

Flag Salute.

Roll Call: Bruno (zoom), Dineen, Humphrey, Johnson, 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](mailto:councilmeeting@clintonnj.gov) with any questions or concerns between meetings.

Please feel free to reach out with a note at [jkovach@clintonnj.gov](mailto:jkovach@clintonnj.gov) anytime!

**APPROVAL OF MINUTES**

A motion was made by Ms. Johnson, seconded by Mr. Traphagen to approve the minutes of the Council meeting minutes September 28, 2022 as submitted.

Vote all ayes  
Motion carried

Executive Session of September 28, 2022 will be distributed at the next meeting October 26, 2022.

**APPROVAL OF MONTHLY REPORTS – SEPTEMBER**

A motion was made by Mr. Humphrey seconded by Ms. Dineen, to approve the monthly reports for the month of September as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS**

Carol Bissiotis, 11 Rupell’s Road, had a couple concerns she wished to address to Council.

1. The tractor trailer traffic that comes through Rupell’s Road onto Union Road when Route 78 backs up is dangerous to the children walking to school and other morning walkers. Asked if police could be stationed on the corner of Bank Street off Route 173 blocking traffic from coming through or issuing tickets. Mayor Kovach said she and Chief Kubinak met with DOT

to address the issue and will follow up again. Chief Kubinak stated he cannot stop the trucks and that officers do issue tickets but truck drivers pass them on to their companies and it does not stop them from driving through town. Rupell's Road to Union Road is actually the emergency route given by NJDOT.

2. Ms. Bissiotis continued with her second concern, garbage, and would like to understand the costs rising and the new garbage utility. Mayor Kovach explained the cost increase in garbage and other costs such as health care, diesel fuel and increases. The line item for garbage will be coming out but with other rising costs taxes will not be lowered. There will no longer be bulk removal, residents will have to contact the provider and a small fee will be assessed to the customer. As previously discussed, there will be a quarterly garbage utility fee per home, approximately \$56 per quarter. Ms. Bissiotis asked if the Town would consider a shared service with another Town but Ms. Olsen said they are not licensed to pick up out of their municipalities.

Dave Wiant, 78 Center Street, questioned the "Statement of Adequate Notice" read by Mayor Kovach at the start of each meeting and asked what is "adequate"? 48 hours? Normally yes, 48 hours is given prior to a meeting, however, with Monday, October 10, 2022 being a holiday, the agenda was posted on Tuesday morning.

Mr. Wiant then mentioned Hampton Borough has their own garbage trucks and offered an organization outside of Hampton to serve. Ms. Olsen, also serves a shared service with Hampton, explained that Hampton only serves to do the recycling at the Union Township School. Mr. Wiant asked if a resolution was passed to begin a garbage utility, Mayor Kovach explained there will be an ordinance introduced at the next council meeting for adoption at the November 9, 2022 council meeting.

John Schneiderhan, Lingert Avenue, asked if the purchase of the TD Bank on the corner of West Main and Union Road is still being considered as a police department? Mayor Kovach said discussions are taking place with the owner. The Town is receiving a \$3M grant from the State for purchase and renovations to a building.

### **MAYOR'S COMMENTS**

1. Mayor Kovach forwarded a letter from NJDOT announcing funding is available to Councilwoman Dineen.
2. A Light in the Darkness: A community reflection service and candlelight vigil to be held on the steps of the Historic Hunterdon County Courthouse steps in Flemington, Thursday, October 20, 2022 at 6p.m. SAFE in Hunterdon is hosting this annual event to honor victims of domestic violence and stand in support with survivors. Councilman Humphrey said the headquarters are now located in the Hunterdon Medical Center due to increase in cases.
3. Attended a ribbon cutting ceremony this evening prior to the meeting at Nourish to Heal, Leigh Street. Owners Anthony and Nicole Piazza have done a wonderful job on their building and we wish them much success!
4. On a lighter note! Councilman Perloff suggested Mayor, Council and employees wear Halloween costumes to the next council meeting, October 26, 2022!!

**RESOLUTION #140-22 - CANCELLATION OF TAXES**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #140-22 as submitted:

**RESOLUTION # 140-22  
CANCELLATION OF TAXES**

**WHEREAS**, Block 31, Lot 37 was never assessed until 2013;

**WHEREAS**, the Tax Assessor shows the ownership as “Unknown” and states that the property should be considered as an “Uncollectible”;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, that the taxes due on Block 31, Lot 37 in the amount of \$64.54 for the year 2022 be cancelled, and

**BE IT FURTHER RESOLVED** that the Tax Collector be relieved from the obligation to collect that assessment.

ROLL CALL: AYES: Bruno, Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #141-22 – AWARD OF BID FOR HAVER FARM ROAD PROJECT**

A motion was made by Ms. Dineen, seconded by Mr. Traphagen, to adopt Resolution #141-22 as submitted:

**RESOLUTION #141-22**

**WHEREAS**, the Town of Clinton advertised, and subsequently received bids for the Road Improvement Plan for Haver Farm Road (Base Bid) and for Goosetown Drive & Mitchell Lane (Supplement Bid) on Thursday, October 6, 2022 as outlined on the attached bid summary;

**WHEREAS**, five (5) bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Supplemental Bid</u>	<u>Combined Bid</u>
Capital Paving	\$148,174.57	\$108,398.56	\$256,573.13
Fischer Contracting	\$156,954.37	\$116,091.71	\$273,046.08
South State Inc.	\$170,000.00	\$118,000.00	\$288,000.00
Top Line Construction	\$169,523.97	\$118,574.15	\$288,098.12
Reivax Contracting	\$189,441.50	\$131,404.40	\$320,845.90

**WHEREAS**, the Town Attorney has reviewed the documents submitted by Capital Paving and has determined that the bid from Capital Paving was responsive and;

**WHEREAS**, the Town Engineer Robert J. Clerico, has reviewed the submitted bids and determined that Capital Paving submitted the lowest responsive combined bid in the amount of \$256,573.13 for the Road Improvement Plan for Haver Farm Road, Goosetown Drive & Mitchell Lane and;

**WHEREAS**, the Town of Clinton, has sufficient funds to award a contract based upon this bid

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Contract for the Road Improvement Plan for Haver Farm Road, Goosetown Drive & Mitchell Lane be and is hereby awarded to Capital Paving & Contracting, Inc., 67 Beaver Avenue, Annandale, NJ for their combined bid in the amount of \$256,573.13 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation.

ROLL CALL: AYES: Dineen, Humphrey, Johnson, Perloff, Traphagen  
ABSTAIN: Bruno, Mayor Kovach

Vote all ayes  
2 Abstentions (Bruno, Mayor Kovach)  
Motion carried

**RESOLUTION #142-22 – PROMOTION OF BRYAN LAUBER – WWTP**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #142-22 as submitted:

**RESOLUTION # 142-22**

WHEREAS, the existing Waste Water Treatment Plant Manager has announced her retirement effective October 31, 2022, and

WHEREAS, and as a result there will be a vacancy in the position of Waste Water Treatment Plant Manager to which the Town has a need to fill: and

WHEREAS, the Sewer Committee, Public Works/Business Administrator and the Sewer Superintendent are recommending that Bryan Lauber be promoted to the position of Waste Water Treatment Plant Manager at the prorated annual salary of \$48,338.27 annually, commencing November 1, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby approve the promotion within the Sewer Utility as stated above.

ROLL CALL: AYES: Bruno, Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #143-22 – COMMUNITY GRANTS PLANNING AND HOUSING CONTRACT**

A motion was made by Ms. Dineen seconded by Mr. Perloff, to adopt Resolution #143-22 as submitted:

**RESOLUTION # 143-22**

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH  
COMMUNITY GRANTS PLANNING & HOUSING (CGP&H) FOR THE TOWN'S  
AFFORDABLE HOUSING ADMINISTRATION REQUIREMENTS**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.), the Town of Clinton is implementing a program to provide affordable housing units for very low, low- and moderate-income households within the Town; and

**WHEREAS**, the Town's Affordable Housing Ordinance and Town Code Section 4-28 set forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units, including rehabilitated units, be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Town has previously appointed its Administrator Richard Phelan to be the administrative agent and municipal housing liaison for the purposes of providing affordability control services for affordable housing within the Town; and

**WHEREAS**, the Town intends to have Mr. Phelan remain as the housing liaison and continue acting as the administrative agent for the two existing accessory apartments and certain existing, for-sale affordable units (known as the Alton Place development); and

**WHEREAS**, the Town requires private rental developments to self-administer affordable units, including the developments known as Twin Ponds, Halstead, Place, and those to be built in the future at the Holiday Inn site and the two redevelopment zones designated in the Town; and

**WHEREAS**, the Town requires an administrative agent to provide services relating to rehabilitation units (18 units) and affordability assistance.

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

1. The Town Attorney had previously been authorized to draft a standard Professional Services Agreement with CGP&H for administrative agent services consistent with this Resolution and the attached proposal.
2. The Mayor and Clerk and hereby authorized to execute said contract, which shall be valid for one-year, retroactive to January 1, 2022.
3. CGP&H is appointed as the Town's affordable housing administrative agent for its rehabilitation and affordability assistance programs for the year 2022.
4. The Town's CFO will certify funds on an as-needed basis should the services of this vendor be required.

ROLL CALL: AYES: Bruno, Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**CORRESPONDENCE - NONE**

**REPORTS FROM COUNCIL**

**Police Chief Kubinak**

Chief Kubinak reported a secondary grant requesting reimbursement has been granted and we received a \$59,001.09 payment. Added to the \$31,733.09 FEMA previously paid, we have been fully reimbursed for what we applied for which was \$90,734.18.

**Councilman Perloff**

Haunted Mill begins this Friday and Saturday, October 14 and 15, 2022 and runs through October 29, 2022. Pumpkin Fest is Friday, October 21, drop off entries between 4:30 – 6:00 P.M. Pick up free pumpkins to decorate October 15 between 1:00 – 3:00 p.m. at ReMax on Main Street.

Recreation – CCYA basketball is going to start up soon, updates will be made at the next meeting regarding how to address the issues of insurance. Meetings between Chair Colantano and Vice Chair Rogan and the committee are taking place as to the requirements of issuing purchase orders.

Clinton Public School golf outing will be held October 19.

Economic Development Committee – Councilman Humphrey spearheaded the search for a new town logo and a few were designed. The idea is in branding the Town and start promoting different events. “Fall in Love with Clinton” is the start!

Playground Committee held their first meeting September 29 and named Nicole Ayers as the Chair. Meetings will be held the third Monday of every month except for this month it will be October 18, 2022. Meetings are open to the public. The committee is starting to meet with state vendors in the preliminary planning stage and hope to have plans before the end of the year. The grant funds already received must be used by April 23, 2023 and the committee is being diligent on the careful spending of the funds and hope, at a minimum, to be an all-inclusive playground. They will bring all ideas to council and checking with other municipalities to cover everything. Thank you to Nicole for taking on the position as chair.

**Councilman Humphrey**

Newsletter was sent out with errors, missing articles and ads. The publisher resending the newsletter at no cost to the Town and will be remailed with a sticker saying corrected copy.

Economic Development – the logo is meant to be a fun, inspiring and a playful fashion. Looking for stories that would wrap around the “why” people love Clinton and why they love living here, encouraging visitors to come out on weekends and making Clinton their home! Committee has received positive feedback from the County on the new logo. The committee is recruiting vendors for the year round Farmer’s Market and Mr. Humphrey will be poaching vendors from Flemington this weekend.

Clinton Fire Department met last Monday and reported 28 calls for the month of September and 241 calls year to date. Their new tender #25 is now in service. On October 14 they will be making a presentation on safety at Clinton Public School at 9:30 a.m. The children always have such a good time at this event. December 10, 2022 is the Fire Department banquet and awards. Some volunteers have been involved for more than 60 years! Friday, October 28 is an appreciation day for all firefighters in Flemington, Clinton will be attending. Next meeting is Wednesday, November 2, 2022.

Clinton has struck a deal with Annandale Hose to cover calls between 6 a.m. and 6 p.m. from two of the town’s four alarm boxes, due to the lack of manpower during the daytime hours. More than 30% of the calls are not responded to because volunteerism is down. The agreement will go the end of 2023 and then the companies will evaluate how it is going.

**Councilwoman Dineen**

Roads – discretionary aid application has been submitted for sidewalks on New Street and Old 22, and for sidewalks under the 78 overpass on Leigh Street. Plans to pave Haver Farm before Thanksgiving, weather permitting. Elizabethtown Gas trench restorations on Fairview and Harrison Street have been

delayed due to weather but will be completed soon. An extension of service line was also hooked up to two houses on Olsen Lane, trenching repairs will take place in the spring. Solar crosswalk signs getting good feedback on the corner of Leigh and Center Street. Hopefully the one at the Clinton House will be installed soon, working with DOT for installation at that location. Line striping in crosswalks have been completed and the ADA corners will be done in house by our DPW. Rising costs have been reported for road salt from \$36 a ton to \$75 a ton.

Buildings and Grounds - Tennis courts – poles, fencing and painting has been done. Looks awesome! Some grass re-seeding needs to be done and new signs are being ordered for the tennis and basketball courts stating no skateboarding and this is not a dog park! 47 Leigh Street Municipal building will be painted, if not this Fall it will be done in the Spring.

Councilwoman Johnson said during a park committee meeting with Councilmen Bruno and Perloff, there is a pole to the gate to the tennis courts that needs to be looked at, a young boy picked up a pole and was swinging it. Mr. Bruno was able to retrieve it. Mr. Phelan will look into it.

Water Committee – apologies to anyone affected by the 12-inch water main last night, Tuesday, October 11, 2022. Repairs were made by 8p.m. Well #7 has been repaired and will back on line soon. People that are signed up for alerts have received the on-line survey to identify galvanized service lines as mandated by the State. At this time there are 655 unknown areas and 8 galvanized that need replacing. If all the unknowns need replacing it could cost \$1M over the next couple years. The asset management plan has been updated and a complete rate study is under review.

Permit application has been submitted to NJDEP for Phase III of the West Main Street water main replacement project. This phase needs to go under/across the South Branch of the Raritan River. Town will also be applying for grant money to EPA to help with the cost of the river crossing.

### **Councilman Traphagen**

Historic Commission – reminder that the Graveyard Tour is Saturday evening, October 15, 2022, two time slots are 7:00 p.m. and 7:45 p.m. \$30.00 pp, to be used to fund for the Historic façade program.

Rescue Squad had 371 calls for September and 3,487 year to date. The Superhero race and marathon was a huge success! South Branch Emergency Services no sooner set up their table that an emergency at the Towne Restaurant happened. SBES immediately sprang into action and helped the person in need. Just a testament to their professionalism. 200 little Superheros ran the race and had a great time on Main Street led by Mayor Kovach and bringing up the back, Patrolman Alex Jaszyn and Superhero dad, Councilman Perloff as Thor ran with the pack! Thank you again to Eric Eisenhart and his team for two great events and for the \$5,000 tourism grant from the County which Economic Development Commission member, Liz Halpin, applied for. It helped greatly to hold both events and the weather was perfect!

### **Councilwoman Johnson**

Thank you to the Booster Club for co-chairing the events with Eric Eisenhart of Base Camp. Molly Padmos and Liz Halpin worked with the organizers. Proceeds from Base Camp are going back to the Booster Club for the playground.

### **Councilman Bruno**

Board of Health – Rabies Clinic will be held October 22, 2022 this year at the municipal barn from 8:00 a.m. to 11:00 a.m. Same drive thru process, pre-registration is recommended.

Shade Tree – next meeting is Thursday, October 13, 2022 via zoom. Park trees are the main topic of discussion. John Kashwick, Water Street resident and Chair of the Shade Tree Commission, said he contacted Lou Spanner, Town Arborist.

**STANDBY AND OVERTIME**

A motion was made by Mr. Perloff seconded by Ms. Johnson to approve the standby and overtime attached to these minutes for the period of September 16 through September 29, 2022.

ROLL CALL: Ayes: Bruno, Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**PAYMENT OF BILLS**

A motion was made by Mr. Humphrey seconded by Mr. Perloff, to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Bruno, Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #144-22 – PENDING LITIGATION – POTENTIAL SETTLEMENT**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson to enter into executive session at 8:30 p.m. to discuss Pending Litigation and Potential Settlement.

**RESOLUTION # 144-22**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**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: 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 \_\_\_\_\_

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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 and there being no further business, a motion was made by Ms. Dineen seconded by Ms. Johnson to adjourn the meeting at 9:55 p.m.

\_\_\_\_\_  
Cecilia Covino, RMC/CMC  
Municipal Clerk

\_\_\_\_\_  
Janice Kovach, Mayor