust; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) authorizes the hiring of an Water Engineer without competitive bidding providing that the resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself be made available for public inspection.

WHEREAS, the Town of Clinton Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the contract is awarded in accordance with NJSA 19:44A-20.5

as a non-fair and open contract; and,

WHEREAS, Suburban Consulting Engineers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Clinton in the previous one year, and that the contract will prohibit Suburban Consulting Engineers, Inc from making any reportable contributions through the term of the contract.

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

1. Andrew S. Holt, P.E., of Suburban Consulting Engineers, Inc., is hereby appointed to serve as Water Engineer for the Town of Clinton during the year 2011 in order to provide engineering services and advice relating to the rehabilitation of the existing 2.5 MG Water Storage Tank for the Town of Clinton.
2. The Clerk and the Municipal Attorney have negotiated with the Water Engineer a mutually agreeable written proposal, dated September 12, 2011, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law, *N.J.S.A.* 40A:11-5 and *N.J.S.A.* 19:44A-20.5.
4. The award of the contract will only become effective if funding for this project is awarded to the Town of Clinton by the New Jersey Environmental Infrastructure Trust.
5. **BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution

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

Vote all ayes
Motion carried

**RESOLUTION # 149-11 - APPOINTMENT OF WATER ENGINEER DOWNTOWN
WATER MAIN REPLACEMENT PROJECT**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #149-11 appointing Andrew S. Holt, P.E., to provide engineering services related to the Downtown Water Main Replacement Project.

RESOLUTION # 149 -11
RESOLUTION APPOINTING WATER ENGINEER

WHEREAS, there exists a need for the performance of special construction engineering services during the year 2011 which cannot be handled by the Municipal Engineer; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Treasurer from the New Jersey Environmental Infrastructure Trust; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of an Water Engineer without competitive bidding providing that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection.

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

2. Andrew S. Holt, P.E., of Suburban Consulting Engineers, Inc., is hereby appointed to serve as Water Engineer for the Town of Clinton during the year 2011 in order to provide engineering services and advice relating to the Downtown Water Main Replacement Project for the Town of Clinton.
2. The Clerk and the Municipal Attorney have negotiated with the Water Engineer a mutually agreeable written proposal, dated September 12, 2011, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5*.
4. The award of the contract will only become effective if funding for this project is awarded to the Town of Clinton by the New Jersey Environmental Infrastructure Trust.

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

Vote all ayes
Motion carried

RESOLUTION #150-11 – OPEN PUBLIC RECORDS ACT

A motion was made by Mr. Shea, seconded by Mr. Duffy, to adopt Resolution #150-11 as presented.

Resolution #150-11

WHEREAS, the Open Public Records Act (OPRA) (NJSA 47: 1A-1 *et seq*) was adopted to assure the public’s access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

WHEREAS, since the adoption of OPRA, there has been an escalating series of requests by private sector firms from all over the nation for voluminous public records, already freely accessible to the general public through government websites, with the intent of selling said information to the general public for a profit; and

WHEREAS, said information is already freely available to the public on government websites, and

WHEREAS, this information freely obtained for resale to the public involves an extra cost to the general public, once upon its creation by government employees, second upon extraction,

copying and frequently, conversion to specific formats by government employees, and thirdly by sale to the same public who have already paid twice for this information; and

WHEREAS, this constitutes additional substantial costs to the taxpaying public solely to benefit a private entity; and

WHEREAS, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton requests as follows:

1. That our Legislators draft and introduce such legislation; and
2. That the President of the United State Senate and the Speaker of the State Assembly urge adoption of such legislation; and
3. That the Governor Chris Christie sign and execute such legislation upon its adoption; and
4. That all municipalities of Hunterdon County adopt and distribute similar resolutions

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to New Jersey Governor Christie, State House, P.O. Box 001, Trenton, New Jersey 08625; Stephen M. Sweeny, President, New Jersey Senate, 935 Kings Highway, Suite 400, West Deptford, New Jersey 08086; Shelia Y. Oliver, Speaker of the New Jersey Assembly, 15-33 Halstead Street, Suite 202, East Orange, New Jersey 07018, Michael J. Doherty, State Senator, 127 Belvidere Avenue, 2nd Floor, Washington, New Jersey 07882, John DiMaio, State Assemblyman, 1001 County Route 517, Suite 3, Hackettstown, New Jersey 07840, Erik C. Peterson, State Assemblyman, 23 Royal Road, Suite 201, Flemington, New Jersey 08822 and all municipalities in the County of Hunterdon.

Vote all ayes
Motion carried

RESOLUTION #151-11 – HALLOWEEN CURFEW

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #151-11 declaring the annual curfew as presented:

RESOLUTION # 151-11

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 1 and continuing through November 8, 2011, a time when persons under the age of eighteen and others often engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated to question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of

juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

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

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Saturday, October 1, 2011, up to and including Monday, November 8, 2011; and
- (B) The Mayor and Council do hereby declare a curfew commencing at 9:00 p.m. October 1, 2011, up to and including 6:00 a.m. November 8, 2011. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the Chief of Police so as to give all interested parties notice of the imposition of the curfew.

Vote all ayes
Motion carried

RESOLUTION #152-11 – FALLONE PROPERTIES, LLC EXTENSION

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to grant Fallone Properties LLC an extension to June, 2013, to construct a treatment works project on Block 18, Lot 5 as stated in Resolution #152-11:

RESOLUTION # 152-11

WHEREAS the Town of Clinton has entered into an agreement with Fallone Properties LLC for a Treatment Works approval on Block 18, Lot 5, Moebus Place, Clinton Town, dated September 26, 2006; and

WHEREAS Fallone Properties LLC is requesting an extension to proceed with construction of the treatment works approval; and

WHEREAS Fallone Properties LLC has been granted the maximum allowable number of extensions to extend the permit expiration date to March 18, 2012,

WHEREAS Sewer Engineer, Susan Brasefield, P. E. of Maser Consulting, P.A. has reviewed the package submitted by Fallone Properties, LLC; and

WHEREAS, the recommendation has been made that three applications be signed and returned to the application for submission,

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 #153-11 – ALL-HAZARD MITIGATION PROGRAM

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution #153-11 as submitted. Residents are encouraged to contact FEMA if there is any possibility of need.

Resolution #153-11

WHEREAS, the Town of Clinton Office of Office of Emergency Management has been engaged with the Hunterdon County Department of Public Safety, Division of Emergency Management and 9-1-1 Coordination, the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of the State Police in conducting the Northern Delaware River Region All Hazards Pre-Disaster Mitigation Planning process pursuant to FY 08 Pre-Disaster Mitigation (PMD) Planning Grant; and

WHEREAS, the purpose of the PDM planning process was to develop all-hazards mitigation plans for the four counties of the Northern Delaware River Region, namely Sussex, Warren, Hunterdon and Mercer, and all the municipalities within the said four counties; and

WHEREAS, the period of performance to develop the PMD Plans with a six month extension was from January 9, 2009 through June 30, 2011; and

WHEREAS, the Sussex County Sheriff's Office, Division of Emergency Management and 9-1-1 Coordination took the lead role in coordinating the development of all- hazards mitigation plans for all four counties and their municipalities through James Lee Witt Associates; and

WHEREAS, the spending plan included a 25% in-kind match in the form of non supplanted employee salaries, wages and benefits, and expenses related to the planning process; and

WHEREAS, said 25% in-kind match was more than achieved by the contributions of in-kind services from all four counties and approved by the New Jersey State Police, Hazards Mitigation Unit; and

WHEREAS, the New Jersey State Police, Emergency Management Section, Hazards Mitigation Unit approved said plans and forwarded them to the Federal Emergency Management Agency, Region 2, New York; and

WHEREAS, the Federal Emergency Management Agency, Region 2, has approved all plans developed under FEMA grant; and

WHEREAS, all participating municipalities are urged to draft a similar resolution to adopt the plan.

NOW, THEREFORE, BE IT RESOLVED that the Town of Clinton does hereby adopt the Hunterdon County All Hazards Pre-Disaster Mitigation Plan directing applicable county agencies to pursue appropriate PDM project funding; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Hunterdon County Office of Emergency Management, the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of the State Police, SFC Robert Little, State Hazard Mitigation Officer, Post Office Box 7068, West Trenton, New Jersey, 08628; one copy to the Sussex County Sheriff's Office, Division of Emergency Management, 39 High Street,

Newton, New Jersey 07860, and one copy to the Sussex County Treasurer, c/o Laurie L. Gallant, One Spring Street, Newton, New Jersey 07860.

Vote all ayes
Motion carried

RESOLUTION #154-11 – PARTICIPATION IN A COOPERATIVE PURCHASING SYSTEM

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #154-11 to enter into the Cooperative Pricing Agreement with the Township of Readington, acting as Lead Agency.

Resolution #154-11
RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Readington, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System, Known as East Hunterdon Solar Renewable Energy Cooperative Pricing [hereinafter “197- EHSREC”] for the purchase of good and services;

WHEREAS, on September 27, 2011 the governing body of the Town of Clinton, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision of goods and services;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Town of Clinton.
2. Pursuant to the provisions of *N.J.S.A. 11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

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

Vote all ayes
Motion carried

RESOLUTION #155-11 – APPOINTMENT OF BIRDSALL CONSULTING

A motion was made by Mr. Smith, seconded by Mr. Duffy, to adopt Resolution # 155-11, appointing Birdsall Services Group, Inc. to perform a feasibility study, develop requests for proposals and to handle installation and operations monitoring.

RESOLUTION # 155-11
RESOLUTION APPOINTING SOLAR ENERGY CONSULTANT

WHEREAS, there exists a need for the performance of special solar energy consulting services during the year 2011 to perform a feasibility study, develop requests for proposals, and to handle installation and operations monitoring, should the Town of Clinton, with the consultant's recommendation, determine to proceed with the installation of solar facilities, which services cannot be handled by the Municipal Engineer; and

WHEREAS, pursuant to the terms of the proposal, the Town has the opportunity to be reimbursed for the funds expended to engage the services of the solar energy consultant if the Town proceeds with the installation of solar facilities through its association with the East Hunterdon Solar Renewable Energy Cooperative, which may result in significant cost savings to the Town; and

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

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a solar energy consultant without competitive bidding providing that the resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself be made available for public inspection; and

WHEREAS, the Town of Clinton Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the contract is awarded in accordance with N.J.S.A. 19:44A-20.5 as a non-fair and open contract; and,

WHEREAS, Birdsall Services Group, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Services Group, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Clinton in the previous one year, and that the contract will prohibit Birdsall Services Group, Inc from making any reportable contributions through the term of the contract.

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

3. Thomas Brys of Birdsall Services Group, Inc., is hereby appointed to serve as Solar Energy Consultant for the Town of Clinton during the year 2011 in order to provide solar energy services and advice relating to the Solar Photovoltaic System Feasibility Study and RFP Development for the Town of Clinton for the East Hunterdon Solar Renewable Energy Cooperative.
2. The proposed professional services agreement with the solar energy consultant is attached hereto as Ex. A. The exact terms of the agreement shall be approved by the Town Attorney in consultation with the Public Works/Business Administrator. However, the total to be paid for solar energy consultant services shall not exceed the \$38,000.00 set forth in Exhibit A without further authorization of the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement when the final form is approved by the Town Attorney and Public Works/Business Administrator.

3. This contract is awarded without competitive bidding as a “Professional Services” under the provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5*.
4. BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

Vote all ayes
Motion carried

PERMIT WAIVER – RED MILL MUSEUM VILLAGE

A request has been made by the Red Mill Museum Village to waive the construction permit fees required for the installation of a new horn/strobe in the lower level of the Mill. A motion was made by Mrs. Insel, seconded by Mr. Smith to approve the waiver as requested.

Vote all ayes
1 Abstention (Miller)
Motion carried

PERMIT WAIVER – CLINTON/GLEN GARDNER GIRL SCOUTS

A request has been made by the Clinton/Glen Gardner Girl Scout troop to have the fire safety permit waived for their Halloween Dance on October 28, 2011. A motion was made by Mr. Smith, seconded by Mrs. Insel, to waive the fee as requested.

Vote all ayes
1 Abstention (Shea)
Motion carried

BANNER REQUEST – CLINTON GUILD

A banner request has been received from the Clinton Guild to display a banner promoting Holiday Events. The banner dates are November 14 through January 2, 2012. A motion was made by Mr. Shea, seconded by Mr. Duffy, to approve the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. NJ.COM displayed the Clinton Fire Department’s participation in the Clinton, Connecticut Centennial Parade the weekend of September 17, 18, 2011. Mr. Duffy proudly spoke of the Event that the Fire Department attended, saying how similar the two Clintons are. On Sunday, September 18th, Clinton, NJ marched and competed in Connecticut and brought home the “Best Appearing Apparatus – Out of State” trophy! The local department was represented by Deputy Chief Walter Dorf, former chiefs Scott Wintermute and Tom Whiteley, Lt. Bob Hoffman and firefighters Courtney Schultz, Tyler Platt, Conor Shea and Rich Duffy.
2. A letter of thanks to the Clinton Police Department, commending Officers Crilly and Thompson for helping Beverly Fava and Joe Prior find their lost dog. A happy ending!

REPORTS FROM COUNCIL & TOWN OFFICIALS

Councilman Smith

1. Water committee met and discussed various contract requests. The problems at the Potterstown Well were reviewed. The State provided a letter with rules to conduct ground water corrective action.

Councilman Shea

1. The Road Committee has completed the applications for two grants for the Leigh Street, East Main Street and Lower Center Street project. The applications have been submitted by Town Engineer, Robert Clerico, to the New Jersey Department of Transportation.

Robert Clerico, P.E. of Van Cleef Engineering, has been awarded the Safe Routes to School Project.

Councilwoman Insel

1. Clinton Guild is hosting Ladies Night on October 13; Pumpkin Fest is October 28, 2011. The planning continues for the 2012 Black Potato Festival. Mrs. Insel, Mr. Pendergast and Mr. Shea have been working with Matt Angus and plans are progressing. Mr. Pendergast updated Council that the non-profit organization has been formed. The committee prepared a special event application and met with Chief Matheis, Fire Department Chief Higgins, Rescue Squad Frank Setnicky and have received their conditional approval. The event is scheduled for July 12 through 15, 2011. The Guild members are on board with the plans and are ok with the proposed street closure. The Committee is requesting that Main Street be closed from Friday, July 13 at 3:00 p.m. to Sunday, July 15 at 9:00 p.m. There will be a free stage set up on Main Street and two additional venues, the Red Mill and Gebhardt Field. The committee would like to begin getting sponsors for the event and therefore, are requesting a vote tonight on the street closure. The committee is staying very conscience regarding amplifiers and the will be closing by 9:00 p.m. at Gebhardt and 8:00 p.m. on Sunday night. With three council members part of the Black Potato committee, a formal vote could not be taken. The consensus of the council was positive and a formal vote will be taken at the next meeting.

Councilman Pendergast

1. Attended SWAC meeting at the county, nice to see a good turn out.

Councilman Duffy

1. Two applications have been received for membership to the NJ State Firemen's Association. Dylan Desaulniers, 5 Cornish Place, Asbury, NJ and Jason Zuromski, 11 Cider Mill Road, Annandale, NJ. a motion was made by Mr. Duffy, seconded by Mr. Pendergast to accept the young men as firefighters.

Vote all ayes
Motion carried

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mrs. Insel, seconded by Mr. Smith to approve the standby and overtime pay attached to these minutes for September 2, 2011 through September 15, 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 Mr. Duffy to approve the voucher list attached to these minutes.

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

Vote all ayes
Motion carried

RESOLUTION #- 157-11 – EXECUTIVE SESSION – Contract Negotiations – Potential Litigation

A motion was made by Mrs. Insel, seconded by Mr. Pendergast to enter into Executive Session at 8:33 p.m. to discuss matters of Contract Negotiations and 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;

 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.)

_____ 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.

Regular Council Meeting
September 27, 2011

Vote all ayes
Motion carried

A motion was made by Mr. Smith seconded by Mr. Pendergast to return to the Regular Council meeting at 8:50 p.m. No action will be taken.

Vote all ayes
Motion carried

Council returned to the Regular Meeting at 9:02 p.m. to receive an update of the Gebhardt Field renovations from Mr. Naples. Contractor, Charlie Mann, submitted all permits and is ready to begin. The grandstand will be rebuilt and drainage will be installed. The Grandstand should be ready for the spring, 2012 season!

ADJOURNMENT: There being no further business, a motion was made by Mrs. Insel seconded by Mr. Shea to adjourn the meeting at 9:05 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Richard F. Miller, Mayor