

Mayor Kovach called the special meeting to order at 6:15 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.”

RESOLUTION # 107-12 - EXECUTIVE SESSION - PERSONNEL

A motion was made by Mr. Smith, seconded by Mrs. Insel, to enter into Executive Session to handle a matter of personnel at 6:17 p.m.

Vote all ayes
Motion carried

A motion was made by Mrs. Insel, seconded by Mr. Shea, to come out of the Special Meeting Executive Session and begin the Regular Council Meeting at 7:25 p.m.

Vote all ayes
Motion carried

Mayor Kovach called the **Regular Council Meeting** to order at 7:30 p.m.

APPROVAL OF MINUTES

A motion was made by Mrs. Insel seconded by Mr. Shea, to approve minutes of May 22, 2012 as submitted.

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

Executive Session minutes of December 13, November 22 and 9, October 11, September 27 and 13, August 9, July 12, June 28 and 14, May 24 and 10, April 12, March 22 and 8, and January 25, 2011. A motion was made by Mr. Smith , seconded by Mrs. Insel to accept as presented.

Vote all ayes
1 Abstention (Kovach)
Motion carried

Executive Session minutes of January 10, 17 and 24, February 14 and 28, March 13 and 27, April 10 and 24, May 8 regular and special meetings, and May 22, 2012. A motion was made by Mr. Shea seconded Mr. Smith, to accept the Executive Session minutes as presented.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – MAY

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

Buildings and Grounds Report, Clerk's Account, Cat & Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman's Report, Sewer Collector's Report, Tax Collector's Report, Water Collector's Report, Treasurer's Account, Superintendent's Report, Water Superintendent's Report, Zoning Officer's Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR'S COMMENTS

- Mayor Kovach explained that a resolution will be coming from Attorney Cushing later in this evening's meeting.
- Mayor Kovach said she received a petition generated by Clinton merchants in opposition to the closing of Main Street during the Black Potatoe Festival and their disapproval of the manner in which the Town of Clinton has neglected to keep the merchants apprised of the Main Street closures in either a timely or meaningful manner.
- Friday evening, June 22 at 6:30 p.m., Town will celebrate the Grand Re-opening of Main Street with a red carpet to run Main and East Main Streets and a ribbon cutting to take place by the merchants!
- Flag Day Bike Parade and ceremony this Friday evening, June 15th beginning at 6:45 p.m. on Main Street.
- Friday Night Grill Night at the Clinton Fire Department from 5:00 to 8:00 p.m. Last event was so successful they ran out of food! Get there early!!

PRESENTATION BY THE NEW JERSEY DEPARTMENT OF AGRICULTURE

John Cambridge, Forest Pest Outreach Assistant Coordinator, asked to come before Council and residents to educate everyone about invasive forest pests that are coming into the United States inside solid wood packing material from China. In particular, Emerald Ash Borer and Asian Longhorned Beetle. Jeff Schaumburg, Environmental Chair and Pat Goehe, Shade Tree Chair, attended this evening's meeting to learn more about the forest pests. Emerald Ash Borer has already killed over 100 million trees in the US and it was only first found in 2002. NJDA is expecting to find it in New Jersey this year or next. The Asian Longhorned Beetle has already been found in New Jersey and they are working to ensure it causes as little damage as possible. Mr. Cambridge brought exhibits of bugs and the damage caused to trees and their barks. Fliers were distributed and follow up by the NJDA will be forthcoming. Residents are requested not to purchase firewood outside of a 15 mile radius to prevent these pests from coming into our area. Mr. Cambridge mentioned a northern Jersey town that is considering passing a resolution in support of the NJDA's request not to purchase firewood from outside of New Jersey. He will follow up with the Town and his supervisor, Paul Kurtz, will also follow up. A very interesting and well made presentation was given.

RESOLUTION #101-12 – CHAPTER 159

A motion was made by Mr. Pendergast seconded by Mr. Smith, to adopt Resolution #101-12 as presented:

RESOLUTION – 101-12

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$4,417.99 from the State of New Jersey and wishes to amend its 2012 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2012 in the sum of \$4,417.99 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$4,417.99 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the 2.0% Cap
Public and Private Programs Off-Set by Revenues:
Clean Communities Program:
Other Expenses

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

Vote all ayes
Motion carried

RESOLUTION #102-12 – CANCELLATION OF LIEN

A motion was made by Mr. Smith, seconded by Mrs. Insel, to adopt Resolution #102-12 as presented:

RESOLUTION #102-12

WHEREAS, the Tax Collector of the Town of Clinton has been paid \$3,973.24 the amount necessary to redeem Tax Sale Certificate #2012-6 on Block 6, Lot 12, assessed to Nicholas & Angela Luongo, and purchased by Rainbow Associates LLC.

NOW THEREFORE BE IT RESOLVED, on this 12th day of June, 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 \$3,973.24 (certificate) & \$600.00 (premium) payable to Rainbow Associates, LLC, P.O. Box 117, Morris Plains, NJ, 07950, 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 #2012-6 on Block 6, Lot 12, assessed to Nicholas & Angela Luongo, from the Town of Clinton Tax Records.

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

Vote all ayes
Motion carried

RESOLUTION #103-12 – SHOPRITE LIQUORS RENEWAL

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Resolution #103-12 approving the Plenary Retail Distribution License # 1005-44-001-003 for ShopRite Liquors 2012-2013 as presented:

RESOLUTION # 103-12

WHEREAS, the Town of Clinton Governing Body is in receipt of an Application for the renewal of **PLENARY RETAIL DISTRIBUTION LICENSE #1005-44-001-003** for;

**QUICK CHEK FOOD STORES/SHOPRITE LIQUORS
41, 41 ½ & 43 OLD HIGHWAY ROUTE 22
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 #104-12 – THE CLINTON HOUSE LIQUOR LICENSE RENEWAL

A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #104-12 approving the Plenary Retail Consumption License # 1005-33-003-006 for The Clinton House 2012-2013 as presented:

RESOLUTION # 104-12

WHEREAS, the Town of Clinton Governing Body is in receipt of an application for the renewal of **PLENARY RETAIL CONSUMPTION LICENSE, #1005-33-003-006** for:

**SIDIROUNDA, L.L.C.
t/a the CLINTON HOUSE
2 WEST MAIN STREET
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 #105-12- AFFORDABLE HOUSING TRUST FUNDS

Due to the four year timetable for municipal housing trust dollars to be “committed for expenditure or risk forfeiture to the State, the Town of Clinton is choosing to pass a resolution asking the State to extend the time to use the funds. A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to adopt Resolution #105-12 as submitted:

RESOLUTION 105-12

RESOLUTION CALLING FOR AN EXTENSION FOR AFFORDABLE HOUSING TRUST FUNDS TO BE COMMITTED

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to be requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH’s 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on ability of local governments to commit trust funds dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, in 2008 the State Legislature passed the Permit Extension Act providing developers additional time because of the economic recess, an extension that was further granted in 2010 and which a third extension is now under consideration by the Legislature; and

WHEREAS, many of the projects in which the permits have been extended include an affordable housing component, and no such extension to municipalities; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton urges the Christie Administration and the State Legislature to extend the July 2012 to “commit” municipal affordable housing trust fund dollars and for the State to provide the needed regulatory guidance contemplated in PL 2008 c. 46; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael J. Doherty, Assemblyman John DiMaio and Erik Peterson, the New Jersey State League of Municipalities and the Office of the Governor.

Vote all ayes
Motion carried

RESOLUTION #108-12 – SUPPORT OF HUNTERDON COUNTY PROSECUTOR

Mayor Kovach presented a resolution prepared by Attorney Cushing in support of adequate funding for the office of the Hunterdon County Prosecutor. A motion was made by Mr. Smith, seconded by Mr. Pendergast, to adopt Resolution #108-12 as submitted:

**RESOLUTION # 108-12
RESOLUTION IN SUPPORT OF ADEQUATE FUNDING FOR
THE OFFICE OF THE HUNTERDON COUNTY PROSECUTOR**

WHEREAS, the residents of the Town of Clinton are delighted to live in Hunterdon County. It is blessed with good roads, a strong agricultural heritage, good schools, a good transportation network, and the median household income is the fourth highest in the United States; and

WHEREAS, however, the demographics of the County are shifting. Its population in 1970 was 60,718; its population in 2010 was 128,314, a 54 percent increase over 40 years; and

WHEREAS, as population has increased so has the amount of criminal activity; and

WHEREAS, in the past few months, there has been a tremendous spike in the number of burglaries throughout the County; and

WHEREAS, there has also been a substantial increase in diversification in the County with the number of non-English speaking residents increasing which has increased the challenge of providing those communities with protection from criminal activity; and

WHEREAS, although unheard of in the past, sporadic incidents of gang related activity have shown up from time to time; and

WHEREAS, a number of municipalities in the County have no police department or very small police departments; and

WHEREAS, the challenge from criminal activities associated with illicit drugs, gangs, domestic violence, violent activity and property crimes is increasing to some degree as a result of the difficult economic times; and

WHEREAS, the Hunterdon County Prosecutor's Office is responsible for the reasonable and lawful detection, arrest, indictment and conviction of those who violate the laws of the State of New Jersey; and

WHEREAS, the enviable life style enjoyed by the citizens of Hunterdon County requires that criminals be immediately apprehended and punished so that others will be discouraged from committing crimes in Hunterdon County or elsewhere; and

WHEREAS, the ability of the Hunterdon County Prosecutor's Office to protect, arrest, indict and convict those who violate the criminal laws of the State of New Jersey is a function of the amount of resources which the Prosecutor's Office has at its disposal to carry out its vital functions; and

WHEREAS, the Hunterdon County Prosecutor's Office has determined it needs additional resources in order to be able to adequately combat criminal and gang activity and has need for non-English speaking staff who can reach out to communities in the County which are non-English speaking in order to be able to safely protect those communities and to assist those within them who have been the victims of crimes; and

WHEREAS, the economic and social fabric of Hunterdon County would be challenged, if criminal activity is permitted to increase and there is not adequate means to combat it; and

WHEREAS, the Town of Clinton supports the efforts of Prosecutor Kearns to maintain and develop the professional standards of the Prosecutor's Office and to expand its operations so as to be able to stymie any criminal threat to the desirable life style and economic well-being of Hunterdon County.

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

1. The Town of Clinton expresses its full support for the efforts of Prosecutor Anthony P. Kearns, III to professionalize and strengthen his office so as to be able to effectively respond to whatever criminal activities may occur in Hunterdon County.
2. The Mayor and Council encourage the Hunterdon County Freeholders to provide all necessary financial support to the Hunterdon County Prosecutor so that he may have the resources necessary to counteract any threats of or criminal activities which occur in Hunterdon County
3. While the Mayor and Council of the Town of Clinton are not in favor of seeing the County increase taxes, they support a reasonable increase in taxes to combat

criminal activities which may threaten the County youth, senior citizens, its life style and economic prosperity.

4. The Municipal Clerk is directed to forward a copy of this Resolution to the Hunterdon County Board of Chosen Freeholders, each individual Freeholder, and to the governing body and school board(s) of each municipality in Hunterdon County.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #12-6 – SEWER UTILITY IMPROVEMENTS

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to open the public hearing of Ordinance #12-6:

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

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mrs. Insel, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve Ordinance #12-06 on second reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #12-7 – WATER UTILITY IMPROVEMENTS

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to open the public hearing of Ordinance #12-7 :

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

Vote all ayes

Council Meeting
June 12, 2012

Motion carried

There being no public comment, a motion was made by Mrs. Insel, seconded by Mr. Pendergast to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve Ordinance #12-07 on second reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #12-8 – BOND ORDINANCE

A misprint in advertising the second reading has caused this Ordinance to have a public hearing on June 26, 2012.

SPECIAL EVENT - SPRUCE RUN BLOCK PARTY

Council is in receipt of a special event application for Spruce Run Block Party to be held June 23, 2012. The organizers are requesting that Busher Place to Quarry Ridge be blocked off from 2:00 p.m. to 11:00 p.m. A motion was made by Mrs. Insel, seconded by Mr. Smith, to approve the request as submitted.

Vote all ayes
1 Abstention (Pendergast)
Motion carried

BANNER REQUEST

The Chamber of Commerce is requesting a banner to be hung from September 17 through October 1, 2012 announcing the Chamber of Commerce Business Expo and Restaurant Showcase to be held October 16, 2012. A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve the request.

Vote all ayes
Motion carried

A brief discussion took place. Council recently discussed amending the ordinance outlining procedures of displaying banners. Council discussed shortening the length banners can be hung and to consider who can request the space. Also mentioned was increasing the fee to the Fire Department for hanging the banners. Mr. Cushing will prepare a document that Council can review addressing some of the proposed changes.

PERMIT WAIVER – UNITY BANK

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to waive the \$42.00 fire permit fee for Cruisin' Bob's Classic Car Show to be held June 24, 2012 from 10:00 a.m. to 3:00 p.m., hosted by Unity Bank. Proceeds benefit Family Promise and the ARC of Hunterdon County. The Knights of Columbus are volunteering to cook and Unity Bank will be donating the cost of the food.

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

Vote all ayes
Motion carried

COMPETITIVE CONTRACTING - REVIEW TEAM

Mr. Phelan explained to Council that a review team must be formed to review Requests for Proposals, RFP's, for competitive contracting along with the Public Works/Business Administrator and the Chief Financial Officer. Mayor Kovach stated that she would be interested in being on the team, as well as Mr. Pendergast. Mr. Shea recommended Mr. Duffy be on the review team as well! A motion was made by Mr. Shea, seconded by Mr. Smith, to accept the team as presented.

Vote all ayes
Motion carried

Mayor Kovach read correspondence from Councilman Duffy, requesting he be excused for his recent absences from Council meetings due to work related travelling. This is his third meeting he has missed. A motion was made by Mr. Shea, seconded by Mr. Smith, that Mr. Duffy be excused for recent work related absences.

Vote all ayes
Motion carried

RESIGNATION OF COUNCILWOMAN MARIA VALENTA

Council is in receipt of a letter of resignation from Councilwoman Maria Valenta, whose term was due to expire December 31, 2014. Democrats will submit three names to Council within 15 days to choose her replacement. Mrs. Valenta cited work and family obligations as her reasons for stepping down and enjoyed every aspect of serving the community. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to accept Mrs. Valenta's resignation with regrets.

Vote all ayes
Motion carried

CORRESPONDENCE

1. Notification received from Franklin Township that they are withdrawing from the North Hunterdon Municipal Court effective December 31, 2012.
2. Mayor Kovach announced that she will be sitting on the New Jersey League of Municipalities Public Works Advisory Board.
3. Councilman Rich Duffy will be attending a two hour free workshop which will provide information on the grants available through the Assistance to Firefighters Grant Program and Staffing for Adequate Fire and Emergency Response Grant Program. The program is being sponsored by Senator Robert Menendez partnered with Senator Lautenberg and Congressman Pallone to bring experts from FEMA to the Middlesex Fire Academy on Monday, June 18, 2012 at 10:00 a.m.
4. Mayor Kovach has been approached by merchants that paid to have their sidewalks done with pavers and after the Downtown project, the corners were made handicap accessible and the pavers were removed and are not being used. The merchants are requesting compensation for the pavers that have been removed. Mr. Shea will discuss this with the Road Committee and follow up on their requests.
5. Mayor Kovach appointed Art Dysart to the vacancy on the Historic Commission.
6. Mayor Kovach will be attending the Chamber of Commerce Breakfast on June 22 at 8 a.m.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Matheis

1. Chief Matheis reported that former Police Officer Leon Cohen has pleaded guilty to official misconduct and has officially resigned from the Clinton Police Department.
2. Proud to announce that the Downtown Water Main and Road Project is wrapping up!

Richard Phelan, PW/Business Administrator

1. A safety meeting was held today for all public works employees. Workers compensation Claims have dropped over the years which is very encouraging.
2. The construction schedule is nearing the end. Final gas service connections are being done and the paving and striping are scheduled for this week and next.

Councilman Smith

1. Water Committee reported that the 2.5 MG tank is being painted. The existing tank has operated for 34 years and is now preparing to be retro-fitted.
2. Rescue Squad – calls are up 25%, 225 calls for the month of May.

Councilman Shea

1. Shade Tree – the Woman’s Club of Clinton donated a Kwanzan Cherry Tree to the Town and dedicated it on June 8, 2012 in front of the Clinton Pharmacy. A beautiful plaque marks the spot!
2. Roads – New asphalt was put on Lower Center and Main Street today and eight additional parking spaces have been added to the downtown Main and East Main Street. There will be a Grand Re-Opening of the Downtown District on Friday, June 22 at 6:30 p.m. Just follow the Red Carpet!
3. Mr. Shea commented on the unused pavers that now remain following the new ADA corners on Main and East Main Street. Over 15 landlords joined in to replace their sidewalks following the construction of Allie’s Way. The Road Committee will discuss how to compensate the merchants for the unused pavers.

Councilwoman Insel

1. Black Potatoe Festival plans are progressing well. The logistics are being carefully worked out and parking for shoppers and festival attendees will be accommodated. The Water Authority is permitting parking and the Clinton Fire Department will man it and keep the proceeds. The Booster Club at Clinton Publics School will benefit from folks using the school lot. Great things are happening!

Mr. Smith suggested laying $\frac{3}{4}$ inch plywood for the grand stand on Main Street for band location due to the newly laid black top and to protect the street.

Councilman Pendergast

1. Sewer Committee – shop drawings are in for the water filter replacement project.
2. Clinton Fire Department – Grill night Friday, June 15th.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Smith, seconded by Mrs. Insel to approve the standby and overtime pay attached to these minutes for May 11 through May 24, 2012.

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

Vote all ayes
Motion carried

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 May 25 through June 7, 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 #-106-12 – EXECUTIVE SESSION – Litigation / Contract Negotiations

A motion was made by Mr. Pendergast seconded by Mrs. Insel, to enter into Executive Session at 8:32 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 10:14 p.m.

ADJOURNMENT: There being no further business, a motion was made by Mr. Pendergast seconded by Mrs. Insel to adjourn the meeting at 10:15 p.m.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach