

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

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach 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 December 27, 2011 as submitted.

Vote all ayes
3 Abstentions (Shea, Valenta, Kovach)
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to approve the minutes of the Re-organization meeting held January 2, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – DECEMBER

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to accept the monthly reports for December as submitted:

Assessor’s Report, Administrator’s Report, Building and Grounds Foreman’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Fire Official Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Treasurer’s Report, Water Superintendent’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENTS - None

MAYOR’S COMMENTS

Mayor Kovach announced how happy she is to be here in this mayoral position and working with everyone!

RESOLUTION #36-12 – BYOB – YULETIDE BONFIRE

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #36-12 permitting the consumption of alcoholic beverages by adults at the Yuletide Bonfire.

RESOLUTION #36-12

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 Hunts Mill Park during the Town of Clinton Yuletide Bonfire Winter Festival to be held on January 21, 2012, rain date, January 28, 2012, beginning at 6:00 PM

Vote all ayes
Motion carried

RESOLUTION #37-12 – TABLED

This Resolution is temporarily tabled and a matter of Attorney Advice will take place during Executive Session.

SPECIAL EVENT AND BANNER REQUEST

Council is in receipt of a Special Event and Banner application for the Annual Rubber Ducky Race to be held July 15, 2012. The banner dates are July 9 through July 16, 2012. A motion was made by Mr. Smith seconded by Mr. Pendergast, to approve the request as submitted.

Vote all ayes
Motion carried

WATER REFUND – BRIAN & CARLA GABLE

A request has been made by Nancy Burgess, Water Collector, to refund \$28.49 to Mr. and Mrs. Gable, following the sale of their property.

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

Vote all ayes
Motion carried

MONTHLY COMMITTEE MEETINGS

Council discussed the monthly committee meetings and scheduled them as follows:

Sewer Committee	Third Friday	8:00 a.m.
Water Committee	Third Wednesday	8:15 a.m.
Road Committee	First Friday	8:00 a.m.
Buildings & Grounds	Second Friday	8:00 a.m.

Due to a conflict this month, Buildings and Grounds will hold their regular meeting on Friday, January 27, 2012 at 8:00 a.m.

CORRESPONDENCE

1. A memo from Kevin Fleming to Mayor and Council that the annual Backflow Certification Fee was not included in the Town of Clinton's Fee Schedule during the latest amendment to the Code Book. An ordinance to amend the fee schedule will be introduced at the next meeting.

An ordinance regarding Clothing Bins will also be introduced following documentation from Attorney Cushing in October, 2011 in accordance with a new state law.

REPORTS FROM COUNCIL & TOWN OFFICIALS

James T. Naples, PW/Business Administrator

1. Mr. Naples reported that a bid opening was held today for the re-bid of the Downtown Water Main Project. Eleven bids were received and the lowest bidder came in \$18,000 lower than the first time the project was bid. The bids are being reviewed. A pre-construction meeting was held with the road contractor for the Downtown project in conjunction with Elizabethtown Gas. The new gas lines are being coordinated with the contractor.

Final recycling tonnage numbers are in for 2011 and show a 28% increase in recycling. 321 tons is the highest recycling numbers ever for the Town, over 250 tons for 2010 and 246 tons for 2009, proof that weekly recycling pick ups are beneficial. Trash numbers are down.

Councilman Smith

1. Rescue Squad - 2,261 calls were handled in 2010, 180 more than the previous year. Response time is 4 minutes and 6 seconds for in-town calls.

Councilman Shea

1. Roads committee met and discussed topics for the pre-construction meeting. Approval for the project has been received and work should begin within the next few weeks. Storm drains will be done first.

New Jersey Department of Transportation has advised that West Main Street will be repaved between April and August, 2012 and will be done as a night project. DOT will notify residents prior to beginning work. DOT was advised that Elizabethtown Gas will be installing gas lines on West Main Street and it will be necessary for them to coordinate that project.

Councilman Pendergast

1. Speaking on behalf of the Chair of the Recreation Commission, Rosemary Pendergast, and in response to an editorial in the newspaper submitted by Ronald E. Williams, of Lebanon, the Clinton Community Center was not used by "a bunch of outsiders to hold a Holiday Jewelry Boutique" Dicken's Day weekend, it was used by the Clinton Sunrise Rotary as a fund raiser.

Councilwoman Valenta

1. The Board of Health will be holding a meeting on Thursday, January 12, 2012 at 6:30 p.m. The annual joint Rabies Clinic with Clinton Township will be held on Saturday, January 21, from 8:00 a.m. to 11:00 a.m. Mayor Kovach announced the appointment of a new board member, Teri Bekos of 1 Mitchell Lane.

Councilman Duffy

1. Parks and Recreation will be hosting the 4th Annual Yuletide Bonfire on Saturday, January 21, 2012 beginning at 6:00 p.m. The organizers have received enough donations to hire the bagpipers once again this year!
2. Clinton Fire Department has a received a membership application from David S. English, 34 Rachel Court, Clinton. A motion was made by Mr. Duffy, seconded Mr. Smith, to accept Mr. English as a member of the NJ State Firemen's Association and the Clinton Fire Dept.

Vote all ayes
Motion carried

RESOLUTION # 38-12 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast seconded by Mr. Smith to adopt Resolution #38-12 as submitted.

RESOLUTION # 38-12

WHEREAS, various 2011 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2011 Budget Appropriation Reserve in the last two months of 2011; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$2,500.00 be made between the 2011 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Streets & Roads Salary & Wages	\$2,500.00	
Buildings & Grounds Other Expenses		\$ 500.00
Streets & Roads Other Expenses		\$1,000.00
Vehicle Maintenance Other Expenses		\$1,000.00
TOTALS	<u>\$2,500.00</u>	<u>\$2,500.00</u>

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

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 12, 2011 through January 5, 2012.

ROLL CALL: AYES: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

**RESOLUTION #- 39-12 – EXECUTIVE SESSION – Attorney Advice/Potential
Litigation/Contract Negotiations**

A motion was made by Mr. Pendergast seconded by Mr. Smith to enter into Executive Session at 7:50 p.m. to discuss matters of Attorney Advice/ Potential Litigation and Contract Negotiations.

**RESOLUTION #39-12
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:20 minutes (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 8:20 p.m.

Vote all ayes
Motion carried

RESOLUTION #37-12 – AWARDING CONTRACT TO S & T PAINTING, INC.

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #37-12 as submitted.

RESOLUTION #37-12

WHEREAS, on December 8, 2011, the Town of Clinton received bids from Twelve (12) prospective bidders for the Rehabilitation of the 2.5 Million Gallon Water Storage Tank; and

WHEREAS, the bids were received and reviewed by Water Engineer, Andrew S. Holt, P.E. and a recommendation was made for the lowest responsible bidder; and

WHEREAS, the lowest bid was submitted by S & T Painting, Inc. of Parkton, Maryland, in the amount of \$648,000.00; and

WHEREAS, approval dated January 4, 2012 for the award to S & T Painting, Inc. has also been received from the New Jersey Department of Environmental Protection Bureau of Administration and Management;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the Mayor and Clerk be authorized to execute a contract with S & T Painting, Inc. of Parkton, Maryland in the amount of \$648,000.00.

Roll Call: Ayes: Duffy, Insel, Pendergast, Shea, Smith, Valenta, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Valenta to adjourn the meeting at 8:25 p.m..

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Janice Kovach, Mayor