

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 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 anytime!

APPROVAL OF MINUTES

A motion was made by Ms. Johnson seconded by Ms. Dineen to approve the council meeting minutes of November 25, 2020 as submitted.

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

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to approve the Executive Session minutes of November 25, 2020.

Vote all ayes
1 Abstention (Karsh)
Motion carried

APPROVAL OF MINUTES

A motion was made by Ms. Johnson seconded by Ms. Dineen to approve the special joint council meeting / land use board minutes of December 1, 2020 as submitted.

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

Vote all ayes
Motion carried

APPROVAL OF EXECUTIVE SESSION

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to approve the Executive Session minutes of December 1, 2020.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – NOVEMBER

A motion was made by Ms. Karsh, seconded by Ms. Johnson, to accept the monthly reports for the month of November as submitted:

Administrator's Report, Clerk's Account, Construction Control/Inspection Report, Police Report, Zoning Officer Report/Code Enforcement Report.

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

Vote all ayes
Motion carried

PUBLIC COMMENTS - NONE

MAYOR'S COMMENTS

1. Mayor Kovach explained the confusion over a letter sent to residents about the New Jersey Energy Choice program. The letter concerned residents and made them think they had to choose a new provider, however, our consultants, Commercial Utility Consultants, Inc., have sought competitive bids from licensed New Jersey suppliers to renew the program in 2021 and residents do not have to do anything. Substantial savings have been recorded over the past few years.
2. The Governor has extended the opportunity to small businesses with 100 employees or less to be able to purchase PPC at a 70% discount until December 17, 2020. You can also go to the website, PPE.COVID19.NJ.GOV to order. Ms. Johnson said the deals are great and are delivered promptly.
Ms. Karsh asked that information regarding the PPE be forwarded to the Communications Committee to put an update on social media so that all businesses will be made available to this information. Councilwoman Johnson will forward the information to the committee.
3. Two resignations have been received. Christine Adornetto of the Environmental Commission and Steve Feldman, long time Land Use Board member. Mr. Humphrey thanked Christine for her dedicated service to the Commission and Steve Feldman for the many years. Both have been exceptional members and we thank them for their service. A motion was made by Mr. Traphagen, seconded by Ms. Humphrey, to accept their resignations with regrets.

Vote all ayes
Motion carried

WATER REFUND

Water Collector, Nancy Burgess, has requested a refund in the amount of \$63.61. A motion was made by Ms. Karsh seconded by Ms. Johnson, to issue the refund as requested.

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

Vote all ayes
Motion carried

RESOLUTION #153-20 – REFUND OF OVERPAYMENTS

A motion was made by Ms. Intrabartola, seconded by Ms. Dineen, to adopt Resolution #153-20 as submitted:

RESOLUTION # 153-20

WHEREAS, the Tax Collector/Water Collector of the Town of Clinton has received water overpayments on Tax Sale Certificates for following block and lots in error due to NJ Executive Order 190,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayments to the lien holders for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>Certificate #</u>	<u>AMOUNT</u>
3	23	2018-1 (107 W. Main St)	\$150.92
5	5	2017-6 (15 Marudy Drive)	\$208.10
15	10	2017-10 (28-32 Halstead St)	\$549.48

BE IT FURTHER RESOLVED that the Tax Collector/Water Collector remove the payments from the accounts and liens on the above block and lots for payments made after March 9, 2020.

Vote all ayes
Motion carried

RESOLUTION #154-20 – TAX SALE CERTIFICATIONS

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to adopt Resolution #154-20 as submitted:

RESOLUTION # 154-20

WHEREAS, pursuant to N.J.S.A. 54:5-19, the Town of Clinton Tax Collector held a tax sale selling all 2019 delinquent balances on October 28, 2020; and

WHEREAS, Governor Murphy declared a statewide public health emergency on March 9, 2020 due to the COVID-19 pandemic, which is still in effect as of the date of this Resolution; and

WHEREAS, Governor Murphy signed Executive Order 190 on October 15, 2020, which states:

No gas or electric public municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue during the Public Health Emergency and

WHEREAS, Executive Order 190 applies to “residential accounts, and any accounts primarily serving residential customers;” and

WHEREAS, Executive Order 190 and accompanying guidance was circulated by the Department of Community Affairs to Municipal Clerks and Tax Collectors by email on November 6, 2020; and

WHEREAS, Executive Order 190 prohibits charging a late fee or interest during the Public Health Emergency which began on March 9, 2020; and

WHEREAS, the guidance issued by the Department of Community Affairs states: “Municipalities cannot bring delinquent water charges to tax sale for the remainder of the public health emergency;” and

WHEREAS, Executive Order 190 does not pertain to sewer/wastewater accounts and only affects water accounts; and

WHEREAS, according to the guidance issued by the Department of Community Affairs, “For municipalities with combined water/sewer utilities and authorities with water and wastewater operations...delinquent sewer charges may not be sent to tax sale if the billing structure does not permit the sewer charge to be separated from the water charge;” and

NOW THEREFORE BE IT RESOLVED BY THE Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund as follows:

BLOCK 14 LOT 11 CERTIFICATE #20-00002 (51 Center Street) – Water Utility \$245.84, payable to US Bank Cust/Pro Cap 8, 50 South 16th St-Suite 2050, Philadelphia, PA 19102

BLOCK 23 LOT 5 CERTIFICATE #20-00003 (56 Leigh Street) – Water Utility \$190.35, Water Utility – Subs \$266.58, Current Account – Recording Fee \$50.00, payable to Christiana T C/F CEI/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021

BLOCK 29 LOT 19.21 CERTIFICATE #20-00004 (176 Leigh Street)– Water Utility \$225.39, Water Utility – Subs \$433.64, Sewer Utility – Subs \$125.59, Current Account – Tax Sale Cost \$15.00 & Recording Fee \$50.00 and Tax Subs \$6,354.44 and Developers Escrow – Tax Sale Premium \$21,600.00, payable to Christiana T C/F CEI/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021

BLOCK 31 Lot 7 C1106 CERTIFICATE #20-00005 (6 Alexandra Way) – Water Utility \$232.30, Current Account – Tax Sale Cost \$15.00 and Developers Escrow – Tax Sale Premium \$1,300.00, payable to US Bank Cust/Pro Cap 8, 50 South 16th St-Suite 2050, Philadelphia, PA 19102

BE IT FURTHER RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that the Town of Clinton will cancel and reissue Tax Sale Certificates #20-0002 and #20-0003; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that the Town of Clinton will Cancel Tax Sale Certificates #20-00004 and #20-00005; and

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send notice to the property owners and lien holders of these changes.

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

Vote all ayes
Motion carried

RESOLUTION #155-20 – CANCELLATION OF PROPERTY TAX FOR VETERAN

A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to adopt Resolution #155-20 as submitted:

RESOLUTION # 155-20

WHEREAS, Brian Rogers, owner of property located at 2 Alexandra Way, Block 31 Lot 7 C1102, in the Town of Clinton was declared 100% disabled by the Veteran's Administration on November 8, 2019 effective April 28, 2017, and

WHEREAS, Brian Rogers made application to the Town of Clinton on October 27, 2020 for tax exempt status, and

WHEREAS, the Town of Clinton Tax Assessor changed the necessary status on this property as of January 2, 2021 Mr. Brian Rogers's property will be listed as tax exempt, and

NOW THEREFORE RESOLVED by the Mayor and Council of the Town of Clinton that the remaining taxes due for 2020 in the amount of \$2,739.50 and in the amount of \$5,129.16 for the first half of 2021 be canceled/abated on Block 31 Lot 7 C1102.

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

Vote all ayes
Motion carried

RESOLUTION #156-20 – LEASE AGREEMENT WITH CLINTON FIRE DEPARTMENT

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Resolution #156-20 as submitted, extending the lease agreement for another year:

RESOLUTION 156-20

RESOLUTION AUTHORIZING PARKING LOT LEASE AGREEMENT

WITH THE CLINTON FIRE DEPARTMENT

WHEREAS, the Town of Clinton (Town) and the Clinton Fire Department (Fire Department) has previously partnered into an agreement for the Town to lease thirty-five (35) parking spaces on Fire Department property; and

WHEREAS, said lease has recently expired and the parties are desirous to renew the lease for a term of twelve (12) months from the date of expiration utilizing the same terms and conditions; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council and the Clinton Fire

Department enter into a lease agreement for a period of time beginning November 1, 2020 through October 31, 2021; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the agreement as well as officers of the Clinton Fire Department.

Vote all ayes
Motion carried

RESOLUTION #157-20 – MUNICIPAL ALLIANCE

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #157-20 as submitted:

RESOLUTION #157-20

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Town of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the North Hunterdon Municipal Alliance grant for fiscal year R 2021 in the amount of:

DEDR	\$ <u>7,329.00</u>
Cash Match	\$ <u>1,832.25</u>

In-Kind \$ 5,496.75

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Town Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

Vote all ayes
Motion carried

RESOLUTION #158-20 – AFFORDABLE HOUSING ADMINISTRATOR

A motion was made by Ms. Dineen, seconded by Ms. Karsh to adopt Resolution #158-20 as submitted:

RESOLUTION #158-20

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH
COMMUNITY GRANTS PLANNING & HOUSING (CGP&H) FOR TH TOWN’S
AFFORDABLE HOUSING ADMINISTRATION REQUIREMENTS**

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Town of Clinton is implementing a program to provide affordable housing units for very low, low- and moderate-income households within the Town; and

WHEREAS, the Town’s Affordable Housing Ordinance and Town Code Section 4-28 set forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units, including rehabilitated units, be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Town has previously appointed its Administrator Richard Phelan to be the administrative agent and municipal housing liaison for the purposes of providing affordability control services for affordable housing within the Town; and

WHEREAS, the Town intends to have Mr. Phelan remain as the housing liaison and continue acting as the administrative agent for the two existing accessory apartments and certain existing, for-sale affordable units (known as the Alton Place development); and

WHEREAS, the Town requires private rental developments to self-administer affordable units, including the developments known as Twin Ponds, Halstead, Place, and those to be built in the future at the Holiday Inn site and the two redevelopment zones designated in the Town; and

WHEREAS, the Town requires an administrative agent to provide services relating to rehabilitation units (18 units) and affordability assistance; and

WHEREAS, the Town solicited proposals for such services and received one from CGP&H, which is attached hereto.

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

1. The Town Attorney is hereby authorized to draft a standard Professional Services Agreement with CGP&H for administrative agent services consistent with this Resolution and the attached proposal.

2. The Mayor and Clerk and hereby authorized to execute said contract, which shall be valid for one-year, beginning January 1, 2021.

3. CGP&H is appointed as the Town's affordable housing administrative agent for its rehabilitation and affordability assistance programs for the year 2021.

Vote all ayes
Motion carried

RESOLUTION # 159-20 - COMPLETE STREETS

A motion was made by Ms. Karsh, seconded by Ms. Intrabartola, to adopt Resolution #159-20 as submitted:

**RESOLUTION #159-20
RESOLUTION ESTABLISHING ESTABLISH A
COMPLETE STREETS POLICY**

WHEREAS, "Complete Streets" are defined as roadways that enable safe and convenient access for all users, including bicyclists, children, persons with disabilities, motorists, seniors, movers of commercial goods, pedestrians, and users of public transport; and,

WHEREAS, the Town of Clinton is committed to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving, and which improves bicyclist and pedestrian safety, by creating street corridors that safely accommodate all road users of all abilities and disabilities; and

WHEREAS, significant accomplishments have already been achieved in the Town by incorporating pedestrian safety and traffic calming measures (if feasible) when public streets are improved; and,

WHEREAS, the New Jersey Department of Transportation supports complete streets policies and adopted its own such policy on 3 December, 2009; and,

WHEREAS, promoting pedestrian, bicycle, and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

WHEREAS, when feasible, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and,

WHEREAS, the full integration of all modes of travel in the design of streets and highways will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, limit greenhouse gases, improve air quality, and enhance the general quality of life.

NOW, THERFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that all public street projects that fall under the jurisdiction of the Town, both new construction and reconstruction (excluding maintenance) undertaken Town shall be designed and constructed as "Complete Streets" whenever feasible to do so in order to safely accommodate travel by pedestrians, bicyclists, public transit,

and motorized vehicles and their passengers, with special priority given to pedestrian safety, and subject to the following conditions:

- 1) Utilization of the attached checklist (as amended) shall be used when determining the feasibility of improvements.
- 2) Pedestrian and bicycle facilities shall not be required where they are prohibited by law.
- 3) Significant adverse environmental impacts outweigh the positive effects of the infrastructure.

Vote all ayes
Motion carried

Ms. Dineen that this policy will give guidance before new projects are planned and the check list may be modified for streetscapes and accessibility. Ms. Karsh also commented that this will be referred to the Land Use Board for review and to incorporate this into their check lists.

RESOLUTION #160-20 – PURCHASE OF FORD ESCAPE

A motion was made Ms. Johnson, seconded by Ms. Karsh, to adopt Resolution #160-20 as submitted:

RESOLUTION #160-20

WHEREAS, the Town of Clinton, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-9.7, may by resolution and without advertising for bids, lease or purchase any goods or services under the Morris County Cooperative Purchasing Program for any contracts entered into on behalf of the Cooperative; and

WHEREAS, the Town of Clinton has the need on a timely basis to purchase goods or services utilizing Morris County Cooperative Purchasing Contracts; and

WHEREAS, Route 23 Automall, LLC has been awarded Morris County Cooperative Purchasing Contract #15-E effective November 1, 2020 through October 31, 2021; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the 2021 Hybrid Ford Escape is expected not to exceed \$26,901.00; and

WHEREAS, the Finance Officer has certified the availability of \$26,901.00 under the Sewer Utility Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that Route 23 Automall, LLC be awarded a contract for the 2021 Hybrid Ford Escape.

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

Vote all ayes
Motion carried

RESOLUTION #161-20 – TRANSFER OF FUNDS

A motion was made by Ms. Intrabartola, seconded by Ms. Dineen, to adopt Resolution #161-20 as submitted:

RESOLUTION # 161-20

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 2020 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 2020 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

		<u>From</u>	<u>To</u>
Land Use Board	Other Expenses	\$ 2,000.00	
Legal	Other Expenses	\$ 3,000.00	
Street & Roads	Salary & Wages	\$ 6,000.00	
Workers Comp Ins.	Other Expenses	\$ 2,000.00	
Liability Insurance	Other Expenses	\$ 1,000.00	
Vehicle Maintenance	Other Expenses		\$ 3,000.00
Group Insurance	Other Expenses		\$ 8,000.00
Social Security	Other Expenses		\$ 3,000.00
		<hr/>	<hr/>
TOTALS		\$14,000.00	\$14,000.00

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

Vote all ayes
Motion carried

RESOLUTION #162-20 – CHANGE ORDER

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to adopt Resolution #162-20 as submitted:

RESOLUTION # 162-20

CHANGE ORDER NO. 1

WHEREAS, the need has arisen for a change order to the West Main Street Water Main Project;
and

WHEREAS, there was an increase in the amount of time to complete the project, and;

WHEREAS, the original contract days projection was 90 days and the proposed increase is 42 Days, bringing the total adjusted contract amount to 132 Days;

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

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

Vote all ayes
Motion carried

RESOLUTION #163-20 – CHANGE IN TITLE

A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to adopt Resolution #1563-20 as submitted:

RESOLUTION # 163-20

**RESOLUTION REQUESTING CHANGE IN TITLE, TEXT, OR AMOUNT OF
APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-85**

WHEREAS, N.J.S.A. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-85, the Town of Clinton hereby requests the Director of Local Government Services to make the following correction in the 2020 budget:

The Town of Clinton will be reducing the Capital Improvement Line Item from \$150,000.00 to \$50,000.00.

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Town of Clinton for the reasons set forth:

Due to the COVID 19 Pandemic, the Town of Clinton has not received all of the Anticipated Revenues in the 2020 budget. Therefore, by reducing the Appropriation, there will not be a deficit in operations. Reducing the Capital Improvement Line Item will not have a detrimental effect on the operations of the Town of Clinton.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

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

Vote all ayes
Motion carried

RESOLUTION #164-20 – ELECTRICAL SUPPLY SERVICES

A motion was made by Mr. Traphagen seconded by Ms. Dineen, to adopt Resolution #164-20 as submitted:

RESOLUTION 164-20

A RESOLUTION OF TOWN OF CLINTON AUTHORIZING THE PURCHASE OF ELECTRICAL SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Town of Clinton has determined to move forward with the EMEX Reverse Auction in order to procure electric services for the Town of Clinton; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electric service for public use through the use of an online auction service; and

WHEREAS, the Town of Clinton will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act.

NOW BE IT RESOLVED, that the Mayor of the Town of Clinton hereby authorize the Public Work’s Business Administrator to execute on behalf of the Town of Clinton an electric contract proffered by the participating supplier that submits the winning twenty-four (24) month bid in the EMEX Reverse Auction.

Vote all ayes
Motion carried

RESOLUTION #165-20 – AWARD OF CONTRACT

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to adopt Resolution #165-20 as submitted:

RESOLUTION # 165-20
TO AWARD CONTRACT FOR FOSTER WHEELER
FOX FIRE BOOSTER STATIONS

WHEREAS, the Town of Clinton (“Town”) received and opened bids for the Foster Wheeler and Fox Fire Booster Stations project on December 2, 2020 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the following bids were received;

Foster Wheeler and Fox Fire Booster Stations

PACT One LLC	\$1,465,750.00
DeMaio Electrical Co.	\$1,680,121.00
Cypreco Industries, Inc.	\$1,759,838.00

WHEREAS, after review by the Water Engineer, Purchasing Agent and the Town Attorney, PACT One LLC has been determined to be the lowest responsible bidder; and

WHEREAS, a certificate of available funding has been presented;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to PACT One LLC, in the amount of \$1,465,750.00 for the Foster Wheeler and Fox Fire Booster Stations Project, and that the Mayor and Town Clerk of the Town of Clinton are hereby authorized, respectively, to execute and attest to an agreement with PACT One LLC, pursuant to bid specifications and receipt of a Performance Bond and Certificate of Insurance.

TAKE NOTICE, that the foregoing Resolution was adopted by the Mayor and Council of the Town of Clinton, County of Hunterdon, at a regular meeting held on December 9, 2020.

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

Vote all ayes
Motion carried

RESOLUTION #166-20 – LIQUOR LICENSE REFORM

A motion was made by Mr. Humphrey seconded by Ms. Intrabartola, to adopt Resolution #166-20 as submitted:

**TOWN OF CLINTON
RESOLUTION #166-20
RESOLUTION IN SUPPORT OF LIQUOR LICENSE REFORM IN THE
STATE OF NEW JERSEY**

WHEREAS, the State of New Jersey's liquor license laws date back to the 1950s and 1960s; and

WHEREAS, under current law, a municipality may issue plenary retail consumption licenses until the combined total number in the municipality is fewer than one license for each 3,000 municipal residents and this restriction creates a shortage of these licenses in some municipalities; and

WHEREAS, the State of New Jersey's liquor license laws has caused an extreme supply imbalance that the statewide average cost of an individual liquor license is \$300,000, an exorbitant amount causing an inequitable landscape among current and potential restaurateurs; and

WHEREAS, the restaurant liquor license standards of other states in the Northeast region enable restaurateurs to join the market at a significantly lower price point than the State of New Jersey, thus giving them a competitive advantage; and

WHEREAS, the COVID-19 pandemic has put additional burden on New Jersey's small businesses, particularly the restaurant industry; and

WHEREAS, there is clear need to for reform as demonstrated by the numerous bills already introduced in the 2020-21 New Jersey Legislature session with the intent to expand liquor licensure, including but not limited to S2964/A4925, A1700, A1125/S2108, A1128/S2109, A2274/S1592, A725/S1712, S1315, A1955/S615, A1218; and

WHEREAS, we recognize the need to compensate existing license holders that paid exorbitant prices for the right to sell liquor in their restaurants; and

WHEREAS, the State of New Jersey should be a leader in reform initiatives that helps its small businesses survive and thrive, provides an equitable business environment, and enables New Jersey to better compete in the regional market; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, Hunterdon County, that it supports meaningful liquor license reform legislation to create a more balanced

BE IT FURTHER RESOLVED that the Clerk be and hereby is authorized to distribute copies of this Resolution to all appropriate officials and agencies including our Legislative Representatives, the Governor, the Lieutenant Governor and the New Jersey State League of Municipalities

Vote all ayes
Motion carried

RESOLUTION #167-20 – APPOINTMENT OF DAN NIRO

A motion was made by Ms. Dineen, seconded by Ms. Johnson, to adopt Resolution #167-20 as submitted:

RESOLUTION #167-20

WHEREAS, the Town of Clinton needs to hire a Sub-Code Official, and;

WHEREAS, Mike Krupsky has submitted his resignation as the interim Building Sub-Code Official, and;

WHEREAS, Dan Niro, the Plumbing Code Official, Plumbing Inspector and Building Inspector has now received his license from the State of New Jersey to perform the duties of Building Sub-code Official

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton appoint Dan Niro to fill the open position effective December 9, 2020 as per the 2020 salary.

Vote all ayes
Motion carried

RESOLUTION #168-20 – LOSAP PROGRAM

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #168-20 as submitted:

RESOLUTION # 168-20

WHEREAS, the Clinton First Aid and Rescue Squad and the Borough of High Bridge Emergency Squad has joined forces to become known as the South Branch Emergency Services, Inc., and;

WHEREAS, the Town of Clinton has provided financial support to the Clinton First Aid and Rescue Squad through annual donations, payment of certain insurance premiums and contributions to a length of service program (LOSAP) for its volunteers; and

WHEREAS, the Borough of High Bridge provided financial support to the volunteers at the High Bridge Emergency Squad by providing a physical location for its headquarters and providing a LOSAP program for its volunteers; and

NOW, THEREFORE, BE IT RESOLVED, for the good and valuable consideration, the receipt of which is hereby acknowledged and as authorized by N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, the Borough and Town do hereby agree to the terms attached to this document and the conditions of sharing the services of the Squads;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into this agreement and authorized to sign the shared services agreement for the implementation of a LOSAP program.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #21-20 – STORMWATER ORDINANCE AMENDMENTS

A motion was made by Ms. Dineen, seconded by Ms. Karsh to open the public hearing of Ordinance 21-20 as submitted:

**ORDINANCE #21-20
AMENDMENTS TO STORMWATER CONTROL
ORDINANCE #88**

Vote all ayes
Motion carried

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

Vote all ayes
Motion carried

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to adopt Ordinance #21-20 on final reading.

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

Vote all ayes
Motion carried

CLINTON FIRE DEPARTMENT – FIRE DISTRICT PRESENTATION

Fire Chief Jeff Hedden, joined by members of the fire department, made an initial presentation March 11, 2020, to discuss the proposition of forming a fire district. At that meeting, the fire department was asked to return with a preliminary budget and some other scenarios. Chief Hedden submitted a memo to council and stated that the proposed district would remove the burden from the town of paying workmen's comp insurance, vehicle insurance, capital for truck purchases. LOSAP, fire prevention and the annual town contribution for the fire department. Mr. Humphrey acted as the liaison between council and the fire department and explained that the fire department would be required to get 5% of the voting public on a petition, then the petition would come back to Council and Council would make the final decision. Next

the Department of Community Affairs would have to sign off on it and there would have to be an election to appoint a Board of Fire Commissioners. Several questions were posed to the fire department and there was a lengthy conversation. However, although questions were answered, there still remained many more and Council was asked to send their questions to Mr. Phelan, who would in turn present them to the fire department for additional explanations at a follow up meeting.

CORRESPONDENCE – NONE

REPORTS OF COUNCIL

R. Phelan, Business Administrator

The energy aggregation from the company shows a positive outcome and is well worth entering into another contract. Savings shows are over \$38,000 over the years. Resolution #164-20 adopted earlier this evening authorizes the bid award for the electric energy aggregation for a twenty-four month bid in the EMEX Reserve Auction.

Kathy Olsen, CFO

The number of late notices sent this year increased and was due to people refinancing because of the low interest rates.

Councilwoman Karsh

Economic Development Commission – the grant proposal for the economic sustainability study has been approved. Many thanks to the committee and Elizabeth Halpin who helped greatly to write the proposal.

The Commission is looking into a new bill with regards to liquor license, different from the existing liquor licenses. This refers to the Resolution #166-20 adopted earlier this evening. This would allow businesses without a liquor license to carry beer, wine and spirits that are Jersey products. The Resolution will be shared with the Guild and with State Legislators. Ms. Karsh asked everyone to share this information with other local businesses.

Mr. Humphrey and Ms. Karsh also met with Marc Saluk of the Hunterdon County Economic Development, and he also supports the grant received which can be used in re-branding the Town to realtors and interested businesses.

Clinton Guild continues to work together and using grant money to fund promotions. December 17, 2020 is Candlelight Night.

Councilwoman Dineen

Roads Committee - A parking lot ordinance will be forthcoming in January. Speed signs are being discussed for Union Road that will have the same batteries as our current signs. The DOT grant for \$100,000 has been approved for the extension of sidewalks on Center Street that will continue down as far as the Century Link building.

Mr. Phelan will be sending letters to Clinton Township asking them to consider applying for grants as well or to consider helping to connect the sidewalks over to the Park and Ride, McDonalds, Dunkin Donut strip of businesses for pedestrian safety.

Councilwoman Johnson – NO REPORT!

Councilman Traphagen

The Historic Commission met with property owner of the Clinton House, Nick Gialias, to discuss a proposed addition to the site. Mr. Gialias has a “keen eye” in designing an addition and plans to keep the historic preservation appearance inside and outside of the building.

Rescue Squad had 341 calls over last month and has gained five new members. The squad held their reorganization meeting and congrats to the new and the returning officers.

Councilman Humphrey

Website Committee is requesting that all committees review their pages on the website and update changes in members or pertinent information. The Newsletter Committee is considering adding extra pages to include human interest articles. The next issue is March and articles are requested to be submitted the first week of February.

Clinton Fire Department – Chief Hedden reported 20 calls for the month of November and a total of 243 this year. A call last Saturday night worked out very well with crewed staffing. A call came in and in 5 minutes the crew arrived and cut power to an outlet fire abating a problem.

Santa will be going through the neighborhoods On December 17 and 21st with the Recreation Commission. The Department held their reorganization meeting, Chief Hedden thanked Deputy Chief Scott Wintermute for acting as Deputy for 2020. The officers for 2021 are Chief Jeff Hedden, Deputy Chief Dave Durand, Captain Jason Mayer, Lt. Jackson Pyle and Lt. Bailey Pyle. The Department congratulated Bill Wintermute for his 60 years of service with the Department with the custom axe! Bill has acted as Chief and Treasurer during that time! An amazing accomplishment and congratulations from the department and from the Clinton Town Mayor and Council!

Councilwoman Intrabartola

Councilwoman Johnson and Councilman Humphrey have joined forces with Councilwoman Intrabartola to run a holiday light contest, and will send out an email blast and share on Facebook, for neighbors to nominate neighbors! A fun event that will reign in bragging rights to homeowners and possibly create walking routes for parents to go with their children. There will be three categories, businesses, single family homes and apartment/townhomes.

Insurance update, Councilwoman Intrabartola discussed our concerns about possibly making Tier A, the highest category, an “either/or” regarding the umbrella coverage. Ms. Conboy said it would not be feasible to do so and could open the Town up to law suits. Advice was not to waive umbrella insurance and Ms. Intrabartola will discuss this with Paul Muir, President of the Clinton Guild because they are the group most likely to run a major event requiring Tier A insurance coverage.

Police Chief Kubinak

SantaCon 8K had to be cancelled and will be held virtually.

The Drive-Through Christmas Parade was a huge success!

Councilwoman Johnson expressed her thanks to Officers Gonzalez and Sgt. McGuire, for what she witnessed this morning, both men pushed a car off the ramp of Exit 15 and into the gas station at the corner! Above and beyond the call of duty! Clinton’s finest always ready to help!

APPROVAL OF 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 November 13 through November 26, 2020.

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. Dineen, seconded by Ms. Karsh 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 #169-20 –EXECUTIVE SESSION

A motion was made by Ms. Johnson seconded by Ms. Dineen, to enter into executive session to discuss negotiations of a pilot agreement for the A&P property. Action may or may not be taken. Council entered into executive session at 9:05 P.M. Councilwoman Karsh recused herself from the meeting and will be notified when to return to the meeting.

RESOLUTION #169-20

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.)

 x _____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: Land Acquisition 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

Council returned to the regular meeting at 9:54 P.M.

MEMORANDUM OF UNDERSTANDING

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to authorize Attorney St. Angelo to propose an offer to Old 22 Urban Renewal Associates, LLC, a redeveloper for a property known as Block 21, Lots, 30.01, 31, 32, and 33 aka the former A&P Supermarket located on Old Highway 22, a PILOT offer. The staging and percentages would be as follows:

1-6 years	11%
7 – 11 years	12.5%
12-16 years	13 %
17-21 years	15%
22-26 years	17%
27-30 years	20%

Which will include a 2% administration fee as well as the land tax for the commercial property. If accepted, authorizing the Mayor to sign a Memorandum of Understanding with the financial agreement.

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

Vote all ayes
Motion carried

At this time, Councilwoman Karsh was asked to rejoin the meeting in progress at 9:57 P.M.

RESOLUTION #170-20 - EXECUTIVE SESSION

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to enter into Executive Session to seek attorney advice, possible contract negotiations with respect to a fire district. No action will be taken.

Council returned to the council meeting at 10:40 P.M.

ADJOURNMENT: There being no further business, a motion was made by Ms. Intrabartola, seconded by Ms. Dineen to adjourn the meeting at 10:41 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach