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Flag Salute.

Roll Call: Bruno, Johnson, Kashwick, Padmos, Perloff, 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 hybrid 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 a public meeting as well as using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

Please use the chat feature in ZOOM to indicate that you wish to be recognized for a comment or a question. You must provide your name and address to be recognized. You can also type in your questions. Feel free going forward to email councilmeeting@clintonnj.gov with any questions or concerns between meetings.

Please feel free to reach out with a note at jkovach@clintonnj.gov anytime!

APPROVAL OF MINUTES

A motion was made by Mr. Perloff seconded by Mr. Traphagen to approve the minutes of the Council meeting and Executive Session for December 14, 2022 as submitted.

Vote all ayes
1 Abstention (Padmos)
Motion carried

APPROVAL OF RE-ORGANIZATION MEETING MINUTES

A motion was made by Mr. Kashwick seconded by Ms. Johnson to approve the Re-Organization minutes of January 3, 2023 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – DECEMBER

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to approve the monthly reports submitted for December, 2022.

Vote all ayes
1 Abstention (Padmos)
Motion carried

PUBLIC COMMENTS

George Tiboni, West Main Street, asked what is the plan for the old bank building on the corner of Leigh and Main Street? An IT Company recently purchased the building and is restoring the front to the original façade. The building will have about 30 employees. An extensive exploration of the building is taking place, old storage rooms, closets, etc. and many old bank records have been uncovered dating back to the 1800's. The deed to the Leigh Mansion has also been found. Many items of historic paperwork are being given to the Town.

MAYOR'S COMMENTS

1. Clinton Township Sewerage Authority's dispute with the Town of Clinton Sewer Department has been settled and many thanks to former Mayor and Councilman, Robert B. Smith, for his years of negotiating with CTSA and High Bridge. The many meetings and sessions with the Judge, Mr. Smith was a valuable asset on behalf of the Town of Clinton. Thank you, Bob!
2. Mark from Citispot has a new documentary in the works and it is available on YouTube. Climate Change is the topic.
3. Governor Murphy gave his State of the State address and Liquor License Reform is a hot topic. The League of Municipalities is pushing for this which is of great importance to small communities.
4. Health benefits are still looking at a 23% increase and no resolution has yet to be had.

CLINTON FIRE DEPARTMENT

Fire Chief Jeff Hedden attended this evening's meeting along with fellow officers of the Clinton Fire Department, Jason Mayer, Chris Querry, Tim Vansalous and Jack Daniels, to make a presentation to Council regarding the need for a new fire truck. The town's 2001 American LaFrance engine is the first out of the station in response to a fire but the manufacturer went out of business in 2014 and replacement parts are hard to come by. The cost of a new fire engine truck could be as high as \$1,081,691 with \$520,000 for the chassis, although a pre-pay could save the department \$20,000. The quoted price is good for six months. There is currently only one company building fire engine trucks in the U.S., the department wants to get a 2026 Pierce Enforcer with a 1,000 gallon tank. Chief said it takes 38 to 40 months to build a truck. The men explained the design they are interested in and the necessities needed. Chief Hedden is asking the Town for a promise of down payment. Mayor Kovach explained that Council will begin the budget process next month and CFO, Kathy Olsen, is looking into obtaining state funding to help with the replacement of the truck.

PLAYGROUND PROPOSAL

Nicole Ayers, Chairwoman of the Playground Committee, updated Council on the recently completed action meeting. The budget is estimated to be between \$250,000 and \$300,000. The section of the playground for children 5 to 12 years old would be fully inclusive. The section for children 2 to 5 years old is fully inclusive at Clinton Public School. After meeting with four state vendors, the committee is recommending MRC Recreation of Sea Girt to provide the equipment, and offers free installation. Councilwoman Johnson secured a State Department of Community Affairs grant last year in the amount of \$70,000 and is working on doing the same again this year. Booster Club's next meeting is January 23, to continue discussions. At this time there is \$55,100 available for the project. Shade Tree Commission is looking at the health of the trees in the park to determine if any need to be removed. Councilman

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Kashwick said they will have an easier time evaluating the trees once they start to bud. The Playground committee is also working with the water company to secure an easement.

RESOLUTION #42-23 – TEAMSTERS BARGAINING AGREEMENT

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to adopt Resolution #42-23 as submitted:

RESOLUTION #42--23

**RESOLUTION AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWN OF CLINTON AND THE TEAMSTERS LOCAL 469**

WHEREAS, on April 28, 2021, the Mayor and Council of the Town of Clinton (Town) ratified the Collective Bargaining Agreement between the Town and the Teamsters Local 469 (Teamsters) via Resolution #84-21; and

WHEREAS, on August 24, 2022, via Resolution #125-22, Contract Amendment #1 was approved by the Town and Teamsters which made certain changes to the terms and conditions of the Collective Bargaining Agreement, specifically amendments to “Schedule A” by creating a new, separate rate of pay for employees that do not possess a CDL who are assigned to the Water/Roads Department without penalizing existing employees in this department who have obtained their CDL already; and

WHEREAS, on August 6, 2022, the Town received a letter from the Teamsters requesting the aforementioned Agreement be reopened for further changes to the terms and conditions of the Agreement; and

WHEREAS, after discussions, the Town and Teamsters have agreed to make the following changes to the existing Agreement:

1. Amend Article 24, entitled “Rates of Pay”, and the respective tables located in Schedule’s A-1, A-2 & A-3 to reflect the following:
 - a. 2023 – Increase of \$5,000
 - b. 2024 – Increase of \$2,000
 - c. 2025 – Increase \$2,000
 - d. 2026 – Increase \$2,000
 - e. 2027 – Increase \$2,000
2. Amend the duration of the Agreement to run through December 31, 2027.

WHEREAS, the Town and Teamsters have executed a Memorandum of Understanding approving the attached changes; and

WHEREAS, upon adoption of this resolution,

1. All references to “Schedule’s A-1, A-2 & A-3” in the Collective Bargaining Agreement shall now refer to the amended version referenced herein.
2. All references to the duration of the Agreement in the Collective Bargaining Agreement shall now refer to the amended expiration date of December 31, 2027
3. All existing terms and conditions not referenced in this Resolution shall remain in full effect and cannot be altered or amended without the mutual consent of the Town of Clinton and the Teamsters Local 469.; and

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NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize and ratify the amendments to the Collective Bargaining Agreement between the Town of Clinton and Teamsters Local 469 as more fully described in the preceding paragraphs in this Resolution, which are expressly incorporated herein by reference.

BE IT FURTHER RESOLVED that the Town of Clinton shall enter into and execute an amended Collective Bargaining Agreement incorporating the amendments set forth in this Resolution and authorized the Town's Business Administrator to facilitate the execution of the new Agreement.

BE IT FURTHER RESOLVED that the provisions of this Resolution are expressly conditioned on Teamsters Local 469 having approved the aforesaid amendments to the Collective Bargaining Agreement, and the provisions contained herein shall have no force or effect absent such approval by Teamsters Local 469.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Town of Clinton Chief Financial Officer and the Teamsters Local 469.

ROLL CALL: Ayes: Bruno, Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #43-23 – BONFIRE BYOB

A motion was made by Mr. Perloff, seconded by Mr. Bruno, to adopt Resolution #43-23 as submitted:

RESOLUTION # 43-23

TO ALLOW FOR BYO CONSUMPTION OF ALCOHOL AT TOWN BONFIRE

WHEREAS, the code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county, or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Hunts Mill Park during the Town of Clinton Yuletide Bonfire Winter Festival to be held January 28, 2023 beginning at 6:00 pm. A snow date has been added in case of inclement weather, Saturday, February 4, 2023.

Vote all ayes
Motion carried

RESOLUTION #44-23 – WATER RESERVATION

A motion was made by Mr. Bruno, seconded by Mr. Perloff, to adopt Resolution #44-23 as submitted:

RESOLUTION #44-23

RESOLUTION APPROVING

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- 1. SECOND WATER CAPACITY RESERVATION EXTENSION – APPLICATION #L20-04**
- 2. FIRST WATER CAPACITY RESERVATION EXTENSION - APPLICATION #L21-08**

WHEREAS, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations; and

WHEREAS, on August 12, 2020, pursuant to Town of Clinton (the “Town”) Council Resolution #119-20 (as amended by Resolution #146-21), the Town approved Water Reservation Application #L20-04 in the amount of 26,920 GPD submitted in the name of Kerwin-Savage Partnership for property located at 108 Alton Place in the Township of Clinton (Block 79.07, Lot 1); and

WHEREAS, the approval was extended for one-year pursuant to Town Council Resolution #122-21; and

WHEREAS, in compliance with an Order entered in the case of In re: Township of Clinton, Docket No. HNT-L-315-15, pursuant to Resolution #164-21, the water allocation approved under Application #L20-04 in the amount of 29,745 GPD was transferred to the Township of Clinton to be held in trust and used for affordable housing purposes; and

WHEREAS, on January 26, 2022 the Mayor and Council of the Town of Clinton adopted Resolution #47-22, which approved Water Reservation Application #L21-08 submitted in the name of CRC Communities at Headley Farm Estates, Inc. (“CRC Communities”) for property designated as Block 46, Lots 33 and 33.02 on the Tax Maps of the Township of Clinton in the amount of 19,670 GPD, which allocation is also to be held in trust by the Township of Clinton for affordable housing purposes; and

WHEREAS, the CRC Communities submitted a request on October 14, 2022 (amended by letter and additional submissions on December 9, 2022) for a water reservation extension for the aforementioned water reservations upon notice to and consent of the Township of Clinton; and

WHEREAS, on December 14, 2022 the Town’s Water Committee held their monthly meeting in which they have reviewed and approved the above-referenced request for extensions.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town’s Ordinances, the Mayor and Council hereby approves the second extension of Water Reservation Application # L20-04 in the amount of 29,745 GPD through August 12, 2023.

BE IT FURTHER RESOLVED, in accordance with Chapter 142, Section E, the water reservation under Application L20-04 may be renewed for one final one-year period. (i.e. with extensions, a water reservation may be valid for up to three years).

BE IT FURTHER RESOLVED, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town’s Ordinances, the Mayor and Council hereby approves the first extension of Water Reservation Application # L21-08 in the amount of 19,670 GPD through January 26, 2024.

BE IT FURTHER RESOLVED, in accordance with Chapter 142, Section E, the water reservation under Application L21-08 may be renewed for two one-year periods. (i.e. with extensions, a water reservation may be valid for up to three years).

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

Vote all ayes
Motion carried

RESOLUTION #45-23 – VETERAN’S REFUND

A motion was made by Ms. Johnson, seconded by Ms. Padmos, to adopt Resolution #45-23 as submitted:

RESOLUTION # 45-23

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for following block and lot due to a veterans deduction,

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 overpayment to the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
26	6	Stephens, Craig	\$250.00

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 4th quarter 2022.

ROLL CALL: Ayes: Bruno, Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #46-23 – TRANSFER OF FUNDS

A motion was made by Mr. Perloff, seconded by Mr. Kashwick, to adopt Resolution #46-23 as submitted:

RESOLUTION #46-23

WHEREAS, various 2022 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2022 Budget Appropriation Reserve in the last two months of 2022; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$10,000.00 be made between the 2022 Budget Appropriation Reserves as follows:

Sewer Utility – Salary & Wages	<u>FROM</u> \$10,000.00	<u>TO</u>
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6400		
Sewer Utility – Other Expenses		\$10,000.00
TOTALS	\$10,000.00	\$10,000.00

ROLL CALL: Ayes: Bruno, Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 47-23 – ELECTRICAL SUPPLIER

A motion was made by Mr. Traphagen, seconded by Mr. Bruno, to adopt Resolution #47-23 as submitted:

RESOLUTION 47-23

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

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

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

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

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

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

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

ROLL CALL: Ayes: Bruno, Johnson, Padmos, Perloff, Traphagen, Mayor Kovach
Nays: Kashwick

Vote all ayes
1 Nay (Kashwick)
Motion carried

RESOLUTION #48-23 – LOCAL RECREATION IMPROVEMENT GRANT

A motion was made by Ms. Johnson, seconded by Mr. Bruno, to adopt Resolution #48-23 as submitted:

RESOLUTION # 48-23

**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 Town of Clinton was awarded \$70,000 from the Local Improvement Grant in January 2022 to make improvements to the recreation site at Halstead Street, Clinton and have used the award to build a new tennis and pickleball court; and

WHEREAS, the Town of Clinton continues to make improvements to the recreation area to create an inclusive playground so that children with all abilities can play safely together; and

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

WHEREAS, the recreation site at the Community Center currently provides these resources for town residents, and the surrounding community; 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 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

INTRODUCTION OF ORDINANCE #23-01 – EASEMENT

A motion was made by Mr. Bruno, seconded by Mr. Perloff, to introduce Ordinance #23-01 as submitted:

**ORDINANCE NO. 23-01
AN ORDINANCE ACCEPTING AN ACCESS EASEMENT OVER A PORTION OF BLOCK 6,
LOT 1.01**

WHEREAS, the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, wish to accept an Easement for a portion of Block 6, Lot 1.01 located in the Town of Clinton, Hunterdon County (the “Property”), a copy of which is attached hereto as an exhibit; and

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WHEREAS, the Town of Clinton Land Use Board granted preliminary and final site plan with variance approval to construct a coffee shop and drive thru on the Property associated with the existing gas station pursuant to Resolution 2020-13 (the “Resolution”); and

WHEREAS, as a condition of approval, the Resolution required the construction of a sign stating “Welcome To The Town Of Clinton” (the “Welcome Sign”); and

WHEREAS, the Town requires an access easement to permit maintenance of the Welcome Sign;
and

WHEREAS, N.J.S.A. 40A:12-4 authorizes the municipality to accept such easement; and

WHEREAS, attached hereto is a form of easement that have been reviewed by the Town Engineer and Town Attorney; and

WHEREAS, it appears to the Mayor and Council that the public interest would be served by accepting the easement described herein.

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

1. The Town of Clinton hereby accepts the above-referenced easement over a portion of the property designated as Block 6, Lot 1.01 on the Tax Maps of the Town of Clinton, Hunterdon County, as more particularly described in the deed of easement attached hereto.

2. The Town Mayor, Clerk, and such Town Professionals as are necessary, are hereby authorized and directed to take such actions to effectuate the provisions of this Ordinance including but not limited to executing the above-referenced easement in a form substantially similar to that attached hereto and made a part hereof.

3. The Town Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

4. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof together with the notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage shall be mailed to every person whose lands may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Town Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. This Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

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

7. 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.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Hunterdon Review edition January 18, 2023. A public hearing will be held February 8, 2023.

INTRODUCTION OF ORDINANCE #23-02 – ENFORCEMENT OF TRAFFIC REGULATIONS

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to introduce Ordinance #23-02 as submitted:

ORDINANCE NO. 23-02

ORDINANCE AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS UPON THE PRIVATE OR SEMI-PUBLIC ROADWAYS AND PARKING AREAS WITHIN BLOCK 6, LOT 1.01 (82 WEST MAIN STREET)

WHEREAS, the Land Use Board granted approval to 82 West Clinton, LLC (the “Developer”) pursuant to Resolution No. 2020-13 (the “Resolution”) to develop Block 6, Lot 1.01 (the “Property”) as a gas station with a Dunkin’ Donuts store;

WHEREAS, the Developer and the Town of Clinton (the “Town”) entered into a Developer’s Agreement (The “Agreement”) dated October 12, 2021 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 January 6, 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 6, Lot 1.01 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 6, Lot 1.01 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.

Vote all ayes

Motion carried

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A copy of this ordinance will be published in the Hunterdon Review edition January 18, 2023. A public hearing will be held February 8, 2023.

INTRODUCTION OF ORDINANCE #23-03 – EASEMENT OF TOWN OWNED PROPERTY

A motion was made by Ms. Padmos, seconded by Ms. Johnson, to introduce Ordinance #23-03 as submitted:

ORDINANCE # 23-03

**ORDINANCE GRANTING EASEMENT PERMIT LOCATION OF CERTAIN STRUCTURES
ON TOWN-OWNED PROPERTY (BLOCK 29, LOT 8)**

WHEREAS, Peter Ochs and Laura Chambers Ochs (the “Property Owners”) own certain property located at 36 Haver Farm Road, Clinton, New Jersey, which is designated on the tax maps of the Town of Clinton as Block 29, Lot 19.03 (the “Property”); and

WHEREAS, the Property is adjacent to certain property owned by the Town of Clinton, known as Hunts Mill Park, designated as Block 29, Lot 8 on the tax maps of the Town of Clinton (the “Park Property”); and

WHEREAS, the Property Owners inadvertently constructed certain structures which encroach on to Park Property, including a shed and swing set; and

WHEREAS, the Property Owners desire to construct a fence around the Property, which will require a 5-foot encroachment on to the Park Property, as depicted in the survey attached hereto as **Exhibit A**; and

WHEREAS, the Property Owner has requested permission from the Town of Clinton allow the shed and swing set to remain on a small portion of the Park Property and to construct a fence that encroaches on to the Park Property; and

WHEREAS, the Town Council desires to grant such permission, subject to the execution of an Easement Agreement in substantially the same form as attached hereto as Exhibit B.

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

1. The Mayor and Council hereby grant Peter Ochs and Laura Chambers Ochs, the owners of Block 29, Lot 19.03, a five foot wide easement running the length of the property line between Block 29, Lot 19.03 and Block 29, Lot 8 on the survey, attached as Exhibit A for the purpose of (1) maintaining the existing shed and swing set; and (2) constructing a fence, to be in compliance with all requirements set forth in the Code of the Town of Clinton. Nothing herein shall be considered as a grant of a permit to construct the afore-mentioned fence.
2. The Mayor and Clerk are authorized to sign the easement on behalf of the Town, in substantially the same form as attached hereto as Exhibit B.

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3. The consideration for the easement shall be one dollar (\$1.00).
4. The Town Attorney is authorized to record said easement upon full execution.
5. This Ordinance shall take effect upon its adoption and final publication in accordance with law.

Vote all ayes

Motion carried

A copy of this ordinance will be published in the Courier News edition January 15, 2023. A public hearing will be held January 25, 2023.

SPECIAL EVENT – PETE PENDER MEMORIAL FISHING DERBY

A special event application has been received from the Clinton Sunrise Rotary, to host the Pender Memorial Fishing Derby May 6, 2023 and to display a banner from April 23 to May 8, 2023. A motion was made by Mr. Traphagen, seconded by Mr. Bruno, to approve the request.

Vote all ayes

Motion carried

BANNER REQUESTS – RED MILL MUSEUM VILLAGE

Several banner requests received from the Red Mill for 2023:

Military Heritage Weekend	Event April 1 & 2	March 27 - April 3
Wheels for the Wheel	Event May 21	May 15 – May 22
British Car Day	Event – June 3	May 29 – June 5
Music at the Mill	July 7 and 8	July 3 – July 10
Kids Day	August 6	July 31 – August 7
Haunted Red Mill	Oct 13,14,20,21,27,28	October 5 – 16
Winter Village/Festival of Trees	Nov. 24, 25, 26	November 20 – 27
Winter Village/Festival of Trees	Dec. 1,2,3	November 27-December 4

A motion was made by Mr. Kashwick, seconded by Mr. Bruno, to approve the banner dates requested.

Vote all ayes

Motion carried

BANNER REQUEST – FRIENDLY SON’S OF ST. PATRICK

A request has been submitted by the Friendly Son’s to display the St. Patrick’s Day Parade banner from February 27, through March 13, 2023. A motion was made by Ms. Johnson, seconded by Ms. Padmos to approve the request.

Vote all ayes

2 Abstentions (Bruno and Perloff)

Motion carried

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CORRESPONDENCE - NONE

REPORTS OF COUNCIL

Kathy Olsen, CFO

Budget dates have been set, February 15 at 6p.m. will be a hybrid meeting; February 23, 2023 will be 100% virtual 6p.m. Plan is to introduce budget by March 8 or 22, 2023.

Councilman Perloff

Clinton Guild – Sweetheart Week – February 7-14, 2023. Mayor Kovach asked if the chocolate walk was going to happen?! Mr. Perloff said he will ask tomorrow morning, their next meeting!

Egg hunt is Saturday, April 1, 2023

United Methodist Church will also be having their egg hunt at the Community Center on April 1 and have requested to use the tennis court space.

The Farmers Market returned to the Community Center earlier than expected. The operators will be attending the Clinton Guild meeting to discuss working together.

Recreation – Bonfire is scheduled for January 28 with a rain date of February 4, 2023.

Economic Development Committee have a few new ideas in the works. Temporary tattoos and a large picture frame idea for families to take photos on the Art Museum patio.

Councilman Kashwick

Councilman Kashwick thanked Mr. Phelan for the tour of the water and sewer facilities. While attending college, Mr. Kashwick took a wastewater treatment class and was unable to attend the tour at the time, so now, many years later, the tour has been completed!

Shade Tree – Denise Birmingham will be the new chair. It is now time for the five year management plan due to the State for Tree City, USA status.

Environmental Commission – meeting next week. Mr. Kashwick asked who the liaison is to the Land Use Board, Mayor Kovach said it is Ken Carberry, member of Land Use, liaison to Environmental.

Councilwoman Johnson

Board Education held their re-organization meeting January 3, 2023. Laura Burr was sworn in and a long-standing member has resigned, therefore there is an open seat for anyone interested in stepping up and helping out.

Nicole Ayers reported on the park, there will be a joint meeting of Rec and the Booster Club January 23. Summer Rec is creating a stir!! Lots of interest already. Packets will be ready to go live January 16, preference will go to Town of Clinton/Glen Gardner students. There will be two rates, in town and out of town campers, maximum campers this year will be 150 this year.

Councilman Bruno

Clinton Fire Department – a very active 2022 with 351 calls, the most recorded since tracking, the second most recorded was in 20199 with 305. December calls were 41. In presenting these numbers, it is most appropriate that the new truck presentation be made this evening. There will be a fire lance drill on January 23 and the announcement of new officers. Councilman Bruno thanked them for all they do.

Councilman Traphagen

Rescue Squad reported 347 calls for December and a total of 4,508 for 2022 across their coverage area.

Historic Commission – attended the meeting of the 300th committee now in preparation for 2026 celebration of the 250th of the country. The 18 month calendar of events from July 1, 2025 through December 31, 2026 for the lead up of the American Revolution. Large scale re-enactments are being planned as well as a “huge” parade, a few municipalities to host the parade are being discussed.

Councilwoman Padmos

Economic Development Committee – asking for stories of “Why I Love Clinton”. Ms. Padmos is trying to get school kids involved by giving out coloring sheets for Valentine’s Day at the school. Messages of “Why I Love Clinton” can be sent to mpadmos@clintonnj.gov

Mayor Kovach

Announced a ribbon cutting and proclamation will take place on Sunday, January 22, 2023 at 2:00 p.m. at the Hunterdon Art Museum, in celebration of their 70th Anniversary !

Finance Committee met and discussed the trash utility which will take effect April 2023, at a rate of \$198 for the year, \$49.50 per quarter. Funds received from ARPA (American Rescue Plan Act) have helped in off setting the fees. The schedule for quarterly billing will be April, July, October and January, which will cover January, February, March.

STANDBY AND OVERTIME

A motion was made by Mr. Bruno seconded by Ms. Johnson to approve the standby and overtime attached to these minutes for the period of December 9 through December 22, 2022 and December 23, 2022 through January 5, 2023.

ROLL CALL: Ayes: Bruno, Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Traphagen seconded by Ms. Padmos to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Bruno, Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 49-23 – EXECUTIVE SESSION

A motion was made by Mr. Bruno, seconded by Mr. Perloff, to enter into Executive Session to discuss a matter of pending litigation at 8:33 p.m.

RESOLUTION # 49-23

RESOLUTION AUTHORIZING EXECUTIVE SESSION

6408

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, **THEREFORE**, BE IT **RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____)

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is: _____)

_____OR _____the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: Land Acquisition OR _____ the public

disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

___Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with

respect to said discussion. That time is currently estimated to be: _____

(estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes

Motion carried

ADJOURNMENT

Upon returning from Executive Session at 8:52 p.m. and there being no further business, a motion was made by Mr. Perloff seconded by Mr. Traphagen to adjourn the meeting at 8:53 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor

