

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

Flag Salute.

Roll Call: Present – Insel, Pendergast, Shea (8:35 p.m.) Smith, Mayor Kovach
Absent – Duffy, Valenta

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 Special Meeting May 8, 2012 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Smith to approve the minutes of the Regular Council meeting held May 8, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – APRIL

A motion was made by Mr. Smith seconded by Mr. Smith, to accept the monthly reports for the month of April as submitted: Fire Official Report and Treasurer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS – None

PRESENTATION TO COUNCIL

Bruce Pearson, web producer, General Manager and Director of Broadcasting for Video Venue, came before Council to introduce his company and discuss the options and benefits of working with his company for online webcast of town meetings and events for the Clinton website. Mr. Pearson explained that working with his company would not cost the town anything, and that he would handle selling advertising. This would promote the tourist trade and film clips of Clinton could be shown on the site. A URL with a password could allow alerts or emergency messages to be posted for the public and council would then be able to broadcast their own audio, video or text. Mr. Cushing was concerned that 1st Amendment issues could be compromised if people have access to it and what can be posted. Mr. Pearson said he will research other towns and see how they are structured and who has control of the site and how to protect the website from any offensive posts. Council discussed the proposition and all agreed to have Mr. Pearson explore the questions posed by Mr. Cushing and the Council and to meet again. Mr. Pearson also said he would follow up with the Mayor and give a list of towns that are using the program.

RESOLUTION #89-12 – DISCHARGE OF MORTGAGE

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #89-12 given the Mayor authority to execute a Discharge of Mortgage from Christopher Pursell to Michael Andreyko II.

**RESOLUTION # 89-12
DISCHARGE OF AFFORDABLE HOUSING MORTGAGE**

WHEREAS former Town of Clinton resident , Christopher Pursell, purchased a home at 4 Rolling Hill Road, Clinton, New Jersey, on September 20, 2005; and

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

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Christopher Pursell executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on October 5, 2005 in Mortgage Book 2931 on page 20; and

WHEREAS Christopher Pursell has now sold the home to Michael Andreyko II and Alana Andreyko, husband and wife, who have executed a mortgage to the Affordable Housing Authority;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage, and all ancillary documents on public record, given by Christopher Pursell, to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #90-12 – OVERPAYMENT OF TAXES

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #90-12 authorizing the Tax Collector to remove the overpayment on Block 6, Lot 32 as submitted:

RESOLUTION # 90-12

WHEREAS, the Tax Collector of the Town of Clinton has received overpayment for following block and lot due to refinance.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Wells Fargo Real Estate Tax Services for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
6	32	Carol & Alison Lamers (Wells Fargo Real Estate Tax Services)	2,238.28

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 2nd quarter of 2012.

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

Vote all ayes
Motion carried

RESOLUTION # 91-12 – CERTIFICATION OF ANNUAL AUDIT

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #91-12 certifying that the Mayor and Council reviewed the annual audit of 2011. The Mayor and Council will now certify by signing the Group Affidavit, a copy of which will be sent to the Division of Local Government Services.

**RESOLUTION # 91-12
CERTIFICATION OF ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.S.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations” and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27 BB-54 to wit:

R.S.52:27 BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the (Director of Local Government Services), under provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, That the Governing Body of the Town of Clinton, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Vote all ayes
Motion carried

RESOLUTION #92-12 – HOLIDAY INN LIQUOR LICENSE RENEWAL

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #92-12 as submitted:

RESOLUTION # 92-12

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION), #1005-36-004-008 for:

**A HUNTS MILLS ASSOCIATES LLC
HOLIDAY INN CLINTON
111 ROUTE 173
CLINTON, NEW JERSEY 08809**

WHEREAS, the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2012, renewal of the above captioned license for the 2012-2013 year and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Vote all ayes
Motion carried

RESOLUTION #93-12 – CANCELLATION OF LIEN

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #93-12 as submitted:

RESOLUTION # 93-12

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$663.69 the amount necessary to redeem Tax Sale Certificate #2012-1 on Block 1, Lot 19, assessed to Moises Sarmiento, and purchased by U.S. Bank as Custodian for Pro Capital I, LLC.

NOW THEREFORE BE IT RESOLVED, on this 22nd day of May, 2012 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 \$663.69 (certificate) & \$300.00 (premium) payable to U.S. Bank as Custodian for Pro Capital I, LLC, 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 #2012-1 on Block 1, Lot 19, assessed to Moises Sarmiento, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #94-12 – SOLICITING PROPOSALS FOR TOWN WIDE REVAL

A motion was made by Mrs. Insel, seconded by Mr. Smith, to adopt Resolution #94-12 as submitted:

RESOLUTION # 94-12

RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR SOLICITING PROPOSALS FOR A TOWN-WIDE PROPERTY REVALUATION

WHEREAS, the Town of Clinton has received approval from the Hunterdon County Tax Board to proceed with a Town-wide Property revaluation; and

WHEREAS, The Town feels that the use of Competitive Contracting would be the more applicable manner of solicitation, in-lieu of the traditional “sealed bid” process, due to the nature and complexity of property tax assessments and revaluation, and;

WHEREAS, in accordance with the method described in N.J.S.A. 40A:11-4.1 et seq and N.J.A.C. 5:34-4.1, et seq, the Town has sought approval from the Director of the Division of Local Government Services in order to move forward with this process: and

WHEREAS, as required, the Town must identify the technical criteria that will be used when grading proposals that are submitted, which are attached as Exhibit “A” to this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby authorize the use of Competitive Contracting for the solicitation of proposals for a Town-wide property revaluation in accordance with N.J.S.A. 40A:11-4.1 et seq, subject to the receipt of approval from the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

EXHIBIT A

Technical criteria: (40%)

1. Proposed methodology:
 - a. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
 - b. Is the vendor's proposal complete and responsive to the specific RFP requirements?
 - c. Has the past performance of the vendor's proposed methodology been documented?
 - d. Does the vendor's proposal use innovative technology and techniques?

Management criteria: (35%)

1. Project management:
 - a. How well does the proposed scheduling timeline meet the contracting unit's needs?
 - b. Is there a project management plan?
2. History and experience in performing the work:
 - a. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?

- b. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
- c. Does the vendor document industry or program experience?
- d. Does the vendor have a record of moral integrity?
- 3. Availability of personnel, facilities, equipment and other resources:
 - a. To what extent does the vendor rely on in-house resources vs. contracted resources?
 - b. Are the availability of in-house and contract resources documented?
- 4. Qualification and experience of personnel:
 - a. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
 - b. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
 - c. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

Cost criteria: (25%)

- 1. Cost of goods to be provided or services to be performed:
 - a. Relative cost: How does the cost compare to other similarly scored proposals?
 - b. Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?
- 2. Assurances of performance:
 - a. If required, are suitable bonds, warranties, or guarantees provided?
 - b. Does the proposal include quality control and assurance programs?
- 3. Vendor's financial stability and strength:
 - a. Does the vendor have sufficient financial resources to meet its obligations?

Vote all ayes
Motion carried

RESOLUTION #95-12 – SOMERSET COUNTY COOPERATIVE PURCHASING SYSTEM

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #95-12 authorizing the Mayor to execute an agreement to become a member of the Somerset County Cooperative Pricing System. There is no charge to join and cooperative purchasing is a money saving endeavor. Clinton is also a member of Hunterdon County Co-op and Morris County Co-op.

RESOLUTION # 95-12

RESOLUTION AUTHORIZING MEMBERSHIP IN THE SOMERSET COUNTY COOPERATIVE PURCHASING SYSTEM

WHEREAS, the Town of Clinton desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective May 22, 2012, and

WHEREAS, Said membership shall be for the period ending December 31, 2013; and

WHEREAS, at the expiration of such membership, at their discretion, the Town of Clinton elects to formally withdraw from the system.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the Town of Clinton and is hereby authorized to execute the attached agreement for such membership.

Vote all ayes
Motion carried

RESOLUTION #96-12 – SUMMER RECREATION PROGRAM FEES AND STAFFING

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #96-12 establishing the 2012 recreation program fees and the 2012 summer recreation and tennis program staffing as presented.

**RESOLUTION # 96-12
RESOLUTION ESTABLISHING 2012 RECREATION PROGRAM FEES**

WHEREAS, Ordinance #08-01 provides that fees for programs sponsored by the Board of Recreation Commission shall be set yearly by Resolution of the Mayor and Council; and

WHEREAS, the Board of Recreation Commissioners has submitted recommendations to the Mayor and Council as to the fees to be established for 2012; and

WHEREAS, the Mayor and Council have reviewed these recommendations and find the recommended fees to be appropriate

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the following Program Fees are effective for 2012:

Summer Recreation Program Registration Fees:

One Hundred Twenty Five (\$125.00) Dollars per student, One Hundred (\$100.00) Dollars for second child, Seventy Five (\$75.00) Dollars for third child & fourth child for Town of Clinton-Glen Gardner Students

One Hundred Fifty (\$150.00) Dollars per student for Out-of-District Students

Five (\$5.00) Dollar non-refundable fee for each trip

Twenty Five (\$25.00) Dollars for Crystal Springs Family Aquatic Center (Refundable if it rains and paperwork completed

Twenty Five (\$25.00) Dollars late Registration fee after the cut-off date for accepting Registrations

Tennis Program Registration Fees:

Sixty (\$60.00) Dollars for Clinton Public School Students and Town Residents

Eighty Five (\$85.00) Dollars for out of town residents

Basketball Program Registration Fees:

Eighty-Five (\$85.00) Dollars per student in grades 3 through 8

Seventy-Five (\$75.00) Dollars per student in grades K through 2.

2012 Summer Recreation & Tennis Program Staffing

It is the recommendation of the Board of Recreation Commissioners that the following staff be hired for the 2012 Summer Recreation Program to be held June 25th through July 20th at Clinton Public School from 9:00 am to 12 noon. On July 11th the Recreation Program will be extended until 4:00 pm for a special trip to Crystal Springs Family Aquatic Center in East Brunswick, NJ, there will not be any recreation at the school.

Director	Tiffany Cinquemani	\$4,803.00	
Arts & Crafts	Barbara Plundeke	\$2,435.00	
Adult Counselors	Debbie Herold	\$1,993.00	
	Elizabeth Seiffert	\$1,763.00	
	Heidi Singer	\$1,703.00	
	Scott Kinzel	\$1,594.00	
Adult Substitutes	Patti Weiss	\$75.00/day	
Teen Counselors	Mark Creasy	\$7.25/hr	2 weeks
	Katie Duffy	\$7.25/hr	4 weeks
	Alison Pelose	\$6.50/hr	2 weeks

The ACE Tennis Program will run from July 16-20nd and the Tennis Clinic will run from July 23th through August 16th.

Tennis Instructors:	Ellery Spencer	\$18.00/hr	5 weeks
	Katherine Spencer	\$15.00/hr	5 weeks

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

Vote all ayes
Motion carried

RESOLUTION #97-12 – BRUSH, GRASS, WEEDS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #97-12 as submitted:

RESOLUTION # 97-12

WHEREAS Section 45 BRUSH, GRASS, AND WEEDS, of the Town of Clinton Code Book requires that certain aspects of a homeowners property be maintained as to not create a concern to the public, welfare and safety or constitute a fire hazard; and,

WHEREAS the code states that all grass and weeds must be maintained so as not be greater than 3 inches in height; and,

WHEREAS the Code Enforcement Official is authorized to enforce Section 45 by notifying residents of a violation and allowing ten (10) days to abate a violation; and,

WHEREAS of the owner of said property does not abate the problem within ten (10) days after receipt of the notice, a provision in the Section allows for the Public Works/ Business Administrator to reinspect the lands in question and report to Council at its next regular meeting the condition complained of, and

WHEREAS the Public Works/ Business Administrator shall cause the condition complained of to be abated and certify to the Mayor and Council, the cost charged which shall become a lien upon the lands and be added to become a part of taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.

NOW, THEREFORE, BE IT RESOLVED, that steps to abate conditions as stated in Section 45 to the following properties have been remedied by the Town of Clinton Public Works Department and the liens on the respective fees be assessed to the said properties are as follows:

	TOTAL AMOUNT
2 Hillside Drive Block 5, Lot 17	\$134.00
8 Hillside Drive Block 5 Lot 20	\$134.00
31 West Main Street Block 25, Lot 15	\$119.00
19 West Main Street Block 25, Lot 20	\$119.00
116 West Main Street Block 2, Lot 27	\$134.00

BE IT FURTHER RESOLVED that the Mayor and Council have reviewed documentation and approve the liens to be assessed as presented. Certified copies of this resolution shall be presented to the Town of Clinton Tax Assessor and Tax Collector.

Mrs. Insel asked Mr. Phelan how long do we wait before cutting the grass when it is so high and unsightly? Mr. Phelan said we wait until the Code Enforcement Official gives notice to the property owner then the Town gives time to the owner to abate the problem. After allowing ample time, 10 days after receipt of the written notice, if it has not been taken care of, the Town Public Works Department will address the problem.

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

Vote all ayes
Motion carried

RESOLUTION #98-12 – OVERPAYMENT OF TAXES

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #98-12 as submitted:

RESOLUTION #98-12

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for Redemption of Tax Sale Certificate #2012-1,

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 Aurora Bank, 1 Core Logic Drive, Westlake, Texas, 76262, for the above Certificate in the amount of \$52.00.

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

Vote all ayes
Motion carried

FEE WAIVER – RED MILL MUSEUM VILLAGE

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to waive the \$42.00 fire permit fee for the Boy Scout Troop 121 Flag Retirement Ceremony on June 14, 2012 at 7:00 p.m. to be held at the Red Mill Museum Village.

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

Vote all ayes
Motion carried

CORRESPONDENCE

1. A memo from Town Planners, Carl Hintz and Beth McManus, outlining the Affordable Housing Trust Fund 2008 amendment of the Fair Housing Act, where DCA has the authority to require municipalities to forfeit any trust funds which were deposited on or before July 17, 2008 and which are not committed for expenditure by July 17, 2012. Department of Community Affairs calculates that there is \$11,215 in the Town's trust fund which is eligible for forfeiture. Ms. McManus and Mr. Hintz listed options for council's consideration. Mr. Cushing explained how the funds can be spent. Assistance to the elderly with affordable housing units in need of repairs; administrative costs, or the hiring of an affordable housing administrator. Mayor Kovach asked Councilwoman Insel to arrange a meeting with the affordable housing board members but Mrs. Insel explained that it has always been the role of the Business Administrator to organize and oversee the affordable housing agenda. Mr. Phelan will follow up with the Town Planners and report back to council.

Lebanon Township forwarded a copy of a resolution requesting an extension of the July 17 2012 date. Council will prepare for adoption at the June 12th meeting, however, Mr. Cushing does not feel it will warrant too much attention at the State level.

2. Notification has been received from the Borough of Glen Gardner stating their intentions to withdraw from the North Hunterdon Municipal Court effective December 31, 2012.
3. A letter of resignation has been received from Carol Gallo, Board of Adjustment and Chair for the past six years. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to accept Mrs. Gallo's resignation with regrets. A notice will be posted on the Clinton web site and applications for citizen's involvement will be accepted.
4. A memo from Zoning Officer, Allison Witt, requesting clarification on the enforcement of the sign ordinance. Mr. Cushing reported that Attorney Lorraine Staples is reviewing this and will report back on the findings.

5. C. J. Gaylor, owner of Secors on Main Street, sent a letter of thanks to the Town of Clinton Police Department, especially Officer Jeff Ollerenshaw. Officer Ollerenshaw assisted with a problem with two shoplifters and he was very helpful and empathetic in resolving the issue.
6. A letter of gratitude was received from a Town resident, Maureen Phelps, expressing her thanks to Bob Neizgoda and Drew Glazer for their hard work in helping her with a huge problem. Ms. Phelps said, "thank goodness Bob Niezgoda came and saw that roto rooter did the job right!"
7. The New Jersey Department of Transportation is now accepting applications for 2012 Transportation Enhancement Program.
8. A revised brush and vegetative waste collection notice was handed out to residents and a copy is going out with the June newsletter. The Town is trying to get away from using black plastic bags to dispose of brush, encouraging the use of garbage cans.
9. An application has been received from Fred Jimenez, 40 South Polktown Road, Hampton, NJ to become a member of the Clinton Fire Department. A motion was made by Mr. Smith, seconded by Mrs. Insel, to approve the application and accept Mr. Jimenez as a member.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. Chief Matheis reported on the construction project on Lower Center Street and the base coat that had been laid. The project is really coming along.
2. Traffic Safety Campaign currently being run, Click it or Ticket and cell phones while driving.

Richard Phelan, PW/Business Administrator

1. Downtown water mains are complete with the final connections to be made on Leigh Street; temporary electric complete at corner of Route 173; final water mains to be completed by the end of next week; Lower Center milling complete and East Main Street next. Final top coat will be done at night. Nearing the end of a major project.
2. Attempting to re-educate the public regarding the disposal of brush and vegetation. Notices distributed and an insert being sent out with the newsletter.

Kathy Olsen, CFO

1. Ms. Olsen reported that she attended the Tax Collector and Treasurer Association conference. It was a good conference and obtained lots of continuing education units.

Councilman Smith

1. Buildings & Grounds question: the Council room is hot tonight, no air movement, what is the problem? Mr. Phelan explained that the air conditioner compressor died and will be fixed in the morning.
2. Water Committee – the Engineer is amending the sewer connection and meter ordinance. The plastic cylinders in front of houses at the street will be part of the water service replacement program that will be done gradually over the next few years.

The new water storage tank is expected to be filled and all problems corrected. The restoration of the original tank is set to begin painting and the new tank is expected to be in use after June 1, 2012.

Councilwoman Insel

1. Black Potatoe Festival – Mrs. Insel said she will be walking Main Street and talking to all Merchants about the upcoming Festival.

Councilman Pendergast

1. Sewer Committee – the # 2 filter replacement is expected to begin in July. This is a disinfection system with UV lights that will clean discharge.

Clerk Covino

In the past there was reluctance to release Executive Session minutes but beginning at the next meeting, Executive Session minutes will be approved, if there is any discussion, that will take place in Executive Session.

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 for April 27 through May 10, 2012.

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

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: Insel, Pendergast, Shea, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #- 99-12 – EXECUTIVE SESSION – Contract Negotiations and Potential Litigation

A motion was made by Mrs. Insel seconded by Mr. Pendergast to enter into Executive Session at 8:30 p.m. to discuss a matter 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;

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. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 8:40 P.M.

RETURN TO REGULAR COUNCIL MEETING – COUNCIL REPORT

Mr. Shea arrived at the council meeting during Executive Session at 8:35 P.M. Mr. Shea wished to give his committee report to council. Shade Tree will be planting a tree on Main Street on June 8, 2012 dedicated by the Woman's Club of Clinton. The dedication will take place at noon. Former Mayor, Town Historian and Woman's Club member, Allie McGaheran, has been notified and will be stopping into the clerk's office to order a plaque.

ADJOURNMENT: There being no further business, a motion was made by Mr. Shea seconded by Mr. Smith to adjourn the meeting at 8:45 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach