

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

Flag Salute.

Roll Call: Present – Cohen, Duffy, Insel, Pendergast, Smith, Shea, 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 Mr. Pendergast, to approve minutes of August 14, 2012 as submitted.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to accept the Executive Session minutes of July 24, 2012 as submitted.

Vote all ayes
1 Abstention (Shea)
Motion carried

APPROVAL OF MONTHLY REPORTS – JULY

A motion was made by Mr. Smith seconded by Mrs. Insel, to accept the monthly Fire Official report for the month of July as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENT

Beth Sosidka, 1 Haver Farm Road, implored the help of council to educate residents of the health risks associated with high levels of radon in their homes. Council will look into obtaining kits for residents and send out messages in the newsletter and other alternatives to get the message out to residents. Radon is the second leading cause of lung cancer next to smoking.

Peter Grantham, Main Street, came before Council with ordinance in hand pertaining to restraining dogs. Mr. Grantham stated that a pet owner was sitting at the Towne Restaurant for 2 ½ hours with his dog tied to a tree and that the dog would bark when other dogs passed. Mr. Grantham requested clarification of the ordinance and asked should a person be allowed to tie the dog or should the owner restrain and hold the leash? Mayor Kovach suggested the next time this happens he should call the police and they will handle the situation.

MAYOR'S COMMENTS

1. Mayor Kovach welcomed former councilwoman, Maria Valenta. Mrs. Valenta recently stepped down from her council position. On behalf of the Council, Mayor Kovach thanked Mrs. Valenta for her years served and all her efforts she put forth. A gift was presented and a round of applause for Maria.

2. Councilwoman Laurie Insel is currently serving her final term on council as she plans to move out of state. Mayor Kovach read a proclamation honoring Mrs. Insel and also presented her with a token of appreciation. A second round of applause filled the chambers.
3. Mayor Kovach also mentioned that a Proclamation was read at the Appreciation BBQ on Sunday, August 26, 2012 in support of "Women's Equality Day".

PRESENTATION OF THE OPEN CUPBOARD FOOD PANTRY, INC.

Ann Underhill, Executive Director, came before Council to educate the Council and residents of the Open Cupboard Food Pantry that is located on Old Highway 22. The program has been in existence since 1993 starting in High Bridge before moving to Clinton. Next year they will celebrate 20 years of servicing hundreds of families a month. There is a food pantry and thrift shop which helps to support the pantry through its sales of clothing, household items, books, jewelry, DVD's and CDs. They deliver to clients without transportation and shut-ins. Donations can be made during regular hours of operation.

RESOLUTION #136-12 – AUTHORIZING SALE OF SURPLUS PROPERTY

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #136-12 authorizing the sale of surplus property via public auction and the list of items attached.

RESOLUTION # 136-12

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION

WHEREAS, N.J.S.A. 40A:11-36 permits a municipality sell personal property not needed for public use to via public auction; and

WHEREAS, the Town of Clinton has determined that the items listed in the attached exhibit represent the municipal property that they would like to attempt to sell via public auction; and

WHEREAS, the N.J.S.A. 40A:11-12 allows municipalities to purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, GovDeals has been awarded Contract T-2581 from the State by the Division of Purchase and Property in the Department of the Treasury for the provision of internet-based auctioneering services in order to dispose of public property; and

WHEREAS, the Town of Clinton desires to utilize the services provided by GovDeals, in accordance with the terms and conditions of their State Contract for purposes of expanding the visibility of their auction.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that it hereby authorizes the following:

1. Public auction of the items listed in the attached exhibit in accordance with the Local Public Contracts Law.
2. Use of State Contract T-2581 for the provision of internet-based auctioneering services.

Town of Clinton – Surplus Item List

Large Vehicles/Equipment

1. 2002 Dodge Van
 2. 2001 Dodge Ram 2500
 3. 2001 Ford Crown Victoria
 4. 1999 Toro Groundsmaster 455D
 5. 2001 Ingersoll Rand 185 Air Compressor
-

Misc. Equipment

1. Spotlight
 - a. Used spotlight previously used on a Ford Crown Victoria
2. Oxygen Case with Misc. Supplies
 - a. 1 pediatric non-breathing mask
 - b. 1 adult nasal cannula
 - c. 1 pediatric nasal cannula
 - d. 1 adult cath guide
 - e. 1 pediatric cath guide
 - f. 1 adult oxygen mask
3. Oxygen Case with Tank, Regulator and misc. supplies
 - a. 1 mouth-to-mask
 - b. 1 adult cath guide
 - c. 1 pediatric cath guide
4. Pro-Guard electronic Release Shotgun Holder
5. Center Console Bracket for Police Radio w/PA system unit and Toggle switches (no speaker)
 - a. For use in a Ford Crown Victoria
6. Whelen Police Lightbar (Model 9U248000)
7. Whelen Police Lightbar (Model 9438)
 - a. Lot of 2
8. Recording system “Lockbox” with VCR
 - a. Lot of 4
9. Setina Police Car Cage with sides for use in Ford Crown Victoria’s
 - a. Lot of 2
10. Center Console Bracket for Police radios
 - a. For use in a Ford Crown Victoria
11. Whelen Lightbar Replacement Strobe lights and Lens Covers
 - a. Lot described as follows:

Quantity	Whelen Model #	Whelen Part #
3	9UTUBE	02-0363171-000
3	TURB6HAL	02-362659-00
1	N/A	68-1182100820
5	4ELTUBE	02-0362824-00B
1	TURB6KIT	02-0362996-000

12. Trusco Trueline Model 250 Air Pressure Tank Paint Striping Machine
 - a. Comes with wand and misc. accessories.
 - b. 20 lb CO2 tank has regulator attached.
 - c. Glass bead dispenser included
 - d. Worked prior. Needs some TLC and cleaning.
13. 20 lb CO2 tank
14. 10 lb CO2 tank
15. Lot of Miscellaneous electronic equipment previously used in Crown Victoria Police cars
16. Sharp AL-1000 Copier
 - a. Comes with 4 toner jars (SF-730NT1)
 - b. Not working. Machine shows error code H4
17. Lot of 22 used cell phones
 - a. All are working and comes with battery
 - b. Does not come with SIMM cards or chargers
 - c. 4 belt clips for Motorola i680's
 - d. Lot described as follows:

Quantity	Brand	Model Number
19	Motorola	I680
2	Motorola	I686
1	Blackberry	8350i
4	N/A	Belt clips for i680's

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

Vote all ayes
Motion carried

RESOLUTION #137-12 – SUPPORT OF A NATIONAL WOMEN’S MUSEUM

A motion was made by Mr. Shea, seconded by Mr. Pendergast, to adopt Resolution #137-12 showing support from the Town of Clinton. This resolution will be forwarded to all Hunterdon County municipalities seeking their consideration and support.

RESOLUTION #137-12

IN SUPPORT OF A NATIONAL WOMEN’S HISTORY MUSEUM

WHEREAS, the US Conference of Mayors has always supported equality and acknowledge that women have contributed to every aspect of our American life; and

WHEREAS, Women have been pioneers in science, law, the arts, government and so many important aspects of the American story; and

WHEREAS, Women’s history is largely missing from our national story – less than 8% of the statues on public lands recognize women leaders and only 13 of the 217 statues in our nation’s Capital Building are of women leaders; and

WHEREAS, the National Women’s History Museum (NWHM) has spent seven years trying to secure an appropriate location through Congress in Washington DC. The NWHM is a privately

funded 501 (c) (3) and will privately fund the construction of the Museum. The NWHM is only trying to secure permission from Congress to build on the land between 14th and 15th Street on Independence Avenue on the National Mall; and

WHEREAS, the National Mall largely portrays men in history and The National Women’s History Museum will help fill the void. Rather than rewriting current exhibitions at other museums or having to decide what to omit elsewhere to “fit in” women’s history, the NWHM will serve to place women’s history along side current historical exhibitions; and

WHEREAS, the National Women’s History Museum affirms the value of knowing Women’s History, illuminates the role of women in transforming society and encourages all people, women and men, to participate in democratic dialogue about our future;

NOW, THEREFORE, BE IT RESOLVED, the US Conference of Mayors believes that women’s contributions and accomplishments have been significantly overlooked and that women have in fact woven the very fabric of our society through their support and development of culture, families, communities and society; and

BE IT FURTHER RESOLVED, that the Town of Clinton, Mayor and Council strongly urges Congress to support and expedite federal legislation that would allow the construction of the National Women’s History Museum on the National Mall.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Council is in receipt of a letter from Assemblyman John DiMaio congratulating the Town for being awarded the FY 2013 New Jersey Historic Commission General Operating Grant in the amount of \$11,830 to be used for the Red Mill Museum Village.
2. A letter received from Rosemarie Platt, Chair of the Historic Preservation Commission, requesting permission to restore five Town of Clinton welcome signs. The work will be done by Karen Romagna, a local resident and a wonderful artist. Karen is donating her time and the commission will donate the supplies. CFO, Kathy Olsen, asked that Rosemarie check with the finance department to confirm their budget amount.
3. Notification received from the State of New Jersey Department of Transportation regarding the first phase of the Route 31 Resurfacing Project which extends from milepost 32.48 to 40.98.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Kathy Olsen, CFO

1. Ms. Olsen advised Council that she recently closed on the roll over her Bond Anticipation Note. Two bidders, PNC and Oppenheimer, Oppenheimer won the bid at a rate of 1.431%. Went out to bid for the emergency funds for the revaluation and the Holiday Inn tax appeal, in the amounts of \$100,000 and \$120,000, two bidders PNC and Oppenheimer. PNC won the bid at 2.73%

Councilman Smith

1. Water Committee did the walk through inspection with the Department of Environmental Protection of the downtown water mains project and the new 2.5 mg water tank. While at the site of the tank, they looked over the original tank being prepared for rehabilitation and

hoped to get DEP's blessing on the project. Hydrant maintenance program to begin in the Fall.

Councilman Shea

1. No roads meeting this month following the wrap up of road project earlier this summer.
The Route 173 project is near completion with the replacement of curbs and handicap ramps.
2. SWAC – Attended a meeting and made a presentation with the Chairman of SWAC and two Councilmen from High Bridge and Union Township to the Freeholders about putting together a program to work with the county on procurements and regional bids. The group also discussed an informational and marketing program to improve recycling.

Clerk Covino

Received today in the Clerk's office, an application for an event and banner request for the Clinton Sunrise Rubber Ducky Race for July 14, 2013. Mr. Pendergast suggested a time frame be implemented as to when such applications can be accepted and voted on. Council decided to table the application at this time.

Councilman Pendergast

1. Sewer Committee – Doug Berry, WWTP employee, has passed his C-2 license. A motion to grant Mr. Berry his \$.50 increase was made by Mr. Pendergast, seconded by Mr. Smith.

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

Vote all ayes
Motion carried

2. The filter replacement project at the Treatment Plant is progressing.

Councilman Duffy

1. Board of Recreation - Town Picnic will be held Saturday, September 8, rain date, September 22. The Clinton Fire Department will be cooking burgers, dogs and chicken for purchase. Boy Scouts will have a display and the Clinton Public School PTA will also be selling water and soda.
2. Two members of the Clinton Fire Department began Firefighter 1 training.

Mayor Kovach

Following up from the Budget meeting held August 22, 2012, have letters gone out to all non-profits regarding no more fee waivers? Clerk replied it will be done, following up with the construction office as to all names of groups that have had them waived to date.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Duffy, seconded by Mr. Pendergast to approve the standby and overtime pay attached to these minutes for August 3 through August 16, 2012.

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

Vote all ayes
Motion carried

RESOLUTION #-138-12 – EXECUTIVE SESSION – Contract Negotiations/Attorney Advice

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 8:17 p.m. to discuss a matter of Contract Negotiations and Attorney Advice. Council is expected to return to the regular meeting to take action.

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.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast seconded by Mrs. Insel to return to the Regular Council meeting at 9:24 p.m.

RESOLUTION #139-12 – REJECTING BIDS FOR SOLID WASTE & RECYCLING COLLECTION AND DISPOSAL

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to adopt Resolution #139-12 rejecting the bids received on August 22, 2012. A re-bid will be scheduled.

**RESOLUTION #139-12
REJECTING BIDS FOR
SOLID WASTE & RECYCLING COLLECTION AND DISPOSAL**

WHEREAS, the Town of Clinton (“Town”) received and opened bids from Premier Disposal, Inc. (“Premier”) and (“RVD”) for solid waste and recycling collection and disposal on August 22, 2012 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, Premier submitted the lowest bid each of the periods; and

WHEREAS, Premier did not include a Consent of Surety Form with its bid proposal which is a fatal omission requiring rejection of the bid pursuant to *N.J.S.A. 40A:11-32.2*; and

WHEREAS, RVD did not fully and completely answer Questions 6 and 7 of the Questionnaire included in the specifications as required by *N.J.A.C. 7:26H-6.5(d)(2)*; and

WHEREAS, *N.J.A.C. 7:26H-6.5(d)(2)* requires rejection of a bid proposal failure to answer each question completely or to provide any of the information requested in the Questionnaire; and

WHEREAS, following advertisement for the bids the Town became aware of financial information that requires it to analyze whether it can afford to pay for public collection and disposal of solid waste and recyclables for 2013; and

WHEREAS, the Town expects the financial analysis to be completed within sixty days; and

WHEREAS, without available funds to pay for public collection and disposal of solid waste and recyclables the Town could not enter into a contract for those services; and

WHEREAS, the Town may decide to rebid solid waste and recycling collection and disposal services in the future depending on the result of its financial analysis.

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

1. The Town of Clinton rejects the bid of Premier Disposal, Inc. received and opened on August 22, 2012 for failure to provide a Consent of Surety form.

2. The Town of Clinton rejects the bid of Republic Services of NJ, LLC d/b/a Raritan Valley Disposal received and opened on August 22, 2012 for failure to fully and completely answer the Questionnaire included in the bid specifications.

3. As an alternate basis for the rejection of both bids, the Town of Clinton finds that it may not have the financial resources to pay for the contracts called for by the bid specifications and rejects both bids to allow for analysis of its finances for 2013.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 9:25 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach