

5826

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. Johnson, to approve the meeting minutes and executive session minutes of March 24 and the special meeting of April 7, 2021 as submitted.

Vote all ayes  
Motion carried

5827

**APPROVAL OF MONTHLY REPORTS - MARCH**

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola to approve the monthly reports for the month of March as submitted:

Administrator's Report, Animal Licensing, Clerk's Account, Construction Control / Inspection Report, Police Report, Tax Collector's Report, Wastewater Treatment Plant, Zoning Officer Report.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS – NONE**

**MAYOR'S COMMENTS**

1. Mayor Kovach explained the addition of Resolution # 79-21 this evening which was received from the New Jersey Highlands Coalition. There are bills before the State Assembly and Senate which would require Town to do a forestry management plan above and beyond what the Town already does for Shade Tree and Tree City. No funding would be available to towns to cover the cost to do so. The resolution will show our support to the League in opposition of the bill.
2. The Ordinance being introduced this evening will reduce the amount of employee contribution to health benefits.
3. Mayor Kovach moderated a panel with Acting Commissioner of the Department of Environmental Protection, Shawn LaTourette. Mr. LaTourette is an environmental justice attorney and has done an abundance of work around water. He understands the balance between economics and environmental issues. Mayor Kovach would like to have Mr. LaTourette make a presentation to the Town at some point.

**ARBOR DAY PROCLAMATION**

Mayor Kovach presented the Proclamation declaring Friday, April 30, 2021 as Arbor Day 2021.

**RESOLUTION #69-21 – NEW JERSEY WATER BANK (NJIB) FORM**

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to adopt Resolution #69-21 as submitted:

**RESOLUTION #69-21**

**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**

5828

**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");

**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.

5830

**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
- (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 #70-21 - REFUNDING OF BONDS**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #70-21 as submitted:

5831

**RESOLUTION #70-21**

**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, Series 2021, 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 April 14, 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) 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, 2024 (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, 2024 (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 August 1, 2024 (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 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 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 February 1 and August 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 series for each maturity thereof, 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 and the Water Utility Refunding Bonds shall be numbered consecutively from WUR-1001, and each series 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:

5833

**SAMPLE BOND FORM FOR INFORMATION**

**ONLY – DO NOT COMPLETE**

REGISTERED

NUMBER \_\_-\_\_

REGISTERED

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

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 ANNUUM:	CUSIP:
___/___/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 January 15 and July 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 April 14, 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.

**[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 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.

5835

Section 10. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "SEC"), 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.

(c) 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 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

5837

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.

The foregoing resolution was adopted by the following vote:

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

Vote all ayes  
Motion carried

**RESOLUTION #71-21 – SUBMISSION OF RECYCLING TONNAGE GRANT**

A motion was made by Ms. Intrabartola, seconded by Mr. Traphagen to adopt Resolution #71-21 as submitted:

**RESOLUTION #71-21**

**RESOLUTION AUTHORIZING THE SUBMISSION OF THE  
RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2020 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Town of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard Phelan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Vote all ayes  
Motion carried

**RESOLUTION #72-21 – AUTHORIZING TEMPORARY OUTDOOR DINING**

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to adopt Resolution #72-21 as submitted:

5839

**RESOLUTION NO. 71-21**  
**RESOLUTION AUTHORIZING TEMPORARY OUTDOOR**  
**DINING**

**WHEREAS**, since March 15, 2020, restaurants in the Town of Clinton have been greatly impacted due to the COVID-19 pandemic; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order No. 104 which limited restaurants to providing take-out food only, and on June 3, 2020, Governor Murphy issued Executive Order No. 150 which provided for the ability of restaurants to open outdoor dining for food and beverage consumption, including alcoholic beverages, subject to municipal approval; and

**WHEREAS**, the Town of Clinton Council wishes to provide relief to those restaurants being impacted by COVID-19 by allowing temporary outdoor seating in accordance with Executive Order No. 150.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Clinton Council, in the County of Hunterdon, State of Jersey, hereby authorizes the Zoning Officer to issue outdoor dining permit approvals for in-person service by all food and beverage establishments within the Town at contiguous outdoor areas under the possession and control of the owner or licensee of the food and beverage establishment, including but not limited to potential expansion of such dining onto sidewalks, parking lots and other public rights of way; and

**BE IT FURTHER RESOLVED**, that all holders of liquor licenses with retail consumption privileges are hereby approved for an ABC COVID-19 Expansion of Premises Permit, in accordance with the rules and regulations established by the Division of Alcoholic Beverage Control, and the Town Clerk and the appropriate Law Enforcement Official be and hereby are authorized to endorse any such application; and

**BE IT FURTHER RESOLVED**, that all food and beverage establishments within the Borough that wish to incorporate the use of outdoor dining must continue to follow the rules and regulations set forth by Governor Murphy, the New Jersey Department of Health's Executive Directive 20-014, as the same may be amended from time to time, the Hunterdon County Department of Health, as well as all other applicable local, state and federal laws; and

**BE IT FURTHER RESOLVED**, the total number of seats/customers at one time must not exceed the total permitted restaurant capacity and must not impede pedestrian circulation, parking, or the public right-of-way; and

**BE IT FURTHER RESOLVED**, restaurants may display one temporary sign to notify the public of dining options and restrictions so long as the signage does not interfere with public safety; and

**BE IT FURTHER RESOLVED** that outdoor dining permitted by this Resolution shall be permitted to commence at 6:00 a.m. on April 15, 2021 and shall extend through November 30, 2021; and

**BE IT FURTHER RESOLVED** that all municipal fees associated with the review and approval of outdoor dining shall be waived for the year 2021.

Vote all ayes  
Motion carried

**RESOLUTION #73-21 – LEAVE OF ABSENCE**

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to adopt Resolution #73-21 as submitted:

**RESOLUTION #73-21**

**WHEREAS**, Louise Hartzog, Assistant to the Tax Assessor, has requested an unpaid leave of absence to care for a family member, and;

**WHEREAS**, she has requested said unpaid leave of absence for sixty (60) days beginning April 1, 2021, and;

**WHEREAS**, Richard Phelan, PW/Business Administrator recommends granting Ms. Hartzog sixty (60) days unpaid leave of absence;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton grant Ms. Hartzog sixty (60) days unpaid leave of absence retroactive to April 1, 2021.

Vote all ayes  
Motion carried

**RESOLUTION #74-21 – REFUND OF ESCROW FUNDS**

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #74-21 as submitted:

**RESOLUTION 74-21**

**WHEREAS**, on July 30, 2018, Bill Hendershot provided Escrow Funds to be deposited in a Town of Clinton escrow account, for work associated with a project on 2 Olsen Lane in the Town of Clinton,

**WHEREAS**, the project has been completed and the professionals have approved its release,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, to authorize the Chief Financial Officer to issue a check to Bill Hendershot in the amount of \$704.14 from their current escrow account.

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

Vote all ayes  
Motion carried

**RESOLUTION #75-21 – TREATMENT WORKS APPROVAL**

A motion was made by Ms. Johnson, seconded by Ms. Karsh, to adopt Resolution #75-21 as submitted:

**RESOLUTION #75-21**

5841

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENTS OF  
CONSENT TO SUPPORT THE SUBMISSION OF THE TREATMENT WORKS  
APPROVAL APPLICATION TO THE STATE OF NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION WITH REGARDS TO 6 WEST STREET,  
ANNANDALE, NJ 08801 (ANNADALE VILLAGE) – TOWNSHIP OF CLINTON  
BLOCK 53 LOT 3**

**WHEREAS**, there is a need to apply for Treatment Works Approval from the State of New Jersey Department of Environmental Protection Division of Water Quality in connection with the Proposed Mixed Use Development by Annandale Village, LLC in the Township of Clinton (the “Project”); and

**WHEREAS**, the Town of Clinton, as owner/operator of the Waste Water Treatment Facility, is required to consent to the filing of the Treatment Works Approval Permit Application for the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Clinton that the Mayor is authorized to sign for the Governing Body at appropriate locations on the NJDEP WQM-003 Statements of Consent Form for the Treatment Works Approval Permit Application to be filed in connection with for the Project.

Vote all ayes  
Motion carried

**RESOLUTION #76-21 – OVERPAYMENT OF TAXES**

A motion was made by Mr. Traphagen, seconded by Ms. Dineen, to adopt Resolution #76-21 as submitted:

**RESOLUTION # 76-21**

**WHEREAS**, the Tax Collector of the Town of Clinton has received overpayments for following block and lots due to Homestead Rebate Credits,

**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 following accounts:

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>OWNER</u></b>	<b><u>AMOUNT</u></b>
2	3	Phelps, James/Maureen	\$773.95
8.04	14	Timko, Robert	\$866.41
31	7 C0224	Braddock, Isabel	\$527.90

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayments on the above block and lots for the 2nd quarter 2021.

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

Vote all ayes  
Motion carried



**RESOLUTION #77-21 – TEMPORARY POSITION OF TAX ASSESSOR ASSISTANT**

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to adopt Resolution #77-21 as submitted:

**RESOLUTION # 77-21**

**WHEREAS**, the Town of Clinton requires the hiring of a Tax Assessment Assistant on a temporary basis while Louise Hartzog is absent on an unpaid leave, and;

**WHEREAS**, the Tax Assessor recommends the following person to fill the temporary position at a rate set by resolution;

George Sopko

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire George Sopko to fill the temporary position of Tax Assessment Assistant retroactive to April 1, 2021.

Vote all ayes  
Motion carried

**RESOLUTION #78-21 – APPROVAL TO SUBMIT GRANT APPLICATION FOR RECREATION SITE**

A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to adopt Resolution #78-21 as submitted:

**RESOLUTION # 78-21**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A  
RECREATION SITE**

**WHEREAS**, the Mayor and Council of the Town of Clinton are desirous to submit a grant application to the New Jersey Department of Community Affairs for the purposes of improving the recreation site at the Community Center, 63 Halstead Street, Clinton; and

**WHEREAS**, the Mayor and Council of the Town of Clinton formally approves the grant application for the above stated project; and

**WHEREAS**, access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational facilities; and

**WHEREAS**, the recreation site at the Community Center currently provides these resources for town residents, including the residents of a newly constructed apartment complex; and

**WHEREAS**, another apartment complex, containing 120 multi-family units, is currently being constructed in the Town of Clinton, which will increase the number of residents using this recreation site;

**WHEREAS**, this recreation site was last improved in 1995, 26 years ago, and is in need of improvements; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk of the Town of Clinton, are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their

5843

signatures constitute acceptance of the terms and conditions of the grant agreement, and approves the execution of the grant agreement.

Vote all ayes  
Motion carried

**RESOLUTION #79-21 – OPPOSITION OF FOREST MANAGEMENT BILLS**

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to adopt Resolution #79-21 as submitted:

**RESOLUTION #79-21**

**RESOLUTION OF THE TOWN OF CLINTON OPPOSING NEW JERSEY STATE ASSEMBLY  
AND SENATE FOREST MANAGEMENT BILLS**

**A-4843/S-3549, A-4844/S-3550 and A-4845/S-3548**

WHEREAS, Forest Stewardship Plans (FSPs) approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), are exempt from all regulations of the Highlands Regional Master Plan including logging and water body rules; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4843/S-3549, which would require local governments to develop FSPs for all public forest land of 25 acres or more owned by the municipality that had been acquired for conservation and recreation under the Green Acres Program; and

WHEREAS, the FSPs would need to be researched, developed and submitted by a trained Forester and the Municipality, at the Municipality's cost; and

WHEREAS, bill A-4843/S-3549 does not provide any funds for compliance and, therefore, amounts to an unfunded mandate; and

WHEREAS, the financial pressure caused by this unfunded mandate would force the Municipality to consider and institute one or more actions, each of which would have one or more negative impacts on the fiscal, environmental and social health of the community. Among those potential actions are, increasing taxes, reducing services, reducing Municipal employees and engaging heavily in the logging of our public land which would also expose our forest ecosystems to invasive plant and insect species, while risking degradation of our soil and water quality, which would force the Municipality to incur additional costs to provide clean water to residents and commercial entities within the Municipality; and

WHEREAS, non-profit land trusts that also manage land in the Town of Clinton for public enjoyment, that struggle to secure adequate funding for land stewardship would be at a loss to pay for the preparation and implementation of required FSPs which could result in bankruptcy and/or loss of their land; and

WHEREAS, the FSPs required under A-4843/S-3549 are not the appropriate approach for protecting New Jersey's forests, nor enhancing the ecosystem services; clean water, clean air, flood mitigation, carbon sequestration they afford us. When written and reviewed by foresters these stewardship plans typically emphasize logging and the extraction of wood products, which is a drastic measure and is not appropriate management for most if not all public forests; and

WHEREAS, FSPs would allow all Town of Clinton public land of 25 acres or more, to be logged and otherwise managed, with no public or other municipal recourse; and

WHEREAS, logging will reduce New Jersey's ability to sequester carbon and make it more difficult to achieve the greenhouse gas emissions reductions target in the NJ Global Warming Response Act; and

WHEREAS, logging will result in more stormwater runoff and more silt and pollution in our waterways while also causing environmental damage to wetlands, waterways, and forest habitats. Logging will limit access to public forested land; and

WHEREAS, logging will contribute to long-term degradation of local hiking trail networks by introducing new avenues for illegal off-road vehicles and ATVs to access public land, exacerbating a severe problem, which NJDEP and Park Police are already struggling to control; and

WHEREAS, logging would diminish the recreational experiences of both residents and tourists, the former could lose property values while the latter are important to the economic health of the Municipality; and

WHEREAS, tourists of the Town of Clinton can easily opt to visit neighboring parks across the NY State line, where aggressive logging is not practiced.

WHEREAS, should the State of NJ or any other public or private entity provide funds for FSPs and eliminate the unfunded mandate issue, the Town of Clinton still opposes A-4843/S-3549 for all the other reasons stated herein; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4844/S-3550, which provides that municipal approval is not required for FSPs. The bill would also prohibit a local government unit from enacting any ordinance, rule, or resolution that requires local government approval of an FSP or that conflicts with, prevents, or impedes the implementation of an FSP approved by the DEP. The bill would also provide that the DEP's rules would supersede any municipal ordinance adopted prior to the effective date of this bill; and

WHEREAS, Current law (Section 6 of P.L.2009, c.256 (C.13:1L-34) states: No local government unit may enact, on or after the date of enactment of P.L.2009, c.256 (C.13:1L-29 et al.), any ordinance, rule, or resolution, as appropriate, that conflicts with, prevents, or impedes the implementation of a forest stewardship plan approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31). A-4844/S-3550 extends these restrictions to any ordinance, rule, or resolution that requires local government approval of a forest stewardship plan. Therefore, this bill ensures that all forest stewardship plans required under companion bill A-4843/S-3549 are included in this set of already highly restrictive limits on municipalities and prevents them from having any control over NJDEP FSPs; and

WHEREAS, current law already restricts municipal oversight of NJDEP approved FSPs but has not impacted many municipalities as FSPs are not required and municipalities manage open space land through local ordinances. The enactment of A-4843/S-3549 will replace many ordinances with FSPs and many municipalities will lose total control over their forested lands and be unable to stop them from being logged; and

WHEREAS, there are no penalties associated with damages caused by FSPs. Replacing ordinances with FSPs would take away the authority of local governments to ensure private companies or individuals are

5845

not impacting environmentally sensitive areas or threatened or endangered species or creating disturbances close to stream corridors; and

WHEREAS, bill A-4844/S-3550 is a violation of home rule principles and the principles behind municipal land use laws throughout New Jersey's legislative and judicial history; and

WHEREAS, bill A-4845/S-3548 sets a Statewide goal of conducting prescribed burns on a minimum of 50,000 acres in the Pinelands area, and an additional 10,000 acres elsewhere in the State, every year; and

WHEREAS, bill A-4845/S-3548 requires burning about 6% of New Jersey's entire public forested land every year (In 17 years an area equivalent to all of New Jersey's public forests will have been burned); and

WHEREAS, there is no supporting scientific justification offered for burns of the magnitude required by bill A-4845/S-3548. Requiring a burn of 10,000 acres anywhere in the state outside the Pinelands is irresponsible, dangerous, costly, and wholly without merit; and

WHEREAS, decisions to conduct controlled forest burns of specific sizes should be based on scientific analysis of specific situations in specific areas each year and not predetermined for all time by law; and

WHEREAS, burning forests increases greenhouse gas emissions and air pollution, both of which are already significant problems throughout New Jersey; and

WHEREAS, the Prescribed Burns Act does not properly address air pollution and it limits liability if these fires get out of control; and

WHEREAS, controlled burns are expensive to execute and bill A-4845/S-3548 also causes additional expenditures by requiring all relevant State agencies involved in environmental planning and land use management to incorporate the yearly minimum burns into all plans, programs, and surveys.

NOW, THEREFORE, BE IT RESOLVED that the municipality and town council of the Town of Clinton, in the interest of protecting its residents, businesses and institutions, and controlling its public open spaces to optimize its value as a source of recreation and public enjoyment, as of April 14, 2021, strongly opposes New Jersey State Assembly and Senate Forest Management Bills A-4843/S-3549, A-4844/S-3550 and A-4845/S-3548.

Be it further resolved, that the Town of Clinton Municipal Clerk shall forward this Resolution to

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection
- State Senator Bob Smith
- State Assembly Speaker Craig Coughlin
- State Senator Mike Doherty
- State Assemblypersons DiMaio and Peterson
- New Jersey Forest Watch (newjerseyforestwatch@gmail.com)
- Town of Clinton Commissioners and Administration
- League of New Jersey Municipalities
- NJ Advance Media

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #21-08 – BANNERS**

A motion was made by Ms. Intrabartola, seconded by Ms. Karsh to open the public hearing of Ordinance #21-08:

**TOWN OF CLINTON**

**HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE # 21-08**

**ORDINANCE OF THE TOWN OF CLINTON, AMENDING SECTION 122-42 OF THE  
CODE BOOK ENTITLED “BANNERS OVER PUBLIC ROADS”**

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Ms. Karsh, seconded by Ms. Intrabartola, to adopt Ordinance #21-08 on final reading.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #21-10 – AMENDMENT TO HEALTH CARE**

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to introduce Ordinance #21-10 on first reading as submitted:

**TOWN OF CLINTON**

**HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE #21-10**

**ORDINANCE REQUIRING EMPLOYEE CONTRIBUTIONS TOWARDS  
HEALTH BENEFITS PROVIDED BY THE TOWN**

**WHEREAS**, the New Jersey Legislature passed a health benefits reform law (Chapter 78, P.L. 2011 on June 28, 2011) requiring public employees to increase their contributions to health insurance premiums; and

**WHEREAS**, the provisions of the health benefits reform law have expired; and

5847

**WHEREAS**, the Town of Clinton and its collective bargaining units have established terms of compensation and benefits for a term ending on December 31, 2021 for the PBA Local 188 and December 31, 2020 for the Teamsters Local 469, including contributions towards employee health benefits ranging from 4.5% and 35% of the premium, depending on the employee's salary and in conformance with Chapter 78, P.L. 2011; and

**WHEREAS**, it has been the past practice for non-union employees to be subject to the same general terms and conditions of compensation as similarly situated unionized employees in the Town; and

**WHEREAS**, the Mayor and Council has determined that it is in the best interests of the Town to continue to require employees to contribute to their health insurance premiums so that the increased costs are not passed on to the tax payers; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 22-1 entitled "Employee Medical Insurance" of the Code of the Town of Clinton ("Code") is hereby amended as follows:

**SECTION 1.** Chapter 22-1 of the Code of the Town of Clinton entitled "Employee Medical Insurance" is hereby amended as follows:

§22-1 Medical Insurance.

A. Notwithstanding any collective bargaining agreement or contract to the contrary, the Town shall provide a health insurance program for all eligible employees in compliance with the Town's Personnel Policy.

B. Notwithstanding any collective bargaining agreement or contract to the contrary, any eligible employee participating in the Town's health insurance program shall contribute a percentage of the health insurance premium at the following contribution rate for their annual salary which is made part of this ordinance:

- Phase-in Year 1 - May 1, 2021 through December 31, 2021
- Phase-in Year 2 - January 1, 2022 and beyond

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

**HEALTH BENEFITS CONTRIBUTION FOR SINGLE COVERAGE  
(PERCENTAGE OF PREMIUM)**

Salary Range	Two Year Phase-in	
	<b>Phase-in Year 1</b> May 1, 2021 through December 31, 2021	<b>Phase-in Year 2</b> January 1, 2022 and beyond
less than 20,000	3.38%	2.25%
20,000-24,999.99	4.13%	2.75%
25,000-29,999.99	5.63%	3.75%
30,000-34,999.99	7.50%	5.00%
35,000-39,999.99	8.25%	5.50%
40,000-44,999.99	9.00%	6.00%
45,000-49,999.99	10.50%	7.00%
50,000-54,999.99	15.00%	10.00%
55,000-59,999.99	17.25%	11.50%
60,000-64,999.99	20.25%	13.50%
65,000-69,999.99	21.75%	14.50%
70,000-74,999.99	24.00%	16.00%
75,000-79,999.99	24.75%	16.50%
80,000-94,999.99	25.50%	17.00%
95,000 and over	26.25%	17.50%

**HEALTH BENEFITS CONTRIBUTION FOR FAMILY COVERAGE**  
**(PERCENTAGE OF PREMIUM)**

	Two Year Phase in
--	-------------------

Salary Range	Phase-in Year 1 May 1, 2021 through December 31, 2021	Phase-in Year 2 January 1, 2022 and beyond
less than 25,000	2.25%	1.50%
25,000-29,999.99	3.00%	2.00%
30,000-34,999.99	3.75%	2.50%
35,000-39,999.99	4.50%	3.00%
40,000-44,999.99	5.25%	3.50%
45,000-49,999.99	6.75%	4.50%
50,000-54,999.99	9.00%	6.00%
55,000-59,999.99	10.50%	7.00%
60,000-64,999.99	12.75%	8.50%
65,000-69,999.99	14.25%	9.50%
70,000-74,999.99	16.50%	11.00%
75,000-79,999.99	17.25%	11.50%
80,000-84,999.99	18.00%	12.00%
85,000-89,999.99	19.50%	13.00%
90,000-94,999.99	21.00%	14.00%
95,000-99,999.99	21.75%	14.50%
100,000-109,999.99	24.00%	16.00%
110,000 and over	26.25%	17.50%

**HEALTH BENEFITS CONTRIBUTION FOR MEMBER/SPOUSE/PARTNER  
OR PARENT/CHILD COVERAGE**



**(PERCENTAGE OF PREMIUM)**

Salary Range	Two Year Phase in	
	<b>Phase-in Year 1</b> May 1, 2021 through December 31, 2021	<b>Phase-in Year 2</b> January 1, 2022 and beyond
less than 25,000	2.63%	1.75%
25,000-29,999.99	3.38%	2.25%
30,000-34,999.99	4.50%	3.00%
35,000-39,999.99	5.25%	3.50%
40,000-44,999.99	6.00%	4.00%
45,000-49,999.99	7.50%	5.00%
50,000-54,999.99	11.25%	7.50%
55,000-59,999.99	12.75%	8.50%
60,000-64,999.99	15.75%	10.50%
65,000-69,999.99	17.25%	11.50%
70,000-74,999.99	19.50%	13.00%
75,000-79,999.99	20.25%	13.50%
80,000-84,999.99	21.00%	14.00%
85,000-99,999.99	22.50%	15.00%
100,000 and over	26.25%	17.50%

Vote all ayes  
Motion carried

A notice of this ordinance will be published in the Courier News edition of April 17, 2021. A public hearing will be held April 28, 2021.

**CORRESPONDENCE**

1. A letter of resignation was received from Caitlin Haughey, Administrative Assistant in the Clerk's office for four and half years. A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to accept Ms. Haughey's resignation with regrets.

Vote all aye  
Motion carried

**REPORTS OF COUNCIL**

**Police Chief Kubinak**

Chief Kubinak is discussing updating the ordinance regarding smoking to include marijuana due to current changes in the law.

Seeking reimbursement of body cameras through state funds that were made available. Mayor Kovach asked about funding being made available for storage of footage. Chief Kubinak explained that our cameras go back about 10 years already, the grant funding may possibly be used for new replacement cameras at an estimated cost of approximately \$18,000.

**Councilwoman Intrabartola**

Board of Recreation report deferred to Ms. Johnson.

**Councilman Humphrey**

Mayor's walk will be Sunday, 11 a.m., meeting at the Lansdown Trail. Join in the fun!!

Newsletter – next meeting will have a resolution to renew the contract for an additional two years. The newsletter will be increased to 20 pages and hopefully will gain additional revenue with advertising.

Environmental Commission – Town River clean up will be Saturday, April 17, from 9am to noon. Slots are filled but volunteers are still welcome for early signs up morning and late workers to collect debris and deliver to dumpsters. Ms. Johnson and Ms. Intrabartola offered to help! Mr. Traphagen already signed up with his wife, Megan.

The Commission was joined by Mayor Kovach for a presentation from Rutgers Co-Operative and the Highlands regarding impervious coverage surfaces. A very thorough presentation was made and an action plan on how to improve was offered. Rutgers encourages pervious coverage with new development and reconstruction. Rain gardens are a great way to capture run off back into the ground. There is a webinar on June 4 for residents but Mr. Humphrey is hoping to invite the speakers to a council meeting and explain the process. Ms. Dineen will share the information with the Land Use Board moving forward.

**Councilwoman Karsh**

Ms. Karsh reiterated the concerns of the residents of Pond Ridge and Hunts Mill regarding the mosquitoes and if the County will be spraying the area? Mr. Phelan will follow up with the County.

Economic Development Committee / Grants Committee will begin a new process of greeting new businesses coming into town and introduce the committee to them and offer to promote their business. Mayor Kovach will offer to do a ribbon cutting ceremony with her "enormous pair of scissors"! Mr. Humphrey and Ms. Dineen, will set up a Linkeden Page and connect with other businesses in Town that have a page. The goal of the committee is to bring in new business and promote our quaint town.

5842

Grants Committee – The AARP Grant has been submitted and will be discussed in the Recreation report. Ms. Karsh explained that the committee discussed keeping records of all grant submissions and committees should talk to each other so not to overlap submissions. Surely Mr. Phelan keeps records and John Creech of the EDC will be reaching out to Mr. Phelan to compare notes and prepare a history of all the grants submitted.

**Councilwoman Johnson**

Recreation Committee – Ms. Johnson reported that Ms. Karsh, Elizabeth Halpin and the EDC has completed the grant application to AARP to assist in building a ¼ mile path of hard surface around the Community Center in general. This path would allow mom's with strollers, seniors and anyone with disabilities to get their exercise in one place! Ms. Johnson thanked Art Dysart, Water and Roads Superintendent for gathering so much information together, drawing diagrams and pulling everything together so quickly. There is another grant that was mentioned earlier this evening, Resolution #78-21 which will allow to submit for a recreation grant which could be up to \$500,000 to help revitalize the Community Center grounds. The Town already received the Open Space funds of \$125,000 last week. In the upcoming weeks, there will be a reach out to the community whether on zoom or in person at the park to engage the community residents and gather ideas. Mr. Humphrey and Ms. Intrabartola were asked to get the word out! Ms. Johnson will keep Ms. Karsh and the EDC informed of grant information.

**Councilman Traphagen**

Raritan Township's Historic Preservation Commission continues to discuss Old Clinton Road as a notable historic thoroughfare beginning in Raritan, through Franklin and ending in Clinton Town. Next meeting will be May 24, 2021 and will be held at a member's house in Franklin Township, an early 1700's house along the road. From there the group will tour the property.

South Branch Emergency Services reported 327 calls for March.

Shade Tree – Arbor Day, April 30, 2021, will be a virtual planting celebration. Video will be courtesy of Councilman Humphrey. Site will be discussed at the next meeting and will be posted on April 30.

**Councilwoman Dineen**

Land Use Board met April 6<sup>th</sup> and deemed the Moebus subdivision hearing complete with no changes and will be on the May 4, 2021 agenda. Puleo variance application was approved, the sign variance on the May 4 agenda for approval.

Roads Committee – Elizabethtown Gas will begin installing gas mains on Harrison, Fairview and Georges Place within the next 7-10 days. After settling a few months, Mr. Phelan will apply for improvements in the Fall. Proposal for Union Road improvements was submitted Monday, April 12, 2021.

Water Committee - Nick Gialias of the Clinton House requested the five year moratorium be lifted to allow for a new water line. The committee discussed a solution that seems it will work to install a new water line for better fire suppression for a historic building.

5843

**STANDBY AND OVERTIME**

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

**ADJOURNMENT**

There being no further business, a motion was made by Mr. Humphrey seconded by Ms. Johnson to adjourn the meeting at 8:16 p.m.

---

Cecilia Covino, RMC/CMC  
Municipal Clerk

---

Janice Kovach, Mayor

