

6312  
Flag Salute.

Roll Call: Bruno, Dineen zoom), 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!

**Mayor Kovach opened the meeting in the Spirit of Halloween! Council attended in costumes!**

**APPROVAL OF MINUTES**

A motion was made by Mr. Humphrey, seconded by Mr. Perloff to approve the minutes of the Council meeting October 12, 2022 and the Executive Session minutes of September 28 and October 12, 2022 as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS - NONE**

**MAYOR’S COMMENTS**

1. Resident Nora Klippstein, Marudy Drive, has graciously offered to be the Town of Clinton Senior Representative to the County Office on Aging. A motion was made by Ms. Johnson, seconded by Mr. Traphagen, to appoint Ms. Klippstein to the annual position.

Vote all ayes  
Motion carried

2. Mayor Kovach shared a copy of Union Township’s Autumn Newsletter on behalf of Mayor DeGiralamo. The newsletter also features the Hunterdon Games held August 20, 2022 and

announced the trophy was returned to Mayor Kovach. Mayor Kovach “channeled” Mayor DeGiralamo, as she was dressed to look like him this evening, even the scratchy beard! All of council came dressed this evening to celebrate the Halloween season!

3. A press event will be held Friday evening, October 28, 2022 at 6:00 p.m. Senator Andrew Zwicker, Assemblyman Roy Freiman and Assemblywoman Sadaf Jaffer will be attending to address the proposed police station. Chief Kubinak will have a few officers in attendance as well.
4. Ms. Johnson said she will try to attend, however, Clinton Public School is holding the Trunk or Treat at the school 5:00 p.m. to 7:00 p.m. Mr. Traphagen asked about trick or treating hours for Monday, October 31, as always they will be 4:00 p.m. to 8:00 p.m. Mayor Kovach asked Chief Kubinak if he is going to have “NO PARKING” signs placed along Center Street, from New Street to Halstead/Leigh? Yes, it will be posted. Councilman Traphagen asked about the annual curfew, Chief Kubinak said all is well and the curfew resolution is not a problem this year.
5. The New Jersey League of Municipalities is quickly approaching, please let the clerk know of your attendance for the invitations received.
6. The Clinton Public School Pumpkin Race in the River will be Friday, October 29, 2022 at 12:30 p.m. Gathering on the patio of the Art Museum.

**RESOLUTION #145-22 – HIRING OF CROSSING GUARDS**

A motion was made by Mr. Perloff seconded by Mr. Humphrey to adopt Resolution #145-22 as submitted:

**RESOLUTION # 145-22**

**WHEREAS**, the Town of Clinton Police Department requires the hiring of two new Crossing Guards, and;

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

**WHEREAS**, the Chief of Police recommends that the following persons be hired to fill the open positions at a rate of \$19.90 per hour;

Holly Smith  
Tara Fioto

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Holly Smith and Tara Fioto to fill the open position of Crossing Guard effective October 26, 2022.

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

Vote all ayes  
Motion carried

**RESOLUTION #146-22 – PURCHASE OF A BACKHOE**

A motion was made by Ms. Johnson seconded by Mr. Humphrey to adopt Resolution #146-22 as submitted:

**RESOLUTION # 146-22**  
**REALLOCATE SEWER CAPITAL RESERVE FUNDS**

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**WHEREAS**, the Town of Clinton Sewer Utility has certain Capital Reserve Funds; and

**WHEREAS**, from time to time those funds are no longer required for the specific projects they were intended; and

**WHEREAS**, the Town of Clinton Sewer Utility wishes to use the following Capital Reserve Funds for Sewer Utility Improvements;

Reserve for Plan Expansion - \$100,000.00

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton requests that the Chief Financial Officer reallocate \$100,000.00 from the Capital Reserve Funds listed above for Sewer Utility Improvements to the Sewer Capital Improvement Fund.

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

Vote all ayes  
Motion carried

**INTRODUCTION OF ORDINANCE #22-11 – BUSINESS INSURANCE REGISTRATION**

Attorney St. Angelo explained this ordinance is in accordance with State requirement of establishing business registration. Allison Witt, Zoning Officer, has reviewed the document.

A motion was made by Mr. Humphrey seconded by Mr. Perloff to introduce Ordinance #22-11 on first reading as submitted:

**ORDINANCE #22-11**

**WHEREAS**, Governor Murphy signed P.L. 2022, c.92. on August 5, 2022, which requires business owners and rental unit owners to maintain certain liability insurance policies and to register the compliant certificate of insurance with the municipality annually in which the business or rental units are located; and

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

**SECTION 1.** Chapter 49 of the Code of the Town of Clinton, entitled “Business Insurance Registration”, is added as follows:

**CHAPTER 49 BUSINESS INSURANCE REGISTRATION**

Section 49-1. Business insurance registration required. It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Town of Clinton without first registering its certificate of insurance demonstrating compliance with Section 1 of P.L. 2022, c. 92 and paying the registration fee required herein.

Section 49-2. Entities covered by this Chapter. The following entities are required to register their certificate of insurance under this Chapter:

- a. Businesses, which shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Town of Clinton. This shall include businesses operating on a temporary basis within the Town of Clinton such as peddlers, solicitors, and transient vendors licensed pursuant to Town of Clinton Code Chapter 107 and any retail food establishments licensed pursuant to Town Code Chapter 157.
- b. Owners of single rental dwelling units.
- c. Owners of multiple dwelling rental units.
- d. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

Section 49-3. Registration official.

- a. Rental Dwelling Units. The Housing Officer of the Town of Clinton, or his or her designee in his or her absence, shall accept, approve, and file registration applications, and collect registration fees hereunder for rental dwelling units.
- b. Businesses. The Fire Official of the Town of Clinton, or his or her designee in his or her absence, shall accept, approve, and file registration applications, and collect registration fees hereunder for businesses.

Section 49-4. Registration Fees; Expiration; Renewal. The registration fees of this chapter shall be \$15.00 annually. Registrations shall expire on December 31 of each year. Renewals must be submitted by December 1 of each year. After the effective date of this Section, entities covered under this Section shall be required to register by March 1, 2023 and such registration shall be valid for the 2023 calendar year.

Section 49-5. Application and insurance requirements.

An application for a business insurance registration shall be accompanied by the required fee and shall be made to the Housing Officer or Fire Official (as applicable), or his or her designee in his or her absence, upon forms provided by the Housing Officer or Fire Official (as applicable). It shall contain the following information:

- a. Name and address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- b. The address of the rental dwelling units or business as applicable. If the registration applies to a transient business or a mobile food unit, a general description of the time frame for operation and area where the business will be operated
- c. A description of the nature of the business and the goods, property or services to be sold or supplied.
- d. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92.

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i. Except as provided in subsection ii. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

ii. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

Section 4-15.6. Violations and penalties.

Any person who violates the terms of this Chapter shall pay the license fee plus a fine of not less than \$500.00 but no more than \$5,000.00 plus court costs.

**SECTION 2.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION 3.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 4.** This Ordinance shall take effect after passage and publication in the manner provided by law

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the Courier News edition of October 30, 2022. A public hearing will be held November 9, 2022.

**INTRODUCTION OF ORDINANCE #22-12 – SEWER UTILITY**

A motion was made by Mr. Humphrey seconded by Ms. Johnson to introduce Ordinance #22-12 on first reading as submitted:

**SEWER UTILITY**  
**CAPITAL ORDINANCE NO. 22-12**

**CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$120,000.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR SEWER UTILITY IMPROVEMENTS**

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Sewer Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Backhoe	\$120,000.00
TOTAL	\$120,000.00

**Section 2.** The aggregate sum of \$120,000.00 is hereby appropriated from the Sewer Utility Capital Improvement Fund for Sewer Utility Improvements within the Town of Clinton Sewer Utility to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements of the Sewer Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton Sewer Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

A copy of this ordinance will be published in the Courier News edition of October 30, 2022. A public hearing will be held November 9, 2022.

**INTRODUCTION OF ORDINANCE #22-13 – GARBAGE UTILITY**

Attorney St. Angelo explained the purpose of this ordinance as discussed at previous meetings and has been reviewed by Mr. Phelan.

A motion was made by Mr. Perloff seconded by Ms. Johnson to introduce Ordinance #22-13 on first reading as submitted:

**ORDINANCE #22-13**

**THE PURPOSE OF THE ORDINANCE IS TO ESTABLISH A SOLID WASTE UTILITY, SET FORTH REGULATIONS GOVERNING THE UTILITY AND PICK UP OF RESIDENTIAL SOLID WASTE, AND PERMIT FEES TO BE CHARGED FOR RESIDENTIAL SOLID WASTE REMOVAL**

**WHEREAS**, the Mayor and Council of the Town of Clinton desires to create a solid waste utility to provide the mechanism to award a municipal solid waste collection contract; and

**WHEREAS**, N.J.S.A. 40A:-34 through 40A:4-26 provides for the establishment of a dedicated utility fund; and

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

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**SECTION 1.** Chapter 82 of the Code of the Town of Clinton, entitled “Garbage, Rubbish, and Refuse,” is deleted in its entirety and replaced with the following:

Garbage Rubbish and Refuse

§ 82-1. Establishment of Solid Waste Utility.

A. There is hereby established in the Town a public Solid Waste Utility, which shall be a self-liquidating agency with a dedicated budget, whose purpose shall be to transact solid waste collection and disposal services within the Town.

B. It shall be operated by the Town as a municipal public utility, as defined in and subject to the provisions of Title 40A of the New Jersey statutes. All fees and charges received by the Town in connection therewith shall be kept in a fund separate from other Town revenues, and are to be used only for the purposes of the Solid Waste Utility.

C. Pursuant to the provisions of N.J.S.A. 40:66-1 *et seq.*, all residents and residential properties within the Town are covered by the operations of the Solid Waste Utility and are subject to all ordinances applicable to the management of the Solid Waste Utility.

§ 82-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BULK WASTE**

Solid waste types I.D. 13 as set forth in N.J.A.C. 7:26-2.13(g) and includes large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as tree trunks, automobile parts, tires, demolition or construction materials, appliances, and furniture.

**DESIGNATED RECYCLABLE MATERIAL**

Those items designated as recyclable in the Hunterdon County Solid Waste Management Plan as it may be amended from time to time.

**RESIDENTIAL PROPERTY**

Any building or structure or complex of buildings in which less than three dwelling units are owner-occupied or rented or leased, or offered for rental or lease, or for residential purposes.

**SOLID WASTE**

Garbage, refuse, and other discarded materials resulting from domestic and community activities, and shall include all other I.D. Type 10 waste materials, including liquids. Also included are I.D. Type 1 – 6 materials designated for recycling, particularly set forth and defined in Chapter 109 of this Code.

**SOLID WASTE COLLECTION**

The activity related to pick-up and transportation of solid waste from its source or location to a transfer station or other authorized solid waste facility or recycling facility.

**VEGETATIVE WASTE**

As used herein, grass clippings only.

§ 82-3. Collection and disposal of solid waste.

A. Power of Council to contract. The Town Council may make provision, by contract or otherwise, as circumstances may require, for the collection and disposal of solid waste. By resolution, it may also establish and promulgate reasonable regulations as to such collection and disposal.

B. Requirements and regulations. The Mayor and Council shall have the authority to make necessary and reasonable rules and regulations concerning the days and times of collections, type and location of waste containers, and such other matter pertaining to the collection, conveyance and disposal of refuse and other materials as the Mayor and Council find necessary in the public interest. Definitions and requirements as to the preparation of solid waste, including recyclables, for collection, when set forth in contracts for collection made by the Town, shall also be considered regulations adopted pursuant hereto. These contracts, as well as all other regulations adopted pursuant hereto, shall be on file in the office of the Town Clerk and may be examined on request during normal office hours.

C. Supervision by Administrator. Solid waste accumulated in the Town shall be collected, conveyed and disposed of by the collector under the supervision of the Town Administrator. The Town Administrator shall be responsible for implementing any rules and regulations as adopted.

D. Quarterly Fee. Each residential unit shall pay to the Town a quarterly fee to be established not less than annually by resolution of the governing body for removal of solid waste as defined herein. Such fee shall be calculated to take into consideration the total number of residential units served by the utility and the projected cost of operating the utility. The Town, or its contractor, shall not collect and dispose of solid waste from non-residential facilities. Any multifamily residential complex consisting of three units or more wishing to opt out of garbage and refuse collection shall be permitted to do so by providing proof of service in the form of a current and valid contract with a solid waste hauler holding a current and valid solid waste license issued by the State of New Jersey. Further, the proof of service must indicate solid waste and recycling pickup at least one per week. .

E. Past due amounts as lien. Fees for solid waste collection and disposal as provided herein shall be a first lien or charge against the property billed for the services rendered. Any part of the amount due and payable interest shall accrue at a rate of interest equivalent of that established for delinquent fees pursuant to N.J.S.A. 40:48-2.14. Liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in Section 5 of Title 54 of the Revised Statutes.

§82-4. Preparation of solid waste, recyclables, and vegetative waste; frequency of collection.

A. Curbside collection of Solid Waste, including recyclable materials, in all areas of the Town shall be conducted once per week.

1. Solid waste, excluding recyclables, shall be placed curbside the night before the scheduled collection day in plastic bags or containers.

2. Recyclables shall be prepared for collection in compliance with Chapter 109 of the Town of Clinton Code.

B. Curbside collection of vegetative waste in all areas of the Town shall be conducted once per week seasonally with the exact dates of collection to be determined annually by the Town Administrator in



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consultation with the Town Council and Department of Public Works Supervisor. Vegetative Waste must be placed in a recyclable brown bag.

C. Curbside collection of Christmas trees shall be conducted once per week during the month of January in all areas of the Town.

D. The Town shall not collect bulk waste. The Town reserves the right to schedule Town-wide bulk collection days at its discretion.

#### § 82-5. Prohibited Acts

A. No person shall place or deposit any garbage, litter, refuse, rubbish or other waste in or upon the private property of another or on public property, except as authorized by law.

B. No person shall place or deposit any garbage, litter, refuse, rubbish or other waste in the private waste receptacles of another.

C. No person shall bring garbage, litter, refuse, rubbish or other waste into the Town of Clinton for the purpose of disposing of the same in any public waste receptacle in the Town of Clinton or in any private waste receptacle subject to collection and disposal by the Town of Clinton or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings and other similar items, in public waste receptacles.

D. No person shall deposit household or commercial garbage in the public waste receptacles of the Town of Clinton, except as otherwise provided by law.

E. No person who has his garbage, litter, refuse, rubbish or other waste collected by the Town of Clinton shall accept for disposal garbage, litter, refuse, rubbish or other waste generated outside the town for the purpose of having it collected and/or disposed of by the Town of Clinton or its duly authorized contractor.

#### § 82-6. Violations and penalties; Enforcement

A. Any person who shall violate the provisions of subsection A, B, or C of § 82-4 shall, upon conviction, be punished for each such offense by a fine not to exceed \$1,250, by imprisonment for a term not to exceed 90 days in the county jail or by a period of community service not to exceed 90 days, or any combination thereof.

B. Any person who shall violate Subsection C or E of § 82-4 shall, upon conviction, be punished for each such offense by a fine in the amount of not less than \$250 nor more than \$10,000, by imprisonment for a term not to exceed 90 days in the county jail or by a period of community service not to exceed 90 days, or any combination thereof.

C. The Recycling Coordinator, the Zoning Officer, the Building Inspector, the Housing Officer, or other code enforcement officer, the Police Department, and the Hunterdon County Department of Health are hereby individually and severally empowered to enforce the provisions of this chapter.

#### § 82-7. Recycling.

Nothing in this chapter shall be construed to nullify or replace any of the provisions of Chapter 109 of this Code, and it is the intent of this chapter that the provisions of Chapter 109 shall be administered by the Solid Waste Utility where appropriate.

**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.

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the Courier News edition of October 30, 2022. A public hearing will be held November 9, 2022.

**RESOLUTION #148-22 – GOVERNOR’S COUNCIL ON ALCOHOLISM & DRUG ABUSE**

A motion was made by Ms. Johnson seconded by Mr. Traphagen to adopt Resolution #148-22 as submitted:

**RESOLUTION #148-22  
FORM 1B**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Town Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the North Hunterdon Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR            \$ 10,070.00

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Cash Match	\$ <u>2,517.50</u>
In-Kind	\$ <u>7,552.50</u>

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Vote all ayes  
Motion carried

### **REVIEW OF BEST PRACTICES**

CFO, Kathy Olsen, explained that she and Business Administrator Rich Phelan followed the process of reviewing and uploading the spreadsheet and was found to be in compliance. The Town of Clinton will not lose any state aid.

### **CORRESPONDENCE - NONE**

### **REPORTS FROM COUNCIL**

#### **Police Chief Kubinak**

The department has accepted another crossing guard application which is great news! An application for a grant has been submitted for an automatic license plate reader. Officer Andrew Lerner has been recognized for his efforts supporting Autism Month. Coffee with a Cop will hold a second event Thursday, October 27, 2022 from 5:30 p.m. to 7:00 p.m. at Designer Dawgs and JJ Scoops, 3 Main Street.

#### **Kathy Olsen, CFO**

Dressed as a DPW worker, said she participated in a webinar regarding 2023 budget. The OPOID settlement was addressed and how to appropriate the funds once received. Mayor Kovach said she would look into the matter as to when the town could expect to receive the funds.

#### **Councilman Perloff**

Dressed as ALF, reported on the Clinton Guild and on the fantastic Pumpkinfest that was held last weekend! Wonderful entries were submitted and several prizes were given out in many categories. Facebook has the complete list of winners. Congratulations to all! Next meet and greet will be November 2, 2022 at Nourish to Heal, 5:30 p.m. to 8:00 p.m.

Recreation will hold their meeting tomorrow night, and CCYA is all set to begin!

#### **Councilman Humphrey**

Dressed as an overstuffed cheeseburger, reported the Economic Development Commission arranged for a ribbon cutting on Wednesday, November 9, 2022 at 6:00 p.m. to celebrate their one year anniversary! Congratulations to Thomson's Specialty Foods on 1 Old Highway 22.

Newsletter December edition, please submit articles.

#### **Councilman Traphagen**

Clinton Presbyterian Church on Center Street is hosting Trunk or Treat on Monday, October 31, 2022 from 5:00 p.m. to 7:00 p.m.

Historic Commission – The Graveyard Tour took place Saturday, October 15, 2022 and was a great success! The Commission raised \$1,500 for the façade grant program. Councilman Traphagen appeared among the tombs as General George Taylor and an appearance of Dr. Georgios Papanicolaou, inventor of the pap smear, portrayed by Dan Shea. Many thanks to Historic Commission members Holly Lione and Rosemarie Platt for their extensive research and guiding the tour.

The Commission was happy to award the Molle family \$1,000 from the façade program to make improvements to their home!

**Councilwoman Johnson**

Clinton Public School Halloween Parade, Monday, October 31 at 9:00 a.m.

**Councilman Bruno**

Board of Health – Rabies Clinic was held Saturday, October 22, 2022, 104 shots were distributed, 45 of which were residents of Clinton Township.

Shade Tree - thank you to John Kashwick for arranging the removal of the sapling donation from Paul Barbetta of Water Street and replanting it in the park area of Water Street. Town arborist Spanner has visited the community center park area and is checking on the trees there, committee is waiting on a report on the future of the trees.

**Councilwoman Dineen**

Land Use meeting for November 1 is cancelled, November 15 is being made available if there is an application made.

Roads Committee next Friday November 4, 2022.

Buildings and Grounds - Tennis Court and Pickle Ball Courts are now open!

**STANDBY AND OVERTIME**

A motion was made by Mr. Humphrey seconded by Mr. Perloff to approve the standby and overtime attached to these minutes for the period of September 30 through October 13, 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. Perloff seconded by Mr. Humphrey, 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 #147-22 – EXECUTIVE SESSION – PENDING LITIGATION**

A motion was made by Mr. Perloff, seconded by Mr. Humphrey, to enter into executive session at 7:58 p.m. to discuss a matter of Pending litigation.

**RESOLUTION # 147-22**

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**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 \_\_\_\_\_

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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 Mr. Perloff seconded by Mr. Traphagen to adjourn the meeting at 8:19 p.m.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

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Janice Kovach, Mayor