

5805

Flag Salute.

Roll Call: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

**STATEMENT OF ADEQUATE NOTICE:**

Mayor Kovach read the following statement: "Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975."

**Mayor Kovach welcomed the public to the meeting and explained how the meeting will be run by reading the following statement :**

NJSA 10:4-8(b) authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms. Recently adopted P.L. 2020, c.11 amends OPMA to clarify that in times of emergency public bodies may vote, accept public comment and cause a meeting to be open to the public via electronic means.

The Town of Clinton is using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

We will continue to address all questions and comments for any topic that is not on the current agenda during public comments as well as comments during public hearings for any ordinances.

Please use the chat feature in ZOOM to indicate that you wish to be recognized for a comment or a question. You must provide your name and address to be recognized. You can also type in your questions. Feel free going forward to email [councilmeeting@clintonnj.gov](mailto:councilmeeting@clintonnj.gov) with any questions or concerns between meetings.

We ask that you keep your device muted until called upon by council. The meeting's moderator may also mute participants.

The mayor and council will respond to all votes via roll call with the exception of opening and closing of public hearings will be a voice vote.

The Mayor and Council will respond to all votes by raising hands or via roll call.

Please feel free to reach out with a note at [jkovach@clintonnj.gov](mailto:jkovach@clintonnj.gov) anytime!

**APPROVAL OF MINUTES**

A motion was made by Mr. Humphrey, seconded by Ms. Intrabartola, to approve the minutes of February 24, Budget meetings March 3 and 9, Regular meeting of March 10 and Executive Session of March 10, 2021 as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS – NONE**



**MAYOR'S COMMENTS**

1. Mayor Kovach asked for a motion to accept the resignation of Caryn Tomljanovich from the Economic Development Commission. Motion made by Ms. Karsh, seconded by Ms. Dineen to accept with regrets.

Vote all ayes  
Motion carried

2. Molly Padmos, Water Street resident submitted a Citizen Involvement form, interested in the Economic Development Commission. A motion was made by Ms. Intrabartola, seconded by Ms. Humphrey, to appoint Ms. Padmos to the Commission.

Vote all ayes  
Motion carried

3. Mayor Kovach reported that the Primary Election to be held June 8, 2021 will be an in person or vote by mail election. Residents will be able to choose how they prefer to vote.

**RESOLUTION #62-21 – AMENDMENT TO PERSONNEL POLICY**

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to adopt Resolution #62-21 as submitted:

**RESOLUTION # 62-21**

**RESOLUTION AMENDING THE OFFICIAL HOLIDAY SCHEDULE**

WHEREAS, on September 10, 2020, Governor Phil Murphy signed legislation (S19), which designates the third Friday in June as a State and public holiday, known as Juneteenth Day, and

WHEREAS, the Town of Clinton seeks to update its Personnel Policies and Procedures Manual to reflect with this legislation; and

WHEREAS, the Town will also provide notice to the labor unions regarding the amendment as well and have said change incorporated into the both the Teamsters Local No. 469 and P.B.A. Local 188 respectively.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that the Town's Personnel Policy Manual is updated to include observance of Juneteenth on the third Friday of June each calendar year.

BE IT FURTHER RESOLVED that a copy of this updated Town of Clinton Personnel Policy, along with a copy of this Resolution shall be forwarded to the Town Administrator for distribution to all Town employees as defined in the policy.

Vote all ayes  
Motion carried

**RESOLUTION #63-21 – FORM AND SALE OF REFUNDING BONDS**

A motion was made by Ms. Dineen, seconded by Mr. Humphrey to adopt Resolution #63-21 as submitted:



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**RESOLUTION #63-21**

**RESOLUTION DETERMINING THE FORM AND OTHER  
DETAILS OF NOT TO EXCEED \$7,300,000 PRINCIPAL  
AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS,  
SERIES 2021, OF THE TOWN OF CLINTON, IN THE COUNTY  
OF HUNTERDON, NEW JERSEY, AND PROVIDING FOR THE  
SALE AND THE DELIVERY OF SUCH BONDS TO AN  
UNDERWRITER AS DETERMINED BY THE CHIEF FINANCIAL  
OFFICER**

BE IT RESOLVED 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 Town of Clinton, in the County of Hunterdon, New Jersey (the "Town"), hereby authorizes the sale, in one or more series, of an amount not to exceed \$7,300,000 General Obligation Refunding Bonds, consisting of General Improvement Refunding Bonds, Sewer Utility Refunding Bonds and Water Utility Refunding Bonds (together, the "Bonds"), by virtue of its final adoption by a two-thirds majority of its full membership on March 24, 2021 of a bond ordinance entitled, "Refunding Bond Ordinance of the Town of Clinton, in the County of Hunterdon, New Jersey, Providing For the Refunding of all or a Portion of Certain General Obligation Bonds of the Town, Appropriating \$7,300,000 Therefor and Authorizing the Issuance by the Town of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$7,300,000 For Financing The Cost Thereof" (the "Bond Ordinance").

Section 2. The Bonds are hereby authorized to be sold to an investment banking or other financial institution (referred to herein as the "Underwriter") selected by the Chief Financial Officer in concert with Phoenix Advisors, LLC, the Town's municipal advisor (the "Municipal Advisor"), in accordance with the purchase contract (the "Purchase Contract") to be entered into by and between the Underwriter and the Town pursuant to this resolution. The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Mayor and/or the Chief Financial Officer is hereby authorized to enter into the Purchase Contract on behalf of the Town with the Underwriter, if applicable, in a form satisfactory to McManimon, Scotland & Baumann, LLC, Bond Counsel for the Town ("Bond Counsel"), for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution. The signature of the Mayor or the Chief Financial Officer on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the outstanding callable (i) a portion of the outstanding callable General Improvement Bonds of the Town originally issued in the aggregate principal amount of \$2,328,000, dated August 1, 2013 (the "Dated Date"), which bonds maturing on or after August 1, 2023 (the "GI Refunded Bonds") are redeemable at the option of the Town, in whole or in part, on any date on or after August 1, 2023 (the "Redemption Date") at par (the "GIB Redemption Price"), plus in each case accrued interest, if any, to the Redemption Date, (ii) Sewer Utility Bonds of the Town originally issued in the aggregate principal amount of \$1,500,000, dated the Dated Date, which bonds maturing on or after August 1, 2023 (the "SU Refunded



Bonds") are redeemable at the option of the Town, in whole or in part, on any date on or after the Redemption Date at par (the "SUB Redemption Price"), plus in each case accrued interest, if any, to the Redemption Date, and (iii) Water Utility Bonds of the Town originally issued in the aggregate principal amount of \$8,043,000, dated the Dated Date, which bonds maturing on or after the Redemption Date (the "WU Refunded Bonds" and, together with the GI Refunded Bonds and the SU Refunded Bonds, the "Refunded Bonds") are redeemable at the option of the Town, in whole or in part, on any date on or after the Redemption Date at par (the "WUB Redemption Price" and, together with the GIB Redemption Price and the SUB Redemption Price, the "Redemption Price"), plus in each case accrued interest, if any, to the Redemption Date,

Section 4. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Price of the Refunded Bonds on the Redemption Date, and the interest due on the Refunded Bonds to the Redemption Date;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about August 1 of each year, commencing on or about August 1, 2021 and thereafter or as otherwise set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each August 1 and February 1 until maturity, commencing on or about August 1, 2021 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity hereof, except if all or any portion of the Bonds are issued as term bonds;

(E) The General Improvement Refunding Bonds shall be numbered consecutively from GIR-1, the Sewer Utility Refunding Bonds shall be numbered consecutively from SUR-101, the Water Utility Refunding Bonds shall be numbered consecutively from WUR-1001 and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract;

(F) The Bonds shall not be subject to optional redemption prior to their stated maturities except to the extent provided for in the Purchase Contract or otherwise determined by the Chief Financial Officer; and

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor.

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Town to conform the Bonds to the requirements of the Purchase Contract. References to The Depository Trust Company in the form of the Bonds below are discretionary based on the determination of the Chief Financial Officer as to its applicability:

**SAMPLE BOND FORM FOR INFORMATION**

**ONLY – DO NOT COMPLETE**

REGISTERED

REGISTERED



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NUMBER \_\_-\_\_

\$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

TOWN OF CLINTON  
COUNTY OF HUNTERDON

\_\_\_\_\_ REFUNDING BOND, SERIES 2021

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
05/20/2021	08/01/20__	_____%	_____

TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (the "Town"), hereby acknowledges itself indebted and for value received promises to pay to Cede & Co., as nominee for The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) and to pay interest on such sum from the Dated Date set forth above at the Rate of Interest Per Annum specified above semiannually on the first days of August and February in each year until maturity, commencing on August 1, 2021. Interest on this bond will be paid to the Securities Depository by the Town and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the July 15 and January 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Town, will be paid to the Securities Depository by the Town and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey and a refunding bond ordinance of the Town finally adopted March 24, 2021 and entitled, "Refunding Bond Ordinance of the Town of Clinton, in the County of Hunterdon, New Jersey, Providing For the Refunding of all or a Portion of Certain General Improvement Bonds of the Town, Appropriating \$7,300,000 Therefor and Authorizing the Issuance by the Town of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$7,300,000 For Financing The Cost Thereof."



The full faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Town, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

TOWN OF CLINTON, IN THE COUNTY OF  
HUNTERDON, NEW JERSEY

[TOWN SEAL]

ATTEST:

By: \_\_\_\_\_

Mayor

By: \_\_\_\_\_

Clerk

By: \_\_\_\_\_

Chief Financial Officer

**[END OF SAMPLE BOND FORM]**

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Chief Financial Officer is hereby authorized and directed to file a signed duplicate of such written opinion in the Town Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 7. Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Town are hereby authorized and directed to execute the Bonds and to deliver them to the Underwriter in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 8. If the Bonds will be issued in book-entry-only form, the Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company as may be necessary in order to provide that the Bonds



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will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Town and if no successor Securities Depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Town shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Town shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2021 for the fiscal year ending December 31, 2020, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Town consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Town and certain financial information and operating data consisting of (1) Town indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Town; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of holders of the Bonds, if material;



- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Town;
- (13) The consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Town, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation of the Town, any of which affect holders of the Bonds, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Town, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); *provided, however*, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

Notice of failure of the Town to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Town prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution; *provided*, such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Town fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Town shall not be liable for monetary damages, remedy being



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hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 11. The Town hereby approves the preparation and distribution of the Preliminary Official Statement in the form to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Town by the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Chief Financial Officer is hereby authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter within the earliest of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds. Bond Counsel and/or the Municipal Advisor are hereby further authorized to arrange on behalf of the Town for a rating for the Bonds from S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service, Inc., and all such actions taken to date in connection therewith are hereby ratified.

Section 12. The Chief Financial Officer, with the advice of the Municipal Advisor, is authorized to arrange for bond insurance if advantageous based on the advice of the Underwriter to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Town necessary to do so.

Section 13. The Chief Financial Officer, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 14. The Chief Financial Officer is hereby authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount outlined in the Bond Ordinance.

Section 15. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the Redemption Date, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. The Municipal Advisor and/or the Underwriter, on behalf of the Town, are authorized to reserve and purchase open market treasury securities and/or United State Treasury – State and Local Government Series ("SLGS") for deposit with the escrow agent, if required. All of the principal amount and interest earnings on the open market treasury securities and/or SLGS, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds to the Redemption Date and to pay the Redemption Price of the Refunded Bonds due on the Redemption Date. The Town Council hereby authorizes the Chief Financial Officer to select a bank to serve as escrow agent, if necessary, based upon the recommendation of the Municipal Advisor, and hereby authorizes the Mayor and/or the Chief Financial Officer to enter into an Escrow Deposit Agreement with such escrow agent, if necessary, in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGS and cash, if any.

Section 16. The Town Council hereby authorizes the Chief Financial Officer to select a firm to serve as verification agent, if necessary, to confirm the accuracy of the mathematical computations



supporting the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds to the Redemption Date and to pay the Redemption Price of the Refunded Bonds due on the Redemption Date.

Section 17. The Mayor, the Chief Financial Officer and any other appropriate representatives of the Town are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Town and taking all steps necessary or desirable to implement the requirements of this resolution as may be necessary and appropriate in connection with the transactions contemplated thereby.

Section 18. This resolution shall take effect immediately.

AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #64-21 – FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,350,000 BONDS**

A motion was made by Mr. Humphrey, seconded by Ms. Intrabartola, to adopt Resolution 64-21 as submitted:

**RESOLUTION #64-21**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING  
\$1,350,000 BONDS OF THE TOWN OF CLINTON,  
IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND PROVIDING FOR THEIR SALE  
TO**

**THE NEW JERSEY INFRASTRUCTURE BANK  
AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF  
VARIOUS AGREEMENTS, ALL  
PURSUANT TO THE STATE FISCAL YEAR 2021 NEW JERSEY WATER BANK**

**WHEREAS**, the Town of Clinton, in the County of Hunterdon, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of the Water Main Replacement Project, including, but not limited to, Glen Eagles Drive, Muirfield Lane and Heather Hill Way Water Main Replacement Project, including the replacement of mains along Glen Eagles Drive, Muirfield Lane and Heather Hill Way, with associated hydrants, services, valves and fittings and the extension of the existing water main along Heather Hill Way and further including all work and materials necessary therefor and incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2021 New Jersey Water Bank (the "Program");



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**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds, Series 2021, to the I-Bank (the "I-Bank Loan Bond") and Bonds, Series 2021, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,350,000, pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements;

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

**WHEREAS**, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

**Section 1.** The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 2.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such



certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,350,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #17-12 of the Local Unit finally adopted on December 12, 2017, entitled "Bond Ordinance Providing for the Glen Eagles Drive, Muirfield Lane and Heather Hill Way Water Main Replacement Project in and by the Town of Clinton, in the County of Hunterdon, New Jersey, Appropriating \$1,350,000 Therefor and Authorizing the Issuance of \$1,350,000 Bonds or Notes of the Town to Finance the Cost Thereof." The aforementioned bond ordinance was finally adopted by the Local Unit at a meeting duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 4.** The Chief Financial Officer of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

**Section 5.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4 hereof.

**Section 6.** The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and



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(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 7.** The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

**Section 8.** The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 9.** The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

**Section 10.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 11.** This resolution shall take effect immediately.

**Section 12.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Vote all ayes  
Motion carried

**RESOLUTION # 65-21 – COMPLIANCE WITH THE U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

A motion was made by Ms. Dineen, seconded by Ms. Johnson, to adopt Resolution #65-21 as submitted and to have a Group Affidavit signed by Mayor and Council to be forwarded to the State.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment  
Decisions Under Title VII of the Civil Rights Act of 1964”**

**Resolution #65-21**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United



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States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Mayor and Council* of the *Town of Clinton*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Vote all ayes  
Motion carried

**RESOLUTION #66-21 – SUPPORTING S-3522 CREATING LOCAL PART OF PERS**

A motion was made by Ms. Dineen seconded by Ms. Johnson, to adopt Resolution #66-21 as submitted:

**RESOLUTION #66-21**

**Resolution Supporting S-3522 Creating Local Part of the Public Employees' Retirement System (PERS)**

**WHEREAS**, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

**WHEREAS**, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

**WHEREAS**, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for the Public Employee's Retirement System ("PERS") alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

**WHEREAS**, S-3522 would divide PERS into two parts; A State Part for state employees, and a Local Part for all other employees; and



**WHEREAS**, the legislation creates a seven member board consisting of; three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

**WHEREAS**, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system;

**Now, Therefore, Be it Resolved** that the governing body of the Town of Clinton does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

**Be it Further Resolved** that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, The Town of Clinton's Senator Doherty and Assemblymen DiMaio and Peterson, and the New Jersey League of Municipalities.

Vote all ayes  
Motion carried

**RESOLUTION #67-21 – PROMOTION OF OFFICER ANTHONY ROBBINS TO SERGEANT**

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #67-21 as submitted:

**RESOLUTION #67-21**

**RESOLUTION PROMOTING ANTHONY ROBBINS**

**WHEREAS**, under Ordinance, the Town of Clinton Police Department is staffed with two officers at the rank of Sergeant; and

**WHEREAS**, there will be one vacancy in the rank of Sergeant beginning July 1, 2021; and

**WHEREAS**, the Chief of Police conducted promotional examinations involving the New Jersey State Association of Chiefs of Police examination committee; and

**WHEREAS**, the Chief of Police now recommends that Anthony Robbins be promoted to the rank of Sergeant at a salary of \$117,595.92 with a one-year probationary period beginning July 1, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that Anthony Robbins be promoted to the rank of Sergeant with a one-year probationary period beginning on July 1, 2021.

Vote all ayes  
Motion carried



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**PUBLIC HEARING OF ORDINANCE #21-07**

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to open the public hearing of Ordinance #21-07:

**ORDINANCE #21-07**

**REFUNDING BOND ORDINANCE OF THE TOWN OF CLINTON, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION BONDS OF THE TOWN, APPROPRIATING \$7,300,000 THEREOF AND AUTHORIZING THE ISSUANCE BY THE TOWN OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$7,300,000 FOR FINANCING THE COST THEREOF**

Vote all ayes  
Motion carried

There being no public comment, a motion was made by Mr. Traphagen, seconded by Ms. Dineen, to close the public portion of the meeting.

Vote all ayes  
Motion carried

A motion was made by Ms. Karsh, seconded by Ms. Johnson, to adopt Ordinance #21-07 on final reading.

ROLL CALL: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #21-09 – CAP**

A motion was made by Ms. Dineen, seconded by Mr. Traphagen, to introduce Ordinance #21-09 as submitted:

**ORDINANCE #21-09**

**CALENDAR YEAR 2021**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**

**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.00% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Town Council of the Town of Clinton in the County of Hunterdon finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,



**WHEREAS**, the Town Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 96,454.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**NOW THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Clinton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Town of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 135,036.89 and that the CY 2021 municipal budget for the Town of Clinton be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote all ayes  
Motion carried

A copy of this Ordinance will be published in the April 7, 2021 edition of the Hunterdon Review. A public hearing will be held April 28, 2021.

### **INTRODUCTION OF THE 2021 MUNICIPAL BUDGET**

The 2021 Municipal budget was introduced following a motion by Ms. Dineen, seconded by Ms. Karsh. A summary of the budget will be published in the April 7, 2021 edition of the Hunterdon Review. A public hearing will be held April 28, 2021. Mayor Kovach will be sending out her budget letter to residents shortly.

### **PROCLAMATION SUPPORTING THE CLINTON POLICE DEPARTMENT**

Mayor Kovach presented the proclamation supporting the Clinton Police Department's participation in the 2021 UDRIVE. UTEXT. UPAY. Distracted driving crackdown, which takes place April 1 through April 30, 2021.

### **CORRESPONDENCE – none**

### **REPORTS OF COUNCIL**

#### **Councilwoman Johnson**

Councilwoman Johnson and Mayor Kovach met with Stacey Becker, the Assistant Mental Health Administrator and Director of Social Services to discuss the Hope One Van, whose core mission is to



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offer education and lifesaving resources to those struggling with drug use and addiction. The Department of Human Services will support this initiative to bring awareness to communities through an Innovation Grant with the Department of Mental Health and Addiction Services which Hunterdon County was awarded last year. The Van, which is a retired LINK bus, which brings together law enforcement from the Hunterdon County Sheriff's office and professionals from the Department of Human Services to help combat the ongoing opioid crisis. The mission is to reduce Stigma of Mental Health and Substance Abuse. Help with Medicaid, food stamp assistance and training how to use narcan. The van will be parked on Main Street on Thursday from 9 – 2:00 p.m.

**Councilman Traphagen**

Historic Commission – continues to discuss with Raritan Township and Franklin Township designating Old Clinton Road a historic road. The first meeting will be Tuesday, March 30 to look at old maps and begin a dialogue about signage.

Buildings and Grounds – new fencing along the river, looks great and safe!

**Councilwoman Intrabartola**

Recreation Committee – planning events that can be safely planned. Meeting with Clinton Township on April 24. The Clinton Town Picnic may be rescheduled to September.

Gebhardt Field has been rented to the Millers baseball team for six weeks!

Mayor Kovach reported to the Recreation Committee that garbage is being left behind in the basketball courts which is not acceptable. Note to users to clean up after they leave the courts.

**Councilwoman Dineen**

Land Use Board – April 6, 2021 meeting will continue hearing of the Puleo application for Route 31 site and the proposals of their planner.

**Councilwoman Karsh**

Water Committee – repairs have been made to Hamden Road following water main break recently.

Foster Wheeler project will be underway in a couple weeks.

Hydrant flushing continues as well as the asset management plan continues to be updated.

The Clinton Guild continues to work on fun promotions and May Blooms will be the first weekend in May. Easter egg scavenger hunt throughout the town sponsored by the merchants!

Economic Development Committee – earlier this evening we accepted the resignation of Caryn and appointed Molly to the Committee.

**Councilman Humphrey**

Environmental Commission – River Clean Up will be April 17, 2021, will be divided into two zones, north and south of Route 78. Sign ups can be done on-line.

Ms. Johnson and Ms. Karsh asked if anything could be done about the mosquitos at Skirbish Pond, Hunts Mill Park. Residents are expressing concerns. Mr. Phelan will follow up with the County.



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Mr. Humphrey said Spotted Lantern Fly traps will be made available and information will be posted on the website when available.

Clinton Fire Department Task Force met March 11, discusses Town expenses and working towards separation agreement. Monday, March 29 will be their next meeting.

New Jersey liquor license reform is being widely proposed to get rid of population mandate.

Mayor's Walk – Sunday, Lansdown Trail, 11:00 a.m. to noon.

**Kathy Olsen, CFO**

Ms. Olsen reported that the 20/21 Homestead Rebate credit for the year 2017 will be applied to the second quarter of 2021, specifically, May, 221.

**STANDBY AND OVERTIME**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to approve the standby and overtime attached to these minutes for the period of March 5 through March 18, 2021.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Ms. Intrabartola seconded by Ms. Dineen, to approve the voucher list as attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #68-21 – EXECUTIVE SESSION**

A motion was made by Ms. Dineen, seconded by Mr. Traphagen, to enter into Executive Session at 8:10 p.m. for the purpose of attorney advice.

Vote all ayes  
Motion carried

**ADJOURNMENT**

Upon returning from the Executive Session and there being no further business, a motion was made by Mr. Traphagen, seconded by Ms. Dineen, to adjourn the meeting at 8:23 p.m.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

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Janice Kovach, Mayor



