

CLINTON TOWN COUNCIL
APRIL 12, 2023
7:30 P.M.

FLAG SALUTE
ROLL CALL
STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Council and Executive Session meeting minutes of March 22, 2023
Special Council Meeting March 30, 2023
2. APPROVAL OF MONTHLY REPORTS FOR MARCH
3. PUBLIC COMMENTS
4. MAYOR'S COMMENTS
5. RESOLUTION # 77-23 – AMENDING THE REQUIREMENTS OF THE PLAYGROUND
COMMITTEE AND APPOINTING MEMBERS
6. RESOLUTION #78-23 – AUTHORIZATION TO PURCHASE PLAYGROUND EQUIPMENT
6. RESOLUTION # 79-23 – LOCAL GOVERNMENT WEEK – April 16-22, 2023
7. RESOLUTION #80-23 – CHANGE ORDER- HAVER FARM ROAD RE-PAVING
8. RESOLUTION #81-23 –PURCHASE PIERCE ENFORCER PUMPER
9. RESOLUTION # 82-23 – HIRING OF PART TIME FIELD INSPECTOR
7. PUBLIC HEARING OF ORDINANCE #23-06 – ENFORCEMENT OF TRAFFIC REGS.
8. INTRODUCTION OF ORDINANCE #23-08 – CAP ORDINANCE – SECOND READING 4/22/23
9. CORRESPONDENCE
10. REPORTS OF COUNCIL
11. STANDBY AND OVERTIME
12. PAYMENT OF BILLS
13. RESOLUTION #-----23 - EXECUTIVE SESSION – PENDING LITIGATION
16. ADJOURNMENT

04/06/23

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 76-23

**RESOLUTION AMENDING THE REQUIRMENTS OF THE PLAYGROUND
COMMITTEE AND APPOINTING MEMBERS**

WHEREAS, on September 14, 2022, via Resolution #132-22, the Town of Clinton formed a “Playground Committee” for purposes of for the replacement of the playground at Halstead Street Park; and

WHEREAS, the Playground Committee was tasked with interviewing potential vendors and create a design for the installation of a playground at Halstead Street Park

WHEREAS, since its creation, there has become a need to modify some of the requirements and members; and

WHEREAS, the Mayor and Council wish to amend the requirements of the Playground Committee.

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

1. A Playground Committee (the “Committee”) is hereby established as a temporary ad-hoc committee, consisting of seven members, three of which shall be members of the Town Council (the “Council”) and four of which shall be residents of the Town of Clinton.
2. The following individuals are appointed to the Playground Committee:
 - a. Megan Johnson, Councilmember
 - b. Nick Bruno, Councilmember
 - c. Molly Padmos, Councilmember
 - d. Nicole Ayers, member of the public
 - e. Jonathan Donath , member of the public
 - f. Phil Franzone, member of the public
 - g. Empty seat, which may be filled by the Mayor upon advice and consent of Council.
3. The Committee shall be empowered to:
 - a. Appoint its own Chairperson
 - b. All decisions of the Playground Committee must be made by a super-majority (i.e. five members for a seven person Committee and 4 members for a six person Committee)
 - c. Research potential vendors to design and install a playground from any authorized Cooperative Purchasing Program approved for use by the State of New Jersey .

- d. Receive and interview references (i.e. other municipalities) from potential vendors
 - e. Determine, as a committee, which State approved Cooperative Purchasing Program vendors shall be interviewed for the playground design.
 - f. Any interviews of potential vendors or references (whether conducted in person or virtually) will be conducted upon written notice to the full Playground Committee and Town Council and in the presence of at least one of the Council members and 2 of the citizen members that are part of the Playground Committee.
 - g. Request and receive a preliminary design from potential vendors satisfying specific criteria (community build, inclusive, budget, etc) as defined by the committee. All such designs shall be provided to Council in the required monthly reports provided to the Town Council. Any requests for designs or recommendations from vendors must be in writing.
 - h. Recommend to Council a vendor to design and install the playground from any Cooperative Purchasing Program approved for use by the State of New Jersey
 - i. Research and recommend to the Council grant opportunities to fund the installation of a playground
 - j. After a vendor is selected by Council, meet with and coordinate with said vendor on a design (and engineering, if necessary) of the playground
 - k. Recommend to Council a playground design.
 - l. Recommend to Council a budget for the material and equipment for, and installation of a playground.
4. All recommendations from the Playground Committee as to the hiring of a vendor and playground design, must be approved by a majority of the three Council members that sit on the Playground Committee.
 5. The hiring of a vendor to design, provide material and equipment for, and install (through direct installation, DPW build, community build, or some other defined process) the playground must be approved by the Mayor and Council.
 6. The final design of the playground must be approved by the Mayor and Council.
 7. All verbal and written communications between the Playground Committee and vendors and vendor references will be conducted by one of the Council members that are part of the Playground Committee or with the consent of one such Council member. None of the citizen members of the Playground Committee shall contact potential or hired vendors or their references in connection with the design, construction, and installation of the playground (whether verbally or in writing) without the consent of one of the Council members that is a member of the Playground Committee. All verbal communications (whether in person, virtually, or via telephone) must be conducted in the presence of one of the Council members that is part of the Playground Committee and will be documented by a memo or an email. All members of the Playground Committee shall be notified in writing at least seven days in advance of an in-person meeting with a potential or hired vendor or one of their references and be given the opportunity to attend such meeting.

8. All written communications of the Playground Committee shall be subject to the Open Public Records Act (“OPRA”). Therefore, it is imperative that a Council member be copied on all written communications with potential or hired vendors and their referenced. If any member of the Playground Committee has communicated in writing with a vendor or a reference for a vendor without copying a Council member on the correspondence, copies of all such correspondence must be immediately provided to the Town. Members of the Playground Committee shall cooperate with a request from the Town Administrator or Town Attorney for emails and other documents in response to OPRA requests. A Committee member’s failure to provide any documents responsive to an OPRA request shall be grounds for immediate removal from the Committee.
9. If a Playground Committee member uses their personal cell phone for communications related to the Playground Committee (whether by telephone call or text message), such member is advised that their personal cell phone records may be subject to disclosure pursuant to an OPRA request. Therefore, it is recommended that contact with potential vendors and their references via personal cell phones be limited.
10. Any member of the Committee that does not follow the agreed-upon process for communications with potential vendors and references will be removed immediately from the Committee.
11. The Playground Committee shall issue a monthly written report to Council presented by the Chairman or other Council member designated by the Chairman.
12. Citizen members of the Playground Committee shall be required to adhere to applicable sections of the Town of Clinton Personnel Policy, as may be amended from time to time. Within ten (10) days of appointment hereunder, citizen members shall be required to review and acknowledge, with their signature, receipt of such the Town of Clinton Personnel Policy and Town of Clinton Social Media Policies.
13. The Playground Committee may be dissolved at any time by a majority vote of the Council. Any member of the Playground Committee may be removed for any reason and replaced by a vote of the majority of the Town Council.
14. This Resolution shall take effect immediately.

RESOLUTION #78-23

WHEREAS, the Town of Clinton wishes to purchase Playground Equipment from an authorized vender under the Educational Services Commission of NJ (ESCNJ);

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Marturano Recreation Company, Inc. has been awarded the ESCNJ Contract #ESCNJ20/21-06; 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 Playground Equipment is not expected to exceed \$77,363.47; and

WHEREAS, the Chief Financial Officer has certified the availability of \$77,363.47 under the Playground Grant and the Recreation Trust Fund,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Marturano Recreation Company, Inc. be awarded a contract for the purchase of The Playground Equipment.

Mayor Janice Kovach

Adopted:
April 12, 2023

Deputy Municipal Clerk

RESOLUTION # 79 - 23
NJ Local Government Week

A RESOLUTION OF THE TOWN OF CLINTON, RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 16 – 22, 2023, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CLINTON AS FOLLOWS:

Section 1. That the Town of Clinton encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

Section 2. That the Town of Clinton encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

Section 3. That the Town of Clinton supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clinton at a regular council meeting held April 12, 2023.

Mayor Janice Kovach

TOWN OF CLINTON
RESOLUTION # 80-23
CHANGE ORDER NO. 1

WHEREAS, the need has arisen for a change order to the Haver Farm, Goosetown Road, Mitchell Lane Project, and

WHEREAS, according to the Town Engineer, there were increases in the quantities, and

WHEREAS, there was an increase of \$35,273.23 and reductions in the amount of \$26,255.16, leaving a net increase of \$9,018.07,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Haver Farm, Goosetown Road, Mitchell Lane Project be approved.

RESOLUTION #81-23

WHEREAS, the Town of Clinton wishes to purchase a Pierce Enforcer Pumper from an authorized vender under the Sourcewell Cooperative Purchasing Program;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Fire & Safety Services has been awarded the Sourcewell Contract #113021-OKC; 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 Pierce Enforcer Pumper is not expected to exceed \$1,055,135.21; and

WHEREAS, the Chief Financial Officer has certified the availability of \$1,055,135.21 under Ordinance #23-07,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Fire & Safety Services be awarded a contract for the purchase of a Pierce Enforcer Pumper.

Mayor Janice Kovach

Adopted:
April 12, 2023

Deputy Municipal Clerk

RESOLUTION #82-23

WHEREAS, the Town of Clinton Tax Assessor requires the hiring of one Part-Time Field Inspector, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Tax Assessor and Business Administrator recommends that the following person be hired to fill the open position at a rate of \$8,086.39 per year;

Robert Jobmann

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Robert Jobmann to fill the open position of Part-Time Field Inspector effective April 13, 2023.

Mayor Janice Kovach

Adopted: April 12, 2023

ORDINANCE NO. 23-06
TOWN OF CLINTON, HUNTERDON COUNTY

**ORDINANCE AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS UPON THE
PRIVATE OR SEMI-PUBLIC ROADWAYS AND PARKING AREAS WITHIN BLOCK 3, LOT
2 (111 W. MAIN STREET)**

WHEREAS, the Land Use Board granted final major approval to Tejomaya, LLC (the “Developer”) pursuant to a Resolution adopted on November 2, 2021 (the “Resolution”) to develop Block 3, Lot 2 (the “Property”) as a assisted living facility with memory care and adult day health care components;

WHEREAS, the Developer and the Town of Clinton (the “Town”) entered into a Developer’s Agreement (The “Agreement”) dated February 9, 2023 pertaining to the development of the Property; and

WHEREAS, a condition of the Resolution and the Agreement requires traffic enforcement be authorized upon the private or semi-public roadways and parking areas of the Property; and

WHEREAS, by email correspondence dated February 24, 2023, the Chief of the Town of Clinton Police Department recommended the application of the Title 39 to the property.

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

1. Pursuant to N.J.S.A. 39:5A-1, all applicable traffic and parking regulations provided for under Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey shall be enforced by the Town of Clinton’s Police Department upon the private or semi-public roadways and parking areas within the boundaries of the property identified as Block 3, Lot 2 on the official tax map of the Town of Clinton.
2. All signs, posts or other necessary materials utilized for traffic and parking control shall be installed and maintained exclusively by the owners and/or operators of the lot identified as Block 3, Lot 2 on the official tax map of the Town of Clinton and conform with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.
3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Town of Clinton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Town Council of the Town of Clinton in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 39,736.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Clinton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Town of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 139,078.63 and that the CY 2023 municipal budget for the Town of Clinton be approved and adopted in accordance with this ordinance; and,

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

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