

CLINTON TOWN COUNCIL
SEPTEMBER 13, 2023
7:30 P.M.

FLAG SALUTE
ROLL CALL
STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Regular Council minutes August 23, 2022
2. APPROVAL OF MONTHLY REPORTS – JULY
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS
5. DISCUSSION – GEORGES PLACE RESIDENT REQUEST
6. PROCLAMATION – GRACE ROGAN
7. SPECIAL EVENTS – HALF MARATHON AND SANTA CON RUN
8. SPECIAL EVENTS – RUN O’THE MILL 5K
9. RESOLUTION #136-23 – LEASE OF A POLICE VEHICLE
10. RESOLUTION #137-23 – APPROVING A RELEASE PERTAINING TO THE SEWER DEPARTMENT FILTER BUILDING PROJECT
11. RESOLUTION #138-23 – CHAPTER 159
12. RESOLUTION #139-23 – ZONING MAP UPDATE - HIGHLANDS REIMBURSEMENT
13. BANNER REQUESTS – DAY OF THE DEAD EVENT – HAM GUILD - DICKEN’S DAYS, CHRISTMAS PARADE WINTER EVENTS
14. INTRODUCTION OF ORDINANCE #23-17 – ESTABLISHING A WEIGHT LIMIT ON A PORTION OF WEST MAIN STREET 2ND RDG 9/27
15. INTRODUCTION OF ORDINANCE #23-18 – AMENDING THE POWERS OF THE HISTORIC COMMISSION 2ND RDG 9/27
16. INTRODUCTION OF ORDINANCE #23-19 - SPONSORSHIP PROGRAM 2ND RDG. 9/27
17. CORRESPONDENCE
18. REPORTS OF COUNCIL
19. STANDBY AND OVERTIME
20. PAYMENT OF BILLS
21. RESOLUTION #140-23 - EXECUTIVE SESSION
22. ADJOURNMENT

RESOLUTION #136-23

WHEREAS, the Town of Clinton wishes to lease/purchase a Police Vehicle from an authorized vender under the Cranford Police Cooperative Pricing System;

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, Hertrich Fleet has been awarded the Cranford Police Cooperative Pricing System, Contract #47-CPCPS; 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 Police Vehicle is expected not to exceed \$48,923.95 inclusive of lighting equipment; and

WHEREAS, the Chief Financial Officer has certified the availability of \$18,695.28 under the 2023 Current Budget, Police Department, Other Expenses, and the balance pending funding in subsequent budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Hertrich Fleet be awarded a contract for the lease/purchase of a Police Vehicle.

Mayor Janice Kovach

Adopted:
September 13, 2023

Municipal Clerk

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION # 137-23

WHEREAS, on or about November 13, 2019, the Town entered into an agreement (the "Contract") with Van Cleef Engineering Associates, LLC ("VCEA") to provide professional engineering planning and design services for a renovation project to be undertaken at the Filter and Residuals Building (the "Building") located at the Town of Clinton Wastewater Treatment Plant (the "Project"); and

WHEREAS, in or about November 2019, VCEA entered into an agreement with DLB Associates ("DLB") to provide certain electrical and HVAC design services for the Project, as detailed in a letter proposal dated June 12, 2019, from DLB to VCEA (the "Subcontract");

WHEREAS, on or about January 13, 2022, the Town's Construction Code Official issued a notice of failed electrical inspection due to electrical pull boxes ("Pull Boxes") located in the Building not meeting applicable Code ("Code") requirements; and

WHEREAS, on or about January 18, 2022, DLB issued a letter in which DLB stated that it found "no problem with the installation" of the Pull Boxes; and

WHEREAS, without any knowledge of the failed electrical inspection, on or about February 14, 2022, the Town entered into a Settlement Agreement and Release with Pact Two, LLC, its General Contractor for the Project, setting forth close-out items and releasing both parties from further liability concerning the Project (the "Pact Two Agreement"); and

WHEREAS, the Town entered into the Pact Two Agreement based, in part, on DLB's representations contained in its January 18, 2022, letter; and

WHEREAS, on or about March 31, 2023, DLB issued a letter retracting its January 18, 2022, letter and stating that the Pull Boxes do not meet applicable Code requirements; and

WHEREAS, the General Contractor has declined to perform any corrective work or incur additional costs for the Project, citing the Pact Two Agreement and the Town is unwilling to incur additional expenses to make the Pull Boxes Code compliant; and

WHEREAS, the Parties have reached a resolution of all matters in dispute between them related to the Project and desire to memorialize the terms thereof in the Agreement in substantially the same form as attached hereto; and

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

1. The Mayor and Clerk are authorized to execute the attached Settlement and Release Agreement in substantially the same form.
2. This Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Town of Clinton Council at a meeting held on September 13 2023.

Cecilia Covino, Clerk

Janice Kovach, Mayor

RESOLUTION - 138-23

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$5,000.00 from the State of New Jersey and wishes to amend its 2023 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2023 in the sum of \$5,000.00 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Historic Grant for Gebhardt Field Grandstands, and

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap
Public and Private Programs Off-Set by Revenues:
Historic Grant for Gebhardt Field Grandstands:
Other Expenses

Cecilia Covino, RMC/CMC
Municipal Clerk

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE # 23-17**

ORDINANCE IMPOSING A VEHICLE WEIGHT LIMIT ON MAIN STREET BETWEEN ROUTE 173 AND THE HISTORIC TRUSS BRIDGE

WHEREAS, the Historic Truss Bridge within the Town of Clinton has been closed several times, most recently during the summer of 2023, for repairs due to damage caused by overweight vehicles using the bridge; and

WHEREAS, pursuant to Section 135-27, Schedule V of the Town of Clinton Code, there is a 6 ton vehicle weight limit on the bridge; and

WHEREAS, recent inspections by Hunterdon County have confirmed the need for such weight limit; and

WHEREAS, the problem arises that if an overweight truck accesses Main Street from Route 173 (Old Highway 22), the Historic Truss Bridge is the only exit and there is no opportunity for such vehicles to turnaround prior to reaching the bridge; and

WHEREAS, to prevent overweight vehicles from using the Historic Truss Bridge, the Town Council finds it necessary to prohibit vehicles over 6 tons from using Main Street between Route 173 and the bridge; and

WHEREAS, Section 135-27, Schedule V of the Code exempts “pickup and delivery of materials on such streets” from the imposed weight limits; therefore, this ordinance will not impose a burden on any businesses located on Main Street between Route 173 and the bridge.

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

SECTION 1. Section 135-27, Schedule V of the Code of the Town of Clinton (the “Code”), entitled “Vehicles Over Certain Weight Limits Excluded,” (1) is hereby amended by adding the following; and (2) portions of the Code not set forth below shall remain unchanged:

Name	Weight Limit (tons)	Location	Direction
Main Street	6	Between Route 173 (Old Highway 22) and the Historic Truss Bridge	North south

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.

Cecilia Covino, RMC/CMC
Municipal Clerk

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE # 23-18**

**ORDINANCE AMENDING SECTION 12-3 OF THE TOWN CODE REGARDING THE POWERS
OF THE HISTORIC COMMISSION TO PERMIT THE SOLICITATION AND ACCEPTANCE OF
GRANTS AND DONATIONS**

WHEREAS, the Mayor and Council of the Town of Clinton desire to expand the powers and responsibilities of the Town of Clinton Historic Commission to include the solicitation and acceptance of grant monies and donations.

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

SECTION 1. Section 12-3 of the Code of the Town of Clinton (the “Code”), entitled “Responsibilities” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

Powers and Responsibilities.

The Historic Preservation Commission shall have the ***power and*** responsibility to:

- A. Prepare a survey of historic sites.
- B. Coordinate with the Land Use Board as appropriate on historic sites.
- C. Work with individuals, groups and other political entities to further historic interests.
- D. Study the advisability of historical districts within the town.
- E. Carry out such other advisory, educational and informational functions as will promote historic preservation in Clinton.
- F. Establish a home for historic artifacts and provide leadership in the community for the collection, display of and enjoyment of historic memorabilia and events.
- G. Nonbinding review of applications for permits to demolish or partially demolish historic structures as set forth in Chapter 88, Article XV.
- H. Raise funds and solicit donations to offset the Commission’s operational costs and fund the Commission’s grant programs permitted by subsection J hereunder. All donations shall be accepted by resolution of the Town Council. All funds so raised shall be turned over to the Town Chief Financial Officer. All expenditures by the Commission shall be approved by Resolution of the Town Council, with the exception of grants provided to residents and property owners under the programs authorized by subsection J below.***
- I. Apply for and accept grant monies. Grant applications shall be authorized by resolution of the Commission. Receipt of grant monies must be approved by Resolution of the Town Council and all grant funds received must be turned over to the Town Chief Financial Officer.***
- J. Facilitate and administer grant programs for Town residents and property owners to encourage the rehabilitation and restoration of historic buildings.***
- K. Facilitate and administer a scholarship program for students interested in pursuing a career in history or historic preservation.***

SECTION 2. Section 12-6 of the Code of the Town of Clinton (the “Code”), entitled “Finances” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

A. The Mayor and Council shall make provision in its budget and appropriate funds for the Historic Preservation Commission, which shall be raised by taxation in the same manner as other taxes.

B. The Chief Financial Officer shall oversee all expenditures and purchases of the Historic Preservation Commission. The Chief Financial Officer shall keep track of all expenditures and revenues for the Historic Preservation Commission during the course of the budget year so that its expenditures are consistent with budgeted amounts and all revenues are accounted for.

C. Expenditures of the Historic Preservation Commission are limited by its annual appropriation as approved by the Mayor and Council, and such funds ~~at~~ *the Commission* has *raised via grant or donations* ~~from fees collected~~.

D. All monies received by the Historic Preservation Commission shall be paid over to the Town Chief Financial Officer to be deposited and appropriated in accordance with all local government finance laws.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. 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 5. This Ordinance shall take effect upon final passage and publication according to law.

Cecilia Covino, RMC/CMC
Municipal Clerk

Introduction: September 13, 2023

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE # 23-19**

**ORDINANCE ESTABLISHING A SPONSORSHIP PROGRAM FOR THE “WELCOME TO
HISTORIC CLINTON” SIGNS**

WHEREAS, there four are wooden painted signs reading “Welcome to Historic Clinton” owned and maintained by the Town located on Center Street, Old Highway 22, Leigh Street, and off of Route 78, Exit 15; and

WHEREAS, in order to defray the costs of maintaining such signs, the Town of Clinton desires to establish a sign sponsorship program.

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

SECTION 1. Chapter 113 of the Code of the Town of Clinton (the “Code”), entitled “Sign Sponsorship Program” (1) is hereby added as follows:

§ 113-1 Purpose. The purpose of the Welcome to Clinton Sign Sponsorship Program is to aesthetically maintain the Welcome to Clinton signs and reduce the related financial burden on taxpayers. Through the program, the Town will permit sponsors to advertise on those signs.

§ 113-2 Program rules.

A. General provisions.

(1) The Town shall be responsible for the ordering, installation and removal of any sponsorship sign, and as such, all signs shall be considered the property of the Town. No individual, including sponsors, shall have the authority to move or otherwise alter an installed sign in any manner unless that individual is acting under the direction of the Town.

(2) The signs created as a result of the Welcome to Clinton Sign Sponsorship Program shall be exempt from zoning regulations as municipal property.

(3) The size, shape, material, and colors of the sponsorship signs shall be determined by the Town Council.

(4) Quantity and Location. There are four “Welcome to Historic Clinton” signs owned and maintained by the Town located on Center Street, Old Highway 22, Leigh Street, and off of Route 78, Exit 15

(5) Design. Each sponsorship sign shall consist of text and logos only that includes the name of the entity sponsoring the sign. However, the printing of logos upon the sign will be dependent upon the size and intricacy of the logo. Up to two (2) sponsors per sign shall be permitted. Entity name and logo cannot include any derogatory, offensive, or profane words or images.

(6) Term. The term for each sign sponsorship shall be five (5) years.

(7) Applicants are limited to one sign sponsorship per term.

B. Applications.

(1) Each application for sign sponsorship must be on forms approved by the Town and be accompanied by a check made payable to the “Town of Clinton” for the requisite fee.

(2) Applications will be reviewed by the Historic Commission and successful applicants recommended to the Town Council for approval. Applicants shall be approved via resolution of the Town Council.

(3) Applications will be processed on a first come first served basis. Incomplete applications will be rejected.

C. Fees; Payment schedule. A fee and payment schedule for all sign sponsorships shall be established by duly adopted resolution of the Town Council, which may be amended from time to time.

D. Contracts. The Town shall enter into contracts with the sponsors in order to fulfill the requirements of the Welcome to Clinton Sign Sponsorship Program and this chapter. If a successful applicant fails to enter into such contract or fails to meet the contract requirements within 10 days after the notice of the application approval, the Town may approve the application of the next available applicant.

E. Revenue. All revenue generated as a result of the Welcome to Clinton Sign Sponsorship Program shall be deposited by the Town in the Historic Trust Fund and shall be spent by the Town (through the Historic Commission) to fund the maintenance and improvement of such signs.

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.

Cecilia Covino, RMC/CMC
Municipal Clerk

Introduction: September 13, 2023