

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

Flag Salute.

Roll Call: Present – Duffy, Insel, Pender, Pendergast, Valenta, Mayor Schaumburg
Absent - Shea

STATEMENT OF ADEQUATE NOTICE:

Mayor Schaumburg 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 December 14, 2010 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Duffy, seconded by Mrs. Insel, to approve the minutes of the Special Council meeting December 17, 2010 as submitted.

Vote all ayes
2 Abstentions (Pendergast, Pender)
Motion carried

PUBLIC COMMENT

Vincent Contessa, 101 Center Street, asked when the road in front of his house will begin to be plowed. Mayor Schaumburg explained that Central Avenue, off Center Street, is a private driveway and is not maintained by the Town of Clinton.

MAYOR’S COMMENTS

Mayor Schaumburg thanked everyone who attended the Governor’s Town Hall meeting in December. Thank you to Mr. Cutter, the Public Works Department, and everyone who helped make for such a successful gathering. Mayor Schaumburg said she attended the Governor’s signing of the Arbitration Bill, a very exciting day!

FIRE SUB CODE OFFICIAL/BUILDING SUB CODE OFFICIAL

Pete Ball has retired from his position as fire sub code official/building sub code official in the Construction Department. Kevin Fleming, Construction Official, has recommended the hiring of two men on an interim basis for 60 days. Ralph Price as Fire Sub-Code official and Jim Fania as Building Sub-Code official. A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to accept Mr. Fleming’s recommendation as submitted. An advertisement has been placed in the Hunterdon Review with a deadline of January 14, 2011 to submit resumes. Following review of submittals, a recommendation will be made to hire.

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

Vote all ayes
Motion carried

RESOLUTION #160-10 – RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

Kathy Olsen, CFO, explained the proposed resolution and the need to pass this. Regardless if the Town collects the County and School portion of the taxes, the Town still has to pay this. A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to adopt Resolution #160-10 as submitted and to forward to the Governor's office and State Legislatures.

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

Vote all ayes
Motion carried

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

DOUG BERRY - PAY INCREASE

A recommendation has been made by Paul Klitsch, Wastewater Treatment Plant Superintendent, to increase Doug Berry \$.50 per hour effective October 27, 2010, the day he successfully passed the S-2 license exam. A motion was made by Mr. Pendergast, seconded by Mr. Pender, to increase Mr. Berry's salary as submitted.

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

Vote all ayes
Motion carried

PERMIT WAIVER – COUNTY OF HUNTERDON

The North County Branch Library is required to conduct a backflow test at the library. The test is \$65.00 and they are requesting a fee waiver for the test. A motion was made by Mrs. Insel, seconded by Mr. Pender to approve the waiver.

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

Vote all ayes
Motion carried

HUNTERDON HUMANE ANIMAL SHELTER

A motion was made by Mr. Pender, seconded by Mr. Duffy, authorizing the Mayor to sign the 2011 animal control service for the Town of Clinton in the amount of \$4,487.00 for the year.

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

Vote all ayes
Motion carried

HUNTERDON COUNTY SHARED SERVICE OF WEB SITE

The Board of Freeholders, at their December 7, 2010 meeting, agreed to poll municipal interest for a shared service of web site and email hosting. Councilwoman Valenta will discuss this with the Newsletter Committee and report back.

HUNTERDON MUNICIPAL ALLIANCE

The Town of Clinton has been designated as the fiscal agent for the North Hunterdon Municipal Alliance for the fifth year. Mayor Schaumburg suggested that the Alliance be notified to find another municipality to take on the duties as fiscal agent at the end of 2011. A motion was made by Mrs. Insel, seconded by Mr. Duffy, to enter in the agreement for 2011.

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

Vote all ayes
Motion carried

CORRESPONDENCE – None

REPORTS FROM COUNCIL & TOWN OFFICIALS

Robert A. Cutter, PW/Business Administrator

1. Mr. Cutter was happy to announce that the Town of Clinton received the rebate from the energy audit in the amount of \$69,640.00 for the Energy Efficiency Conservation Block Grant

Attorney Richard P. Cushing

Mr. Cushing expressed how he enjoyed working with Bob Cutter for the past 15 years and said he will be missed!

Councilman Duffy

1. The Fire Department has received an application for full membership from Gary S. Dillon, 11 Hillside Drive, Clinton, New Jersey. A motion was made by Mr. Duffy, seconded by Mr. Pender to accept the application.

Vote all ayes
Motion carried

2. Mr. Duffy presented the prepared resolution to address public works employees to respond to mutual aid emergency response calls. Mr. Cushing requested that he review the proposal and present it in January, 2011.

Councilman Pender

Councilman Pender thanked everyone for the great experience of sitting on Council, Mr. Pender's term has expired. He wished Mr. Cutter a healthy retirement and echoed Mr. Cushing's sentiments.

RESOLUTION #161-10 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast, seconded by Mrs. Valenta, to adopt Resolution #161-10 as presented.

RESOLUTION – 161-10

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2010, and it has also been determined

that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2010 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Liability Insurance – Other Expenses	\$ 5,000.00	
Workers Comp Insurance – Other Expenses	\$ 5,000.00	
Group Insurance – Other Expenses	\$16,200.00	
Historical Commission – Other Expenses		\$ 1,000.00
Streets & Roads – Salary & Wages		\$ 10,000.00
Animal Control – Other Expenses		\$ 200.00
Police Department – Salary & Wages		\$ 15,000.00
TOTALS	\$ 26,200.00	\$ 26,200.00
Water Utility – Salary & Wages	\$ 10,000.00	
Water Utility – Other Expenses		\$ 10,000.00

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

Vote all ayes
Motion carried

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to approve the standby and overtime pay as submitted for December 10 through December 23, 2010.

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

Vote all ayes

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #162-10 – EXECUTIVE SESSION – PERSONNEL and CONTRACT NEGOTIATIONS

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to adopt Resolution #162-10 to enter into Executive Session at 8:07 P.M.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded Mr. Duffy to return to the Regular Council Meeting at 8:30 P.M.

Vote all ayes
Motion carried

RESOLUTION #163-10 – APPOINTMENT OF JAMES T. NAPLES

A motion was made by Mr. Pendergast, seconded by Mrs. Insel, to appoint James T. Naples as Public Works/Business Administrator for the Town of Clinton effective January 10, 2011.

RESOLUTION # 163-10

RESOLUTION APPOINTING JAMES T. NAPLES AS PUBLIC WORKS/BUSINESS ADMINISTRATOR OF THE TOWN OF CLINTON

WHEREAS, Robert Cutter, the Public Works/Business Administrator of the Town of Clinton, is retiring effective December 31, 2010; and

WHEREAS, the Town advertised for candidates to replace Mr. Cutter, and has determined to appoint James T. Naples as Public Works/Business Administrator of the Town of Clinton; and

WHEREAS, James T. Naples, meets the legal requirements to fulfill the duties of Public Works/Business Administrator of the Town of Clinton; and

WHEREAS, Chapter 4-8 of the Code of the Town of Clinton provides the authority for the appointment of a Public Works/Business Administrator of the Town of Clinton; and

WHEREAS, it is in the best interest of the Town of Clinton to appoint James T. Naples as Public Works/Business Administrator of the Town of Clinton.

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

1. Effective January 10, 2011, James T. Naples is appointed as the Public Works/Business Administrator of the Town of Clinton.
2. The specific terms of employment for James T. Naples shall be as described in Chapter 4-8 of the Code of the Town of Clinton, the Town's Personnel Policy and as set forth in a contract to be entered between the Town of Clinton and James T. Naples, the form of which shall be approved by the Town Attorney.
3. The annual salary of James T. Naples for 2011 shall be as is set in the Town's 2011 salary ordinance.
4. The Mayor, Clerk, and any other necessary official of the Town of Clinton is authorized to execute any and all documents necessary for the appointment and hiring of James T. Naples as the Public Works/Business Administrator of the Town of Clinton.

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

Vote all ayes
Motion carried

RESOLUTION #164-10 – APPOINTMENT OF ROBERT A. CUTTER AS CONSULTANT

A motion was made by Mrs. Insel, seconded by Mr. Pendergast, to appoint Robert A. Cutter as Consultant to the Town of Clinton.

RESOLUTION # 164-10

RESOLUTION APPOINTING ROBERT CUTTER AS CONSULTANT TO THE TOWN OF CLINTON

WHEREAS, Robert Cutter, the Public Works/Business Administrator of the Town of Clinton, is retiring effective December 31, 2010, after many years of service to the Town; and

WHEREAS, the Town advertised for candidates to replace Mr. Cutter, and has determined to appoint James T. Naples as Public Works/Business Administrator of the Town of Clinton; and

WHEREAS, James T. Naples will not begin his duties as Public Works/Business Administrator of the Town of Clinton until January 10, 2011; and

WHEREAS, the Town of Clinton requires the services of Robert Cutter as a Consultant on a temporary basis for a limited period of time in 2011 in order to provide continuity for the administration of the Town given his many years of experience with the Town, his unique expertise and knowledge of Town business, and his proven reputation as the immediate former Public Works/Business Administrator of the Town of Clinton; and

WHEREAS, it is in the best interest of the Town of Clinton to appoint Robert Cutter as a temporary Consultant pursuant to be entered between the Town and Cutter based on his unique knowledge of the Town due to his many years of service.

WHEREAS, funds are or will be made available, up to, but not to exceed \$10,000.00, for this purpose to be certified by the Treasurer, which amount is less than the bid threshold amount; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of a consultant without competitive bidding if the amount of the contract is less than the bid threshold and, further, is excepted from the requirement for competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C.5:34-2.1 *et. seq.* for extraordinary unspecifiable services provided that the resolution authorizing the award of the contract for “Extraordinary Unspecifiable Services” without competitive bidding and the contract itself be made available for public inspection.

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

1. Effective January 1, 2011, Robert Cutter is appointed temporary Consultant pursuant to a contract to be entered between Cutter and the Town of Clinton for Town administration purposes.
2. The specific terms of engagement for Robert Cutter shall be as described in a contract to be entered between the Town of Clinton and Robert Cutter, the form of which shall be approved by the Town Attorney.
3. Robert Cutter agrees to provide all documentation required by the Town of Clinton in order to enable the Town to enter into a Consultant Contract with him and to execute any and all documents required by the Town for that purpose.
4. The Mayor, Clerk, and any other necessary official of the Town of Clinton are authorized to execute any and all documents necessary for the hiring of Robert Cutter as a temporary Consultant for Town Administration.
5. This contract is awarded without competitive bidding as “Extraordinary Unspecifiable Services” under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C.5:34-2.1 *et. seq.*
6. This resolution shall be published once in the official newspaper of the Town and shall be available in the office of the Clerk, together with a copy of the contract, for public inspection, as required by law.

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Mrs. Insel, seconded by Mr. Pendergast to adjourn the meeting at 8:30 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Christine Schaumburg