

CLINTON TOWN COUNCIL
OCTOBER 11, 2023
7:30 PM.

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Regular Council minutes September 27, 2023
Executive Session – September 27, 2023
2. APPROVAL OF MONTHLY REPORTS – SEPTEMBER
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS
5. PROCLAMATION – HISPANIC HERITAGE MONTH
6. RESOLUTION #144-23 – SUPPORT OF COUNTY OPPOSITION TO H.R. 3372
7. RESOLUTION #145-23 - Requiring Certain Commercial Motor Vehicles to be
Equipped with Global Positioning Systems
8. INTRODUCTION OF ORDINANCE 23-22 – VALVE AND METER REACEMENT
9. INTRODUCTION OF ORDINANCE #23-23 WATER MAIN REPLACEMENT
10. CORRESPONDENCE
11. REPORTS OF COUNCIL
12. STANDBY AND OVERTIME
13. PAYMENT OF BILLS
14. RESOLUTION # 146 – 23 EXECUTIVE SESSION
15. ADJOURNMENT

RESOLUTION # 144-23

Opposing H.R. 3372, Which Would Establish a 10-Year “Pilot Program for States to Test 91,000 Pound Trucks”

WHEREAS, H.R. 3372, was introduced in the House of Representatives on May 16, 2023, and would create a program for states to ‘test’ 91,000-pound trucks on their roads; and

WHEREAS, this increase to 91,000 pounds, represents a nearly 14% increase over the current large rigs which are approximately 80,000 pounds in weight; and

WHEREAS, a 2023, joint study prepared by the *National Association of Counties* and *National Association of County Engineers*, found that 72,000 local bridges across the country can’t safely handle 91,000-pound trucks and that it would cost \$61 billion to replace them; and

WHEREAS, according to the USDOT, even with a 6th axle distributing the load, 91,000-pound trucks would only pay for about 55% of their damage to roads and bridges; and

WHEREAS, since Congress last raised truck weights, the number of trucks registered in the U.S. and the miles they drive have increased by 91%; and

WHEREAS, Hunterdon County is home to numerous small and historic bridges that currently cannot handle existing heavy trucks that are on roadways; and

WHEREAS, existing truck traffic presents numerous challenges to Hunterdon County’s 26 municipalities including its numerous, small, historic downtowns; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton hereby opposes H.R. 3372, and calls upon its federally elected representatives to oppose this legislation; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to U.S. Representative Tom Kean, U.S. Senators Robert Mendenez and Cory Booker; and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Clinton shall send a copy of this resolution to all 26 Hunterdon County municipalities, with a request that they adopt similar resolutions in opposition to H.R. 3372.

RESOLUTION #145-23

Requiring Certain Commercial Motor Vehicles to be Equipped with Global Positioning Systems

WHEREAS, bipartisan Assembly Bill No. 975 sponsored by Assemblyman John DiMaio and Assemblyman Daniel Benson would require a commercial motor vehicle operating upon the public highways of this State, to be equipped with a global positioning system navigation program that provides information about upcoming highway infrastructure with low vertical clearance and weight restrictions and dynamic route directions that account for commercial motor vehicle restrictions; and

WHEREAS, the legislation defines a “commercial motor vehicle” as a select group of vehicles with a gross vehicle weight rating of 26,001 or more pounds, or that display a gross vehicle weight rating of 26,001 or more pounds; and

WHEREAS, commercial motor vehicles have restricted routes of travel that are not readily displayed on civilian navigation systems that are sometimes used by operators of commercial motor vehicles; and

WHEREAS, because of limited information on civilian navigation systems, commercial motor vehicle operators often unintentionally end up on restricted weight roadways or are stopped along their route by a restricted weight bridge; and

WHEREAS, Hunterdon County has sustained damages to roadways and bridges as a result of overweight trucks traveling on them; and

WHEREAS, unless identified by a camera, or law enforcement personnel, Hunterdon County taxpayers are on the hook for the cost of repairs to infrastructure damaged by large trucks; and

WHEREAS, this legislation is also important given the number of historic bridges, culverts, and downtowns located throughout Hunterdon County that cannot accommodate large commercial vehicles and cause considerable disruption to local traffic flow; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton does hereby support Assembly Bill No. 975 and Senate Bill No. 2643; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to members of the 15th, 16th, and 23rd Legislative Districts; and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Clinton shall send a copy of this resolution to all 26 Hunterdon County municipalities, with a request that they adopt similar resolutions in support of Assembly Bill No. 975 and Senate Bill No. 2643.

ORDINANCE #23-22

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$770,000 FOR THE VALVE AND METER REPLACEMENT PROJECT IN COMPLIANCE WITH THE WATER QUALITY ACCOUNTABILITY ACT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$770,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED 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 improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$770,000, such sum being in addition to the \$3,200,000 appropriated therefor by bond ordinance #18-07 of the Town, finally adopted July 10, 2018 (the "Original Bond Ordinance"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank and because the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Town, as more fully described in Section 6(e) of this bond ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$770,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable

bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the Valve and Meter Replacement Project in compliance with the Water Quality Accountability Act, including various improvements related to the findings of the Town's Asset Management Plan, as described in the Original Bond Ordinance, including all work and materials necessary therefor and incidental thereto and further including all related costs incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$3,970,000, including the \$3,200,000 authorized by the Original Bond Ordinance and the \$770,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$3,970,000, including the \$3,200,000 appropriated by the Original Bond Ordinance and the \$770,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon

receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$770,000, and the

obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$730,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$675,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$55,000 is estimated therefor herein.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Town pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the

"Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE # 23-23

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR THE WEST MAIN STREET WATER MAIN REPLACEMENT PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED 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 improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$2,000,000, such sum being in addition to the \$1,740,000 appropriated therefor by bond ordinance #17-10 of the Town, finally adopted December 12, 2017 (the "Original Bond Ordinance"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being funded through the New Jersey Infrastructure Bank and because the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Town, as more fully described in Section 6(e) of this bond ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the West Main Street Water Main Replacement Project, including a water main extension to reinforce the distribution system as well as the replacement of the critical river crossing and the installation of a new main along West Main Street and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$3,740,000, including the \$1,740,000 authorized by the Original Bond Ordinance and the \$2,000,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$3,740,000, including the \$1,740,000 appropriated by the Original Bond Ordinance and the \$2,000,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing

body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) It is an improvement or purpose that the Town may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,000,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$935,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$435,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$500,000 is estimated therefor herein.

(e) This bond ordinance authorizes obligations of the Town solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Town pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or

interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.