

Councilwoman Insel called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Duffy, Insel, Pender (7:40 pm) Pendergast, Valenta  
Absent - Shea, Mayor Schaumburg

**STATEMENT OF ADEQUATE NOTICE:**

Councilwoman Insel 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. Duffy, seconded by Mr. Pendergast, to approve the minutes of July 28, 2009 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS**

A motion was made by Mr. Pendergast, seconded by Mr. Duffy to accept the Monthly Reports for the month of July as submitted:

Administrator’s Report, Buildings and Grounds Foreman’s Report, Roads Foreman’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Code Enforcement/Housing Officer Reports, Construction Control/Inspection Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plants Superintendent’s Report, Zoning Officer Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENT – None**

**MAYOR’S COMMENTS – None**

**CENTRAL JERSEY AREA LOCAL, AFL-CIO**

Hansell “Hank” Anderson, President of Central Jersey Area Local, AFL-CIO, attended this evenings meeting with several postal employees that work at the Kilmer P&DC (Edison). On June 30, 2009, the United States Postal Service proposed closing the Edison location and shifting mail to the Trenton and Kearny locations, which may result in the loss of up to approximately 100 postal jobs. Mr. Anderson explained that businesses and users of the postal service could experience delays of several days in the time it takes to send and receive mail. The workers are asking municipalities to support them with a resolution and to spread the word to the public. A public hearing must be scheduled by the USPS 45 days prior to taking action and Council asked to be notified of the date of the hearing. Council will wait to be notified before passing a resolution on their behalf.

**DORA’S RESTAURANT**

Rudolfo Hisena, owner of Dora’s Restaurant, 17 Main Street, wishes to change the steps in front of his establishment. The new steps will be less of an encroachment onto the sidewalk, however, an easement is being requested because the porch would encroach onto town property. Mr. Cutter requested permission from Council authorizing Mr. Cushing to draft an easement similar to the recent easement granted to Dr. Wall. Mr. Pendergast expressed concern as to the streetscape of the new steps, taking away from the current streetscape. Mr. Cushing discussed the matter with council and suggested that Town Planner, Carl Hintz, review the proposed plan and that there could be a collaborative effort between The Town, Mr. Hisena, and Mr. Hintz. Mr. Cushing agreed that the historical, Victorian design be considered on the Main Street in Town. Mr. Cutter will contact Mr. Hisena and advise him of council’s decision.

**RESOLUTION #93-09 – REQUESTING EXTENSION OF THE ELIMINATION OF THE GLEN GARDNER BOARD OF EDUCATION**

Councilwoman Insel read the resolution requesting the extension of the elimination of the Glen Gardner Board of Education allowing ample time for an administrative process that will not impact education on the district. Copies of said resolution will be forwarded to all appropriate persons. A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to pass Resolution #93-09 as submitted.

Vote all ayes  
Motion carried

(A copy of this resolution is attached to these minutes)

**PUBLIC HEARING ORDINANCE #09-12 – AMENDMENT TO CARBONATE AREA**

A motion was made by Mr. Pender, seconded by Mr. Pendergast, to open the public hearing of Ordinance #09-12:

ORDINANCE #09-12  
AN ORDINANCE AMENDING SECTION 88-64.2  
OF THE TOWN OF CLINTON CODE  
REGULATING DEVELOPMENT ACTIVITIES IN THE CARBONATE AREA DISTRICT

Vote all ayes  
Motion carried

Whitney Wetherill, 36 West Main Street, asked if the changes in the ordinance pertained to the entire Town. The change to the ordinance only applies to the amount an applicant requests for a building or zoning permit for new construction. The construction must be over 1,000 square feet, previously it would affect someone to construct a simple shed.

There being no further public comment, a motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to close the public hearing.

Vote all ayes  
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to approve Ordinance #09-12 as submitted.

ROLL CALL: Ayes: Duffy, Insel, Pender, Pendergast, Valenta

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #09-13 - PEDDLERS AND SOLICITORS**

Mr. Cushing offered background to this proposed ordinance and the recommended updates. A motion was made by Mr. Pender seconded by Mrs. Insel, to adopt Ordinance #09-11 on first reading as submitted:

ORDINANCE # 09-13  
AN ORDINANCE AMENDING CHAPTER 107 OF THE CODE OF THE TOWN OF  
CLINTON REGARDING PEDDLING AND SOLICITNG

Vote all ayes  
Motion carried

A notice of this Ordinance will be published in the August 19, 2009 edition of the Hunterdon Review. A public hearing will be held September 8, 2009.

(A copy of this ordinance is attached to these minutes)

**RAFFLE APPLICATION – ST. HUBERT’S GIRALDA**

Council is in receipt of a raffle application for St. Hubert’s Giralda to hold an on-premise 50/50 raffle on September 15, 2009 at 8:00 p.m. The raffle will be held at the Old River House Restaurant and the proceeds will help to support the shelter’s animal care and adoptions. A motion was made by Mr. Duffy, seconded by Mr. Pender, to approve the request as submitted.

Vote all ayes  
Motion carried

**BUSINESS PERSONAL PROPERTY TAX**

Notification has been received from the New Jersey League of Municipalities regarding utilities, such as Verizon, are attempting to get out of paying taxes on their lines that run through municipalities. This would result in a loss of revenue to municipalities. Kathy Olsen, CFO, informed Council that she researched the subject and will attend a class on August 28, 2009 to learn more about it. Ms. Olsen will report back to Council following the seminar.

**COMCAST**

Mr. Cushing explained to Council that Comcast has petitioned to be free of Board of Public Utilities regulations on the grounds that there is adequate competition in the market place. Mr. Cushing will contact Comcast and the BPU to gain additional information and will report back to Council on the subject. If Comcast is not regulated by BPU, they would be allowed to raise costs.

**FEE PERMIT WAIVERS**

A motion was made by Mr. Pendergast, seconded by Mr. Duffy, to approve the fee waivers for merchants and homeowners needed to pull a permit to have their power turned back on following the flood of August 2, 2009. Mr. Pendergast included in the motion a waiver to any additional requests that may be submitted prior to the next council meeting.

Chad Pender	40 Leigh Street	\$47.00
Dora’s Restaurant	17 Main Street	\$92.00
Thatcher Law Office	39 Main Street	\$47.00
Clinton Main Street	21 Main Street	\$47.00
Brandi Matz	53 Leigh Street	\$150.00 (boiler)

ROLL CALL: Ayes: Duffy, Insel, Pender, Pendergast, Valenta

Vote all ayes  
Motion carried

Kevin Fleming, newly appointed Construction Official, met with the Clinton Fire Department and discussed procedures to follow.

**KNIGHTS OF COLUMBUS - FEE WAIVERS**

The Knights of Columbus, Immaculate Conception Church Council #6245, on behalf of the North Hunterdon Newcomers Club and the Clinton Rescue Squad, are asking for a fee waiver for the Fire Safety Permit and the Board of Health Permit. The event is the Chili Cook Off, scheduled for September 12, 2009 at the Clinton First Aid Building. A motion was made by Mr. Duffy, seconded by Mr. Pendergast, to grant the request as submitted.

ROLL CALL: Ayes: Duffy, Insel, Pender, Pendergast

Vote all ayes  
Motion carried

**BANNER REQUEST – CLINTON TOWN PICNIC**

The Clinton Board of Recreation Commission is requesting a banner be displayed announcing the Clinton Town Picnic to be held Saturday, September 12, rain date, Sunday, September 26, 2009. A motion was made by Mr. Pender, seconded by Mr. Duffy, to display the banner from September 7 through September 14, 2009.

Vote all ayes  
Motion carried

**CORRESPONDENCE - None**

**REPORTS FROM COUNCIL & TOWN OFFICIALS**

**Robert A. Cutter, PW/Business Administrator**

1. Mr. Cutter reported on the August 2, 2009 flash flood that caused considerable damage to homes and businesses in Town. Mr. Cutter commended the Clinton Fire Department for their response to assist. Letters have also been sent to the Lebanon Borough Fire Department and the Annandale Fire Department for their assistance in cleaning up following the flood and for helping during the water main break that also took place that evening. FEMA visited Town, met with Mr. Cutter on Monday, August 3<sup>rd</sup> and discussed anchoring dumpsters and propane tanks along the Beaver Brook. Mr. Cutter also reported that the Town will be taking measures to raise the HVAC equipment at the municipal buildings, keeping them above flood levels. On Thursday, August 6<sup>th</sup>, pamphlets were delivered to businesses along the Beaver Brook to secure their dumpsters and propane tanks.

Letters have been sent to the Environmental Protection Agency and the New Jersey Division of Dam Safety. Dam Safety approved the Town's request to trim along the Beaver Brook clearing the channel to assist in preventing flooding.

Thank you to all the men in the Public Works for all their efforts in the clean up. Robert Clerico, Town Engineer, is compiling rain data and high water markings. It was discovered that rain fell at 5 inches per hour around 11:00 a.m. on August 3<sup>rd</sup>.

The New Jersey Department of Transportation is loaning the town equipment to clean all the inlets.

2. Mr. Cutter will receive a Fiber Optics update on Friday. Will report back to council.
3. Buildings and Grounds will explore the sight between the tennis courts and Rachel Court for an organic community garden.
4. Safety meeting – Wednesday, August 12, 2009 @ 8:30 a.m.

**Councilwoman Valenta**

1. Rescue Squad – The Squad reported they had a \$1,000 deductible on their flood insurance. The Squad extends their thanks to everyone for helping them in their clean up. They Squad also reported a water rescue in Pittstown during the flood of August 2, 2009.

**Councilwoman Insel**

Thank you to Mr. Cutter, the Public Works Department and to the Clinton Fire Department for their response to the flooding. Happy to hear that procedure has been set between the Town officials and the Fire Department.

The Clinton Mills Dam and Dike was expedited due to the Historical Commission locating pictures of the mill race along the Hunterdon Art Museum. It was suggested that an archeological Expert be brought in to uncover what was below the stone wall, luckily the pictures were perfectly clear and depicted the original lay of the land. Producing these pictures saved the Town an estimated \$20,000.00.

**Councilman Duffy**

1. Fire Department – discussed the flood process, insurance coverage and thankful to the volunteers and funds raised.
2. Membership application has been submitted for Christian Cole, physical has been completed. A motion was made by Mrs. Valenta, seconded by Mr. Pender, to accept the application.

Vote all ayes  
Motion carried

**Councilmen Pender and Pendergast**

Both expressed their thanks to Mr. Cutter, the Public Works Department and the Clinton Fire Department for the flood cleanup. They did an outstanding job.

**APPROVAL OF STANDBY AND OVERTIME**

A motion was made by Mrs. Valenta, seconded by Mr. Pender, to approve the standby and overtime pay as submitted for July 10, 2009 through August 6, 2009.

ROLL CALL: Ayes: Duffy, Insel, Pender, Pendergast, Valenta

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

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

ROLL CALL: Ayes: Duffy, Insel, Pender, Pendergast, Valenta

Vote all ayes  
Motion carried

**RESOLUTION # 94-09 - EXECUTIVE SESSION**

A motion was made by Mrs. Valenta, seconded by Mr. Duffy, to enter into Executive Session at 8:40 p.m. to obtain Attorney's advice.

Vote all ayes  
Motion carried

(A copy of this Resolution is attached to these minutes)

A motion was made by Mrs. Valenta, seconded by Mr. Pender, to come out of Executive Session and return to the Regular Meeting at 9:10 p.m.

Vote all ayes  
Motion carried

**ADJOURNMENT:** There being no further business, a motion was made by Mr. Pendergast seconded by Mr. Pender, to adjourn the meeting at 9:11 p.m.

Vote all ayes  
Motion carried

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Cecilia Covino, RMC/CMC

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Councilwoman Laurie Insel