

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

Flag Salute.

Roll Call: Present – Duffy, Insel, Pendergast, Smith, Mayor Miller
Absent: Shea, 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 the minutes of the Regular Council Meeting held December 13, 2011 as submitted.

Vote all ayes
1 Abstention (Duffy)
Motion carried

PUBLIC COMMENTS

Walter Hetzel, 36 West Main Street, wished to express his appreciation to Mayor Richard Miller for the six months of service acting as the interim mayor. Mr. Hetzel stated Mayor Miller was a classic example of governance and thanked him!

MAYOR’S COMMENTS

Mayor Miller thanked Mr. Hetzel and said his comments were along the same lines. Mayor Miller addressed his colleagues and thanked everyone for their support. He stated that on January 2, 2012 the re-organization meeting will swear in Mayor Kovach and he wishes her a smooth and congenial transition. Mayor Miller thanked Mayor Pro-Tem, Robert B. Smith, P.E., for his kindness and for acting as his strong right arm, exhibiting an institutional memory and for his support and advice.

On a different topic, Mayor Miller proceeded to explain that the Sewer Committee is seeking to hire a new employee. He stressed that in these economic times across the country, he cannot bring himself to hire an additional employee. He continued to explain his reasoning for not hiring a new employee for \$35,000 with a fringe package comes to approximately \$47,200. During 2011, per the agreement with CTSA, the Town received \$60,000 all used for operating the sewer system. Mayor Miller said he will be voting no to the idea of hiring a new employee for the Sewer Department. Mr. Smith challenged the Mayor’s theory. He said with the increased work for CTSA and one employee at the Treatment Plant that was never replaced, we won’t be able to keep up with the contract. Hiring a new employee will cut down on overtime at the Wastewater Treatment Plant and that person would be paid 100% by the Sewer Utility. Mr. Pendergast, Chairman of the Sewer Committee, stated he would have appreciated not being pre-empted with the Mayor’s speech before the Council reports were given. Mr. Pendergast intended to make his plea for a new employee at that time. CTSA rate payers received savings when Mr. Ross retired from CTSA and our employees are pulling their weight. With a major construction project in the near future at our WWTP and manpower being down, it is necessary to hire a new person. Mr. Naples, PW/BA stated that the agreement with CTSA places added responsibility on our employee’s operators licenses, having to prepare quarterly reports and maintaining their aging

equipment. Councilwoman Insel stated that we are working with a barebones staff and we are taking on additional work.

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to hire a new full time employee at the Sewer Treatment Plant.

ROLL: Ayes: Duffy, Insel, Pendergast, Smith,
Nay: Mayor Miller

Vote 4 ayes
1 nay
Motion carried

BANNER REQUESTS – CLINTON GUILD

Council is in receipt of a Banner application for next year's Holiday Events 2012. The banner has been requested from November 15 through January 4, 2013. A motion was made by Mrs. Insel, seconded by Mr. Smith, to approve the request as submitted.

Vote all ayes
Motion carried

RESOLUTION #180-11 – REDEMPTION OF TAXES

A motion was made by Mrs. Insel, seconded by Mr. Smith authorizing the Tax Collector to cancel Lien #2011-3 on Block 6, Lot 12 assessed to Clinton Main Street, LLC in the amount of \$14,550.33.

RESOLUTION # 180-11

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$14,550.33 the amount necessary to redeem Tax Sale Certificate #2011-3 on Block 6, Lot 12, assessed to Nicholas & Angela Luongo, and purchased by U.S. Bank as Custodian for Crestar Capital LLC.

NOW THEREFORE BE IT RESOLVED, on this 27th day of December, 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 \$14,550.33 (certificate) & \$600.00 (premium) payable to U.S. Bank as Custodian for Crestar Capital LLC, 2 Liberty Place, 50 South 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 #2011-3 on Block 6, Lot 12, assessed to Clinton Main Street, LLC, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #181-11 – OVERPAYMENT OF TAXES

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #181-11 authorizing the Chief Financial Officer to refund the overpayment in the amount of \$709.60.

RESOLUTION # 181-11

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for Tax Sale Certificate #2011-3,

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 Financial Freedom, P.O. Box 4046, Kalamazoo, MI 49003, for the above Certificate in the amount of \$709.60.

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

Vote all ayes
Motion carried

RESOLUTION #182-11 - REDEMPTION OF TAXES

A motion was made by Mrs. Smith, seconded by Mr. Pendergast authorizing the Tax Collector to cancel lien on Block 1, Lot 19 assessed to Clinton Main Street, and to issue a check in the amount of \$614.53 and \$300.00 payable to U.S. Bank-Cust/SASS MUNI VI.

RESOLUTION # 182-11

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$614.53 the amount necessary to redeem Tax Sale Certificate #2011-1 on Block 1, Lot 19, assessed to Moises Sarmiento, and purchased by U.S. Bank-Cust / SASS MUNI VI dtr.

NOW THEREFORE BE IT RESOLVED, on this 27th day of December, 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 \$614.53 (certificate) & \$300.00 (premium) payable to U.S. Bank-Cust/SASS MUNI VI dtr, 2 Liberty Place, 50 South 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 #2011-1 on Block 1, Lot 19, assessed to Clinton Main Street, LLC, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #183-11 – AWARDING CONTRACT WITH PREMIER DISPOSAL, INC.

Mr. Naples explained that three bids were received on December 1, 2011, Premier Disposal, Inc.; Republic Services of NJ d/b/a/ Raritan Valley Disposal and Waste Management of New Jersey, Inc. After reviewing the proposals, a decision was made to award the contract to Premier Disposal for a contract period of 1 year. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #183-11 as submitted.

RESOLUTION #183-11

**AUTHORIZING CONTRACT WITH PREMIER DISPOSAL, INC.
FOR SOLID WASTE & RECYCLING COLLECTION AND DISPOSAL**

WHEREAS, the Town of Clinton (“Town”) received and opened bids from Premier Disposal, Inc., Republic Services of NJ d/b/a Raritan Valley Disposal, and Waste Management of New Jersey, Inc. for solid waste and recycling collection and disposal on December 1, 2011 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Town solicited bids for periods of one, three, and five years; and

WHEREAS, the Town has determined that it is advisable to award a one year contract;
and

WHEREAS, Premier Disposal, Inc. submitted the lowest bid for one year of service at a total of \$88,434.00, consisting of a \$72,828 charge for solid waste collection and a \$15,606 charge for recycling collection;

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

1. The Town of Clinton approves the award of a one-year contract to Premier Disposal, Inc. for a total contract amount of \$88,434.00 for solid waste and recycling collection and disposal consisting of a \$72,828 charge for solid waste collection and a \$15,606 charge for recycling collection.
2. The contract to be entered between the Town of Clinton and Premier Disposal, Inc. shall be substantially in the form attached hereto.
3. The Mayor and Clerk are hereby authorized to sign the contract and all other documents necessary for the transactions contemplated by this Resolution.

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

Vote all ayes
Motion carried

RESOLUTION #184-11 – REJECTION OF DOWNTOWN WATER MAIN BIDS

Due to a procedural requirement during the bidding process not being consistent with the NJ State Public Contracts Law, it was decided to re-bid the project. A motion was made by Mr. Smith seconded by Mr. Pendergast, to adopt Resolution #184-11 as submitted:

**RESOLUTION #184-11
REJECTION OF THE DOWNTOWN WATER MAIN BIDS**

WHEREAS, bids were received and publicly read aloud at the Clinton Municipal Building on December 8, 2011 for the Downtown Water Main Rehabilitation Project; and

WHEREAS, following the opening it was brought to the attention of Water Engineer, Andrew S. Holt P.E. that procedural requirements during the bidding process were not consistent with the NJ State Public Contracts Law; and

WHEREAS, more specifically, an addendum was issued without sufficient time from the bid due date; and

WHEREAS, being a project funded through the New Jersey Environmental Infrastructure Transportation program all bidding, construction documents and plans must be approved by the NJDEP; and

WHEREAS, in waiting for the addendum approval, the time had lapsed into the required seven days prior to bids being due,

WHEREAS while this addendum is deemed of minor or no consequence to the results of bids received, it is possible for the results to be contested resulting in continued delay of the project,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council accept the recommendation of Andrew S. Holt, P.E. Town of Clinton Water Engineer, that the Town of Clinton rejects all current bids received December 8, 2011 and re-bid this project on January 10, 2012.

Vote all ayes
Motion carried

RESOLUTION #185-11 – CLINTON TOWNSHIP SEWERAGE AUTHORITY

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to adopt Resolution #185-11, to enter into the Shared Services agreement for the operation of the Clinton Township Sanitary Sewerage Collection System. Mr. Cushing has taken out a reciprocal obligation to get insurance as requested by Clinton Township.

**RESOLUTION #185-11
AUTHORIZING EXECUTION OF AGREEMENT FOR SHARED
SERVICES FOR OPERATION OF THE CLINTON TOWNSHIP
SANITARY SEWERAGE COLLECTION SYSTEM**

WHEREAS; The Town of Clinton operates a wastewater treatment and collection system and

WHEREAS, the Township of Clinton operates a wastewater collection system ;and

WHEREAS, the Township of Clinton wishes to have the Town of Clinton provide certain services related to the operation of its wastewater collection system ; and

WHEREAS; the parties have set forth their agreement and understanding in the attached agreement and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County that Mayor and Clerk are authorized to execute the Agreement for Shared Services for Operation of the Clinton Township Sanitary Sewage Collection System substantially in the form attached hereto.

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

Vote all ayes
Motion carried

RESOLUTION #186-11 – BLUE STAR ENERGY SOLUTIONS – ELECTRIC

Mr. Naples explained that the Town has gained great savings by obtaining quotes through Goldstar Energy Group to lower electricity and natural gas for the Town of Clinton. Prices acquired for electric for a term of 12 months at a fixed cost of \$0.08330 per kWh was awarded to Blue Star Energy Solutions for the Town owned facilities. A motion was made by Mr. Smith seconded by Mrs. Insel, to adopt Resolution #186-11 as submitted.

RESOLUTION #186-11

AWARD OF CONTRACT TO BLUE STAR ENERGY SOLUTIONS FOR THE SUPPLY OF
ELECTRICITY FOR THE TOWN OF CLINTON OWNED FACILITIES

WHEREAS the Mayor and Council of the Town of Clinton has determined that there is a need for the acquisition of the following goods and services:

Supply of Electricity for the Town of Clinton owned facilities

WHEREAS a notice of advertisement for bids and an Invitation to Bid were prepared and advertised by the Town Qualified Purchasing Agents in accordance with the Local Public Contracts Law; and

WHEREAS sealed bids were opened and read on December 27, 2011 at 11:30 a.m. in the accordance with the requirements of the Local Public Contracts Laws; and

WHEREAS the Town Administrator and the Chief Financial Officer have reviewed the bids and recommend that the award of contract be made to Blue Star Energy Solutions as the lowest responsible bidder; and

WHEREAS Blue Star Energy will supply electricity to the Town for a term of 12 months starting February 2012 at a fixed cost of \$0.08330 per kWh,

WHEREAS the Town Attorney has reviewed the bid package of Blue Star Energy Solutions the lowest responsible bidder, declares it to be conformance with the Town instructions to bidders and the Local Public Contracts Law and recommends an award of contract to Blue Star Energy Solutions as the lowest responsible bidder; and

WHEREAS the funds are available to make such purchases or acquisition and will be certified as such by the local finance officer as needed.

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

An award of contract for the "Supply of Electricity for the Town of Clinton Owned Facilities" is hereby made to Blue Star Energy Solutions as the lowest responsible bidder at a maximum cost as stated.

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

Vote all ayes
Motion carried

RESOLUTION #187-11 - UGI ENERGY SERVICES, INC. - NATURAL GAS

A motion was made by Mrs. Insel, seconded by Mr. Duffy, to award the contract for Natural Gas to UGI Energy Services.

RESOLUTION #187-11

AWARD OF CONTRACT TO UGI ENERGY SERVICES, INC. FOR THE SUPPLY OF
NATURAL GAS FOR THE TOWN OF CLINTON OWNED FACILITIES

WHEREAS the Mayor and Council of the Town of Clinton has determined that there is a need for the acquisition of the following goods and services:

Supply of Natural Gas for the Town of Clinton owned facilities

WHEREAS a notice of advertisement for bids and an Invitation to Bid were prepared and advertised by the Town Qualified Purchasing Agents in accordance with the Local Public Contracts Law; and

WHEREAS sealed bids were opened and read on December 27, 2011 at 11:30 a.m. in the accordance with the requirements of the Local Public Contracts Laws; and

WHEREAS the Town Administrator and the Chief Financial Officer have reviewed the bids and recommend that the award of contract be made to UGI Energy Service, Inc. as the lowest responsible bidder; and

WHEREAS UGI Energy Services, Inc. will supply natural gas to the Town for a term of 23 months starting February, 2012 at a fixed rate of \$ 5.795 per dekatherm; and

WHEREAS the Town Attorney has reviewed the bid package of the lowest responsible bidder, declares it to be conformance with the Town instructions to bidders and the Local Public Contracts Law and recommends an award of contract to UGI Energy Services as the lowest responsible bidder; and

WHEREAS the funds are available to make such purchases or acquisition and will be certified as such by the local finance officer as needed.

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

An award of contract for the "Supply of Gas for the Town of Clinton Owned Facilities" is hereby made to UGI ENERGY SERVICES, INC. as the lowest responsible bidder at aforementioned price.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A letter of resignation has been received from William Kruetel, who has been a member of the Clinton Environmental Commission for many years. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to accept Mr. Kruetel's resignation with regrets.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL & TOWN OFFICIALS

James T. Naples, PW/Business Administrator

1. Mr. Naples stated that on Thursday, December 29th, there will be no parking on the north side of Center Street so all leaves can be cleaned.

RESOLUTION # 188-11 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast seconded by Mr. Smith to adopt Resolution #188-11 as submitted.

RESOLUTION – #188-11

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2011, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2011 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Communications/Newsletter– Other Expenses	\$ 1,000.00	
Municipal Clerk – Other Expenses	\$ 1,000.00	
Tax Assessment – Other Expenses	\$ 1,500.00	
Community Center – Other Expenses	\$ 2,000.00	
Workers Comp Insurance– Other Expenses	\$ 3,000.00	
Liability Insurance – Other Expenses	\$ 3,000.00	
Vehicle Maintenance - Other Expenses		\$ 3,500.00
Engineering - Other Expenses		\$ 1,500.00
Legal – Other Expenses		\$ 2,000.00
Buildings and Grounds – Other Expenses		\$ 2,500.00
Gasoline – Other Expenses		\$ 2,000.00
TOTALS	<u>\$ 11,500.00</u>	<u>\$ 11,500.00</u>

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

Vote all ayes
Motion carried

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mrs. Insel seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes December 9, 2011 through December 22, 2011.

ROLL CALL: AYES: Duffy, Insel, Pendergast, Smith, Mayor Miller

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #- 189-11 – EXECUTIVE SESSION – Potential Litigation/Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mr. Smith to enter into Executive Session at 8:05 p.m. to discuss a matter of Potential Litigation and Contract Negotiations.

**RESOLUTION #189-11
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: _____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. Duffy, to return to the Regular Council meeting at 8:56 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Duffy to adjourn the meeting at 9:00 p.m..

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Richard F. Miller, Mayor