

Mayor Kovach called the meeting to order at 7:45 p.m.

Flag Salute.

Roll Call: Present – Insel, Pendergast, Shea, 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. Pendergast, seconded by Mr. Smith, to approve minutes of April 24, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – APRIL

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

Assessor’s Report, Buildings and Grounds 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 Account, Wastewater Treatment Plant Superintendent’s Report, Water Superintendent’s Report, Zoning Officer’s Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

Dave Kurtiak, 5 Busher Place, addressed Council as to his concerns about the reduction with the new brush collection. Being accustomed to having two collections a month in the past, Mr. Kurtiak asked the reasoning for starting in May and only coming to the zones once a month. Mr. Kurtiak provided pictures of brush piles along the streets of the Knolls. Mr. Smith stated that the Town does not have the manpower it did one year ago. Mr. Pendergast said “if residents scheduled brush clean up more appropriately, it wouldn’t be a problem”. Mr. Shea commented that some residents have landscapers come and leave the brush behind, they should be taking it away.

Mr. Phelan, PW/BA, stated the committee is considering dividing the town into four zones, instead of three, which could lead to more frequent collections because the areas covered would be smaller each time.

The second issue is JCP&L and several calls made by Mr. and Mrs. Kurtiak to report flickering street lights and outages, however, they remain out. Chief Matheis said that part of a patrolmen’s night shift is to report lights and as recently as last week, at least 15 lights were reported. A representative from JCP&L attended this evening’s meeting. Mr. Stan Prater, Municipal representative to Clinton, explained the process of reporting outages and provided Mr. Kurtiak with his card. He advised Mr. Kurtiak to call him directly with the pole number and he will follow up. Mr. Prater continued to update the Council and audience of JCP&L’s efforts of tree trimming and restoring power as quickly as possible. Before leaving, Mr. Prater handed Mr. Shea a donation check towards the Black Potatoe Festival.

Vince Cardarelli, Senior representative, along with Joy Beck, wished to thank Council for the Senior Luncheon that was held on Sunday, May 6th at the Clinton First Aid and Rescue Squad. The luncheon was well attended with 65 Town seniors, beautiful plants were given out, many gift cards. Tara Shepherd from HART made a brief presentation to educate seniors on how the LINK transit bus can assist them with doctor appointments and shopping. Additional seniors, Doris Soden, Pond Ridge and Sally Simpson from Alton Place, attended this evening's meeting along with Vince and Joy. Mayor Kovach read the Proclamation honoring seniors at the luncheon on Sunday and again this evening.

MAYOR'S COMMENTS – None

TOWN WIDE RE-VALUATION

Mr. Phelan is preparing specifications for competitive contracting for the purpose of hiring an outside firm to do the revaluation for the Town.

RESOLUTION #84-12 – RESTORE MUNICIPAL ENERGY TAX RECEIPTS

Kathy Olsen, CFO, explained that gross receipts from utilities were received from the State to be disseminated to the municipalities appropriately. The State of New Jersey never honored the commitment and diverted the proceeds to its own general fund. This Resolution asks the State to forward to the municipalities the funds due to them. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #84-12 as submitted:

**RESOLUTION # 84-12
RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR
TO RESTORE MUNICIPAL ENERGY TAX RECEIPTS**

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's when at the request and for the convenience of the taxpaying utilities, the State become the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major State "reform" of utility taxes in the mid-1990's, which legislation validated and, supposedly capped the State's annual skim, and which included a "poison pill," requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State's authority to collect the tax; and

WHEREAS, in the late 1990's, a State law was passed requiring the Energy Tax distributions to be annually increased by the rate of inflation; and

WHEREAS, as State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how State Officials might evade compliance; and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State Officials reduced the CMPTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, just in the past ten years, the State has withheld almost \$274,932.00 in Energy Tax Receipt funds belonging to the Town of Clinton property taxpayers; and

WHEREAS, stunningly, the Governor and New Jersey Legislature wrongfully withheld another \$293,713.00 of our municipal Energy Receipts (and CMPTRA) in 2010 and again in 2011, which funds belong to the Town of Clinton and would reduce local property taxes; and

WHEREAS, the Mayor and Council of the Town of Clinton have long supported and called for State actions to reduce oppressive property tax burdens on our residents, since as noted, State Officials in fact are the biggest drivers of increasing municipal property taxes.

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

1. The Governor, State Legislative leadership and all members of the State Senate and Assembly should immediately restore in full all Energy Tax Receipt funding, thereby respecting and affirming the historic and fiduciary obligation as collector of municipal revenue.
2. The Municipal Clerk is hereby authorized and directed to provide a certified copy of this Resolution to the following: Governor Chris Christie, New Jersey Senate President Stephen Sweeney, New Jersey Minority Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Minority Leader John Bramnick, New Jersey State Legislators of the 16th District, Hunterdon County Municipalities, and the New Jersey League of Municipalities.

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

Vote all ayes
Motion carried

RESOLUTION #85-12 – INTENT TO WITHDRAW FROM COURT

Mayor Kovach explained Resolution #85-12 as the intention of the Town of Clinton to withdraw from the joint North Hunterdon Municipal Court. This resolution is a formality but can be rescinded if need be. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #85-12 as submitted:

RESOLUTION #85-12

WHEREAS the Town of Clinton is a member of the North Hunterdon Municipal Court pursuant to an Interlocal Services Agreement effective January 1, 2010; and

WHEREAS the Town of Clinton has expressed their intent to withdraw from the Municipal Court; and

WHEREAS in accordance with the Interlocal Services Agreement, a Town must provide written notification to all members of their intent to withdraw on or before July 1 of the year prior to withdrawal, and

NOW THEREFORE, BE IT RESOLVED, that the Town of Clinton does hereby wish to withdraw from the North Hunterdon Municipal Court effective December 31, 2012.

Roll call	Moved	Seconded	Ayes	Nays	Abstain	Absent
R. Duffy						X
L. Insel		X	X			
M. Pendergast	X		X			
D. Shea			X			
R. B. Smith			X			
M. Valenta						X
Mayor Kovach			X			

Vote all ayes
 Motion carried

RESOLUTION #86-12 – CHANGE ORDERS

In order to complete the work on the Leigh Street Water Main Project, a change order was submitted by contractor, Reivax Construction. The changes are detailed in the following resolution. A motion was made by Mr. Smith seconded by Mr. Pendergast, to adopt Resolution #86-12 as submitted:

**RESOLUTION # 86-12
 CHANGE ORDERS NO. 1 and NO. 2**

WHEREAS, the need has arisen for change orders to complete the work on the Leigh Street Water Main Project by the contractor, Reivax Construction, and

WHEREAS, it was necessary to install an additional 465 feet of water main along School Street with four water service connection replacements including street restoration and traffic control resulting in change order #1, and

WHEREAS, an adjustment of all unit bid and change order #2 quantities to actual installed amounts resulting in a reduction to the adjusted contract price by (\$146,628.41), and

WHEREAS, addition to scope including full width mill and paving as opposed to specified trench restoration resulting in an addition to the adjusted contract price by \$166,050.00, and

WHEREAS, addition of costs for time and material need to repair four unmarked services encountered during construction resulting in an addition of \$10, 882.71, and

WHEREAS, the resulting contract cost of the project, 11% above the original bid, is as follows:

Original Cost of Contract	\$653,131.05
Change Order #1 Cost Adjustment	\$ 40,987.00
Change Order #2 Cost Adjustment	\$ 30,304.30
Resulting Contract Cost	\$724,422.35

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Orders Number 1 and 2 for the Leigh Street Water Main Project be approved.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #12-6 – SEWER UTILITY IMPROVEMENTS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt on first reading Ordinance #12-6 as submitted:

SEWER UTILITY
CAPITAL ORDINANCE NO. 12-6

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$125,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND

BE IT ORDAINED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey as follows:

Section 1. The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Sewer Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Upgrades to Ultra-Violet Disinfection System	\$ 80,000.00
Flow Study in Town of Clinton Sewage Collection System	\$ 30,000.00
Replace Diaphragm – Pump #2	\$ 15,000.00
TOTAL	\$125,000.00

Section 2. The aggregate sum of \$125,000.00 is hereby appropriated from the Capital Improvement Fund of the Town of Clinton Sewer Utility to the payment of the cost of the improvements as described in Section 1 hereof.

Section 3. Said improvements are lawful capital improvements of the Sewer Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Town of Clinton Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Hunterdon Review in the May 16, 2012 edition. A public hearing will be held June 12, 2012.

INTRODUCTION OF ORDINANCE #12-7 – WATER UTILITY IMPROVEMENTS

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Ordinance #12-7 on first reading as submitted:

TOWN OF CLINTON
WATER UTILITY

CAPITAL ORDINANCE NO. 12-7

CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$345,000 FROM THE WATER CAPITAL IMPROVEMENT FUND

BE IT ORDAINED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey as follows:

Section 1. The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Water Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Meter Automation	\$157,500.00
Emergency Power Upgrades at Well Facilities	\$ 60,000.00
Well Disinfection	\$ 77,500.00
New Vehicle	\$ 50,000.00
TOTAL	\$345,000.00

Section 2. The aggregate sum of \$345,000.00 is hereby appropriated from the Capital Improvement Fund of the Town of Clinton Water Utility to the payment of the cost of the improvements as described in Section 1 hereof.

Section 3. Said improvements are lawful capital improvements of the Water Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Town of Clinton Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the May 16, 2012 edition of the Hunterdon Review. A public hearing will be held June 12, 2012.

INTRODUCTION OF BOND ORDINANCE #12-8 – VARIOUS CAPITAL IMPROVEMENTS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Ordinance #12-8 on first reading as submitted:

**ORDINANCE #12-8
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS OF THE TOWN OF CLINTON, IN THE
COUNTY OF HUNTERDON, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$110,200
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$104,692 BONDS OR NOTES OF THE TOWN TO FINANCE
PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$110,200, including the aggregate sum of \$5,508 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$104,692 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of equipment, consisting of a chipper, a diesel fuel tank and a zero turn mover, including all related costs and expenditures incidental thereto.	\$66,711	\$63,375	15 years
b) Painting of the Municipal Building, including all work and materials necessary therefor and incidental thereto.	\$17,314	\$16,449	10 years
c) Improvements to the downtown lighting fixtures, including all work and materials necessary therefor and incidental thereto.	\$5,092	\$4,838	10 years
d) Improvements to the fences, gates and ramps at the playground, including all work and materials necessary therefor and incidental thereto.	\$12,222	\$11,611	15 years
e) The acquisition of chairs for the Council Room, including all related costs and expenditures incidental thereto.	\$1,731	\$1,645	5 years
f) The installation of a door for the Community Center, including all work and materials necessary therefor and incidental thereto.	\$1,018	\$968	10 years
g) Computer upgrades, including all work and materials necessary therefor and incidental thereto.	<u>\$6,112</u>	<u>\$5,806</u>	5 years
TOTALS	<u>\$110,200</u>	<u>\$104,692</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than

one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Town may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.22 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$104,692, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-

12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Hunterdon Review in the May 16, 2012 edition. A public hearing will be held June 12, 2012.

PERMIT WAIVER – RED MILL MUSEUM VILLAGE

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to waive the \$42.00 fire permit fee for the event, Cooking for Our Soldiers, to be held May 19, 2012.

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

Vote all ayes
Motion carried

ROBERT CLERICO, PE, VAN CLEEF ENGINEERING – SAFE ROUTES TO SCHOOL

Mr. Clerico attended this evening's meeting to follow up on correspondence from the New Jersey Department of Transportation with relation to the Safe Routes to School Program and the federal grant funds. Mr. Clerico explained this project has been 3 ½ years in the planning stage and he has recorded 134 man hours and additional unrecorded hours to reach this point where the Town can now secure these funds. To date, Van Cleef's efforts are not eligible for reimbursement under the grant. Councilwoman Insel, well versed in the history of this project, explained that the Town would have to put the funds up for later reimbursement. It would be a two phase project, front all the money for engineering and design, and the second phase would be construction. To date the first phase has a cost of \$225,000. The Town must now present a resolution to the State which will be prepared by Attorney Cushing to be presented at the next council meeting, May 22, 2012. Kathy Olsen, CFO, said she will speak to Bond Counsel on how to proceed if we have to bond for this and if 5% down payment would be required. Mr. Clerico thanked council and left the meeting at 8:45 p.m.

CORRESPONDENCE - None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Richard Phelan, PW/Business Administrator

1. Hunterdon County Tax Board has changed the date for hearing to June 19 and 22nd.

2. The water mains phase of the Downtown project on Main Street should be completed by the end of this week, May 11. East Main Street water service lines will be done next week, the road will remain closed all week while the two contractors work on both ends of the street.
3. Finalizing specs for the new garbage contract for 1, 3, and 5 year contracts. Mr. Phelan asked Council how they would prefer the specifications read because the language is currently unclear. The question is to breakdown the garbage and recycling; vegetation and bulk or get one price with all types lumped together. The benefits would make budgeting more accurate. Mr. Pendergast asked that we award as one unit but request the breakdown.
4. Mr. Phelan and Kathy Olsen, CFO, have been working together to develop a scope of services in advance of the contract, particularly for engineering or planners that are overseeing projects, to monitor and to make sure funds are available and not to be over charged.
5. Mayor Kovach also reported that Mr. Phelan negotiated with Sprint and saved 35% on cell phone bills from Nextel.

Kathy Olsen, CFO

1. Ms. Olsen held her Tax Sale, April 25, 2012 with 14 properties listed. 13 were sold to outside lienholders and 1 property was struck off to the municipality, luckily it was only for \$700.00.

Councilman Smith

1. Rescue Squad – 155 calls in April, a total of 610 calls to date, same as last year.
2. Water Department – several leaks have been repaired in the system.
The Water Committee continues to meet on Thursday mornings at 7:30 a.m. to closely monitor the progress of the Downtown water main project.
3. Buildings and Grounds meeting – scheduled for Friday May 11, at 8:00 a.m.

Councilman Shea

1. Roads Committee met and discussed the upcoming project of the Old Highway 22 and Route 173 beginning at Route 78 project being scheduled by the State DOT.
Attempting to coordinate the project with the State and the Town projects. Project will be worked on during the night.
2. Shade Tree – Arbor Day celebration was held on April 27, 2012 and a tree was planted dedicated to Don and Pat Goehe.
Once again, the Town of Clinton has been named Tree City USA.
A huge tree in front of the Methodist Church on Halstead Street has been removed. The tree was sick and the size of it made for a dangerous situation. It was removed safely.
A tree will be planted thanks to the Women's Club either the second or third week of May on Main Street. Allie McGaheran, member of the Club, will be advised of date of the planting.

Clerk Covino

The Clerk announced that the 2011 Annual Audit has been distributed to all Council members. A resolution certifying Council reviewed it will be adopted at the next Council meeting, May 22 and a Group Affidavit will be signed by all Council members.

Councilwoman Insel

1. Mrs. Insel questioned when the grass be cut in front of Agway and 31 West Main Street.
Mr. Phelan responded that the Public Works will be taking care of it soon.

Councilman Pendergast

1. The Senior Luncheon was very well attended, it was the biggest turnout in years!
2. Black Potatoe Festival is moving along! Parking will be available at the Water Authority on Halstead Street and at North Hunterdon High School.

Police Chief Matheis

Contractors, Z Brothers and Penn Bower, will be working on East Main Street next week, week of May 14, 2012. The street will be closed because it would be impossible to maintain with all the equipment. Hopefully, with the two contractors working, the job will be completed as quickly as possible.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Pendergast, seconded by Mr. Smith to approve the standby and overtime pay attached to these minutes for April 13 through April 26, 2012.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #- 87-11 – EXECUTIVE SESSION – Litigation

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 9:05 p.m. to discuss a matter of 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 9:14 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast
seconded by Mrs. Insel to adjourn the meeting at 9:15 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach