

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

Flag Salute.

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

**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 minutes of the Regular Council Meeting held October 11, 2011 as submitted.

Vote all ayes  
1 Abstention (Duffy)  
Motion carried

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to approve the minutes of the Regular Council Meeting held October 25, 2011 as submitted.

Vote all ayes  
1 Abstention (Valenta)  
Motion carried

**APPROVAL OF MONTHLY REPORTS – OCTOBER**

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

Administrator’s Report, Buildings and Grounds Report, Clerk’s Account, Cat & Dog Licensing Account, Construction Control / Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Water Collector’s Report, Treasurer’s Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS**

Mayor Miller commented on the election held yesterday, November 8<sup>th</sup> and expressed how proud he is to be a resident of Clinton and to have witnessed a campaign of two outstanding individuals running for the mayoral position and the two council seats. Mayor Miller congratulated Janice Kovach on her winning the election and offered the mayor-elect the floor. Mrs. Kovach thanked the residents for the confidence and said she is looking forward to working with everyone. Once again, congratulations were extended.

**PROCLAMATION FOR FELECIA NIEBOJESKI, DVM**

Felecia Niebojeski, DVM, has been a member of the Board of Health and an admired member of the community for over 25 years. Dr. Niebojeski and her husband, Doug, are now relocating to North Carolina. We asked Dr. Niebojeski to tonight’s meeting to present her with a Proclamation and to wish her well. Mayor Miller called Felecia center stage and read the proclamation aloud.

A standing ovation followed the proclamation and Dr. Niebojeski was humbled by the presentation. She thanked everyone and hopes that the folks in North Carolina are as warm and friendly. A round of applause filled the room.

**RESOLUTION #165-11 – HARDSHIP WAIVER REGARDING AFFORDABLE HOUSING UNIT**

A motion was made by Mrs. Insel, seconded by Mr. Smith, to adopt Resolution #165-11 which allows for a one time only sale to a median income purchaser. The 1-bedroom moderate unit has been for sale without any interest for several months and the owners are requesting the Town's help to sell.

Vote all ayes  
Motion carried

(A copy of this resolution is attached to these minutes.)

**RESOLUTION # 166-11 – TAX ASSESSOR RE-APPOINTMENT**

Mr. Smith requested that this resolution be discussed during Executive Session under contract negotiations.

Following Executive Session at 8:55 p.m., a motion was made by Mr. Smith, seconded by Mr. Pendergast, that this Resolution be tabled without prejudice to the next meeting November 22, 2011.

Vote all ayes  
Motion carried

**RESOLUTION #167-11 - REJECTION OF SEWER LINE BIDS**

Sewer Engineer, Susan Brasfield, made a recommendation to Council to reject all bids following the bid opening of October 12, 2011. The bids came in higher than the engineer's estimate. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #167-11 as submitted.

**RESOLUTION #167-11  
REJECTION OF PIPE LINING AND REHABILITATION PROJECT BIDS**

WHEREAS, bids were received and publicly read aloud at the Clinton Municipal Building on October 12, 2011 for the Pipe Lining and Rehabilitation Project; and

WHEREAS, one bid was received for this project out of the Contractors who obtained the Plans and Specifications; and

WHEREAS, the one (1) bidder for this project is AM-Liners East, Inc. with a total bid amount of \$164,950.00; and

WHEREAS, the bid submitted by AM-Liner East, Inc, is not within the Engineer's Estimate for this project,

WHEREAS, Susan S. Brasfield, P.E. of Maser Consulting, P.A., Sewer Engineer for the Town of Clinton, hereby recommends the rejection of the bid and re-bidding of this project;

WHEREAS, the project will be re-bid, separating the specifications for the manhole repairs and obtain quotes for the manhole repairs first;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council follow the recommendations of the Sewer Engineer, and reject all current bids and re-bid the project.

Vote all ayes  
Motion carried

**RESOLUTION #168-11 – OVERPAYMENT OF TAXES**

A motion was made by Mrs. Valenta, seconded by Mr. Pendergast, to adopt Resolution #168-11 authorizing the Chief Financial Officer to refund the overpayment of taxes to Wells Fargo Real Estate Tax Service for Block 29, Lot 3.0317 in the name of Michael and Cindy Hayes in the amount of \$862.68.

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

Vote all ayes  
Motion carried

(A copy of this Resolution is attached to these minutes)

**RESOLUTION #169-11 – OVERPAYMENT OF TAXES**

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #169-11 authorizing the Chief Financial Officer to refund the overpayment of taxes to Erwin Greenspan for the property located at Block 31, Lot 13.03 in the name of Marci Brezina.

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

Vote all ayes  
Motion carried

(A copy of this Resolution is attached to these minutes)

**CORRESPONDENCE**

1. Mayor Miller gave a presentation to 70 second graders at Clinton Public School and had the best experience! The children asked the Mayor how many bodyguards he has, and was sorry to inform them, no bodyguards, no private plane either. One of the second graders wrote a thank you note to Mayor Miller, it was a very special moment!
2. A resolution for consideration by the Mayor and Council from the Township of Tewksbury regarding tree clearing by JCP&L.

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**James T. Naples, PW/Business Administrator**

1. Mr. Naples and Mr. Shea arranged for a joint training session in Ethics to be held prior to a Council meeting. The time of the session was misunderstood and will have to be changed. The Town will receive \$250 for each Town of Clinton council member attending.
2. Brush collection and leaf collection is coinciding at this time due to the snowstorm. Chipping will end next week but leaf collection will continue through May, 2012. Mayor Miller commended the Public Works Department on their outstanding clean up following the storm.

**Councilwoman Insel**

1. Proceeding with the Safe Routes to School project, the Town Engineer is now applying for a second grant.

**Councilman Pendergast**

1. Sewer Committee continuing shared agreement with Clinton Township.
2. Court Committee – Judge Schaul is retiring in July, 2012. The process has begun to seek a replacement.
  - Towns were asked to consider e tickets and a host server.
  - The new court budget was discussed and there will be a \$28,000 decrease.
  - The 2013 budget shows huge savings.

**Councilwoman Valenta**

1. School Board – Wednesday, November 16, Clinton/Glen Gardner School District will meet and discuss NJS scores.

**Councilman Duffy**

1. Buildings and Grounds – there has been a delay in the grandstand project due to the weather. However, permits have been issued and the work will begin.
2. Board of Recreation – scheduled the Winterfest for January 21, 2012 and a rain date of January 28, 2012. Using the fireworks not used at the Town Picnic was mentioned, the Committee has to check and see if the horses used for carriage rides would be affected.
3. Clinton Fire Department having a coin toss on Black Friday at Exit 15.

**Clerk Covino**

The subject of scheduling the Annual Re-organization meeting was discussed. The meeting can be held within the first seven days of the new year. Discussion will continue. Checking with the Planning Board to decide if both re-organizations can be worked out for the same night.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mr. Smith seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes October 14, 2011 through October 27, 2011.

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

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**RESOLUTION #- 170-11 – EXECUTIVE SESSION – Contract Negotiations**

A motion was made by Mr. Smith seconded by Mr. Pendergast to enter into Executive Session at 7:55 p.m. to discuss a matter of 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. Smith seconded by Mr. Pendergast to return to the Regular Council meeting at 8:50 p.m.

Vote all ayes  
Motion carried

**RESOLUTION #166-11 – TABLED**

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to table Resolution #166-11 without prejudice until the next Council Meeting, November 22, 2011.

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Smith to adjourn the meeting at 8:55 p.m..

Vote all ayes  
Motion carried

\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Town Clerk

\_\_\_\_\_  
Richard F. Miller, Mayor

