

Flag Salute.

Roll Call: Dineen (8:00 pm), Humphrey, Intrabartola, Johnson, Karsh, 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 public 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 Ms. Johnson, seconded by Ms. Intrabartola, to approve the minutes of October 13, 2021 as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Kyle Perloff, 28 West Main Street, congratulated the Clinton Public School girl's volleyball team for placing second in the tournament! Ms. Intrabartola echoed Mr. Perloff's comment! Congrats!

MAYOR'S COMMENTS

1. Mayor Kovach thanked Police officer Andrew Lerner for suggesting and holding "Coffee with a Cop" along with fellow officers, Melissa Tornberg and Joe Pietraszewski. The turnout of residents coming to meet the officers, chat, enjoy coffee, breakfast sandwiches donated by Just Subs and biscotti donated by Johnny "Biscotti" Marucci was a huge hit! Residents are hoping to have another opportunity again soon at time that working families and children can also attend! Nice work, a great success!
2. Mayor Kovach reported that the Buildings and Grounds Committee in conjunction with Chief Kubinak have been discussing moving the Police Department to a new location, 63 Halstead

Street, the current location of the Clinton Community Center. The night of Hurricane Ida, the Rescue Squad, Clinton Fire Department and the Clinton Police Department were flooded and access was not available. There was no safe place to bring residents to a shelter except for the Community Center which is on higher ground. The quarters were dry but not adequate as a shelter without WIFI or other amenities such as air conditioning and an upgraded heating system. The current police station is not able to accommodate the police force, store the necessary equipment, locker room space and safety measures for bringing in people. The Community Center is in disrepair, and is not functional as a shelter at this time. Architects are being interviewed at this time for a conceptual design plan. Many ideas are being discussed regarding the building, the parking situation and the adjoining playground. A town hall meeting will be open to the public at the Community Center on Monday, December 6, 2021 at 7:00 p.m. to talk with Mayor Kovach and Chief Kubinak to discuss the concept and ask questions.

3. Chief Kubinak had an idea to close Main Street on a quiet evening, maybe a Monday and have a basketball game with the police department to possibly play with high school students, welcoming other teams like the fire department, rescue and even council!
4. A letter of resignation has been received from Richard Miller, Town Historian and Chair of the Historic Commission. Mr. Traphagen thanked Mr. Miller for his knowledge and service for several years. A motion was made by Ms. Intrabartola, seconded by Mr. Traphagen, to accept Mr. Miller's resignation with regrets.

Vote all ayes
Motion carried

PRESENTATION OF PROCLAMATION – FAMILY COURT AWARENESS MONTH

Mayor Kovach presented the proclamation declaring Family Court Awareness Month for the month of November. The mission at One Mom's Battle and the Family Court Awareness Committee is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children.

RESOLUTION #153-21 – ADOPTING REHABILITATION PROGRAM OPERATING MANUAL

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #153-21 as submitted:

RESOLUTION # 153-21

RESOLUTION AUTHORIZING AND ADOPTING REHABILITATION PROGRAM OPERATING MANUAL

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, et seq.), the Town of Clinton is required to adopt all program operating manuals, which set forth the procedures for administering the programs and their associated affordability controls for affordable housing units created within the Town of Clinton; and

WHEREAS, the Town's Affordable Housing Administrator drafted the Town Attorney reviewed the attached Rehabilitation Program Manual.

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NOW, THEREFORE, BE IT RESOLVED, by the Town of Clinton Mayor and Council, County of Hunterdon, State of New Jersey, that the Town does hereby authorize and adopt the attached Rehabilitation Program Manual in substantially the same form

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Vote all ayes
Motion carried

RESOLUTION #154-21 – CHANGE ORDER

A motion was made by Ms. Karsh, seconded by Ms. Intrabartola, to adopt Resolution #154-21 as submitted:

**RESOLUTION #154-21
CHANGE ORDER NO. 1**

WHEREAS, the need has arisen for a change order to the Union Road Improvement Project; and

WHEREAS, there was an increase in supplemental work and a decrease in quantities;

Original Contract	\$119,039.00
Extra & Supplemental Work	11,770.22
Total	130,809.20
Reductions	5,547.24
Adjusted Contract Amount	125,261.96
Change Order Amount	\$ 6,222.96

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that Change Order Number 1 for the Union Road Improvement Project be approved.

ROLL CALL: AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #155-21 – POSTPONEMENT OF MORTGAGE

A motion was made by Mr. Traphagen, seconded by Mr. Humphrey, to adopt Resolution #155-21 as submitted:

RESOLUTION # 155-21

**Resolution Authorizing the Postponement of a Mortgage Between
The Town of Clinton and Millennium Home Mortgage, LLC**

WHEREAS, on July 15, 2021, Katelin Savacool made a mortgage to the N.J. Council on Affordable Housing, Town of Clinton (Clinton Town Affordable Housing Authority) for property located at Block 31.01, Lot 7.01 Q C2906 and known by the street address of 6 Woodcrest Lane, Clinton, NJ, said mortgage being filed on February 12, 2018 in Mortgage Book 4080 at page 275 in the Hunterdon County Clerk's Office which mortgage was a first priority mortgage; and,

WHEREAS, Katelin Savacool now seeks to mortgage such property with Millennium Home Mortgage, LLC in the amount of \$73,500.00, and a condition of her mortgage is that the mortgage held by the Town of Clinton be subordinated to the new Millennium Home Mortgage, LLC mortgage and become a second priority mortgage; and,

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WHEREAS, the governing body of the Town of Clinton and the Clinton Town Affordable Housing Authority have reviewed the proposed form of Postponement of Mortgage and have determined that it may be executed without detriment to the Town of Clinton or the Clinton Town Affordable Housing Authority and herein authorize the appropriate individuals to execute the Postponement of Mortgage in the form annexed to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Clinton that the Mayor and Clerk are authorized on behalf of the Town of Clinton and the Clinton Town Affordable Housing Authority to execute the approved Postponement of Mortgage in the form annexed hereto and shall sign same; and,

BE IT FURTHER RESOLVED, that a signed copy of the Postponement of Mortgage shall be placed in the Applicant's file; and

BE IT FURTHER RESOLVED that the Fair Housing Administrator or Township Clerk will advise the Applicant when the Postponement has been signed and is available for pick up and shall receive a receipt for its delivery.

Vote all ayes
Motion carried

INTRODUCTION OF REVISED ORDINANCE #21-22 – HISTORIC DEMO PERMITS

A motion was made by Mr. Traphagen, seconded by Mr. Humphrey, to introduce Ordinance #21-22 as revised:

ORDINANCE #21-22

REVISED ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF CLINTON TO ADD ARTICLE XV TO REQUIRE REVIEW BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE ISSUANCE OF DEMOLITION PERMITS

WHEREAS, the Clinton Historic District was entered on to the New Jersey Register of Historic Places on March 3, 1995; and

WHEREAS, in accordance with N.J.S.A. 13:1B-15.131, designation as an historic place in the New Jersey Register of Historic Places prevents the state, a county or municipality, or any of their agencies or instrumentalities, from undertaking any project that would encroach upon, damage or destroy the property listed without approval from the Commissioner of the Department of Environmental Protection.

WHEREAS, the Historic District includes 277 historic resources that reflect 18th and 19th century architecture, industries and the quality of life.

WHEREAS, the Historic District is shown on a map filed as part of the application for historical district designation with the State of New Jersey and prepared by Studer & McEldowney, last revised September of 1992, on file with and available from the Town of Clinton.

WHEREAS, the Town has shown a significant interest in preserving historic properties and the quality and look of features significant in American history, architecture and culture.

WHEREAS, the Town of Clinton believes that it is appropriate to discourage and, to the extent allowed by law, regulate structures or commercial activities that would tend to denigrate, undermine or destroy the ambiance, look and feel of the Historic District; and

WHEREAS, several objectives of the Town's 2008 Master Plan (as reiterated in the 2018 Master Plan Reexamination) reflected the commitment to historic preservation, including the following:

- Adopt an historic district ordinance to provide standards for historic preservation.
- Maintain the housing stock in a safe and sanitary condition, while retaining its historic character.

NOW THEREFORE, 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. Article XV of the Code of the Town of Clinton entitled, "Historic Preservation," is hereby added as follows:

Section 88-107. Short Title, Findings, and Purpose

A. Title. This Ordinance shall be known as the Historic Preservation Ordinance of the Town of Clinton.

B. Findings and Purpose.

(1) The Town Council of the Town of Clinton ("Town") finds and determines as follows:

a. The historical, cultural, architectural, and social heritage of the Town is given in trust from generation to generation to be used, enriched, and then passed on;

b. The character, lifestyle, and very quality of life in the Town depends in great measure upon the Town protecting this heritage of the past;

c. The ongoing presence of historic districts and landmarks, as an essential element of municipal character and identity, is an important factor in the economy of the municipality and the property values therein;

d. Such historic districts and landmarks are vital to the education and civic mindedness of the Town's young people;

e. A number of critical factors such as deterioration, demolition, redevelopment, and re-subdivision threaten such landmarks and districts; and

f. The welfare of the municipality is enhanced by the preservation of its historic heritage for the reasons set forth above.

(2) The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-65.1, permits municipalities to adopt a zoning ordinance that designates and regulates historic landmarks or historic districts and provides design criteria and guidelines therefor.

(3) In adopting this Ordinance, it is the intention of the Town Council to regulate historic structures and historic districts within the Town consistent with and pursuant to authority granted under the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1, *et seq.* The controls herein established are compatible with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and are responsive to the Historic Preservation Plan Element of the Town of Clinton Master Plan and the applicable provisions of the MLUL, including but not limited to N.J.S.A. 40:55D-2(j), 40:55D-28(b)(10), 40:55D-65(i), 40:55D-65.1, and 40:55D-107 through -112.

(4) Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with requirements of any other state statutes or municipal Ordinances or regulations.

Section 88-108. Definitions.

APPLICATION. An application to the Construction Official for a demolition permit as defined by this Section.

COMMISSION. The Historic Preservation Commission of the Town of Clinton.

CONSTRUCTION OFFICIAL. The Construction Official of the Town of Clinton.

DEMOLITION APPROVAL OR DEMOLITION PERMIT. Any approval or permit issued by the Construction Official which is required by the Code of the Town of Clinton and / or Uniform Construction Code (N.J.A.C. 5:23-1 *et seq.*) and which authorizes the total or partial demolition of a building or structure (excluding interior demolition).

HISTORIC DISTRICT. The Historic District of the Town of Clinton designated as of the date of the adoption of Article XV and as described in § 99-3 of this chapter.

HISTORIC PRESERVATION OFFICER (HPO). The administrative Officer for processing applications submitted pursuant to Article XV and drafting the required report.I

HISTORIC STRUCTURE. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[1] By an approved state program as determined by the Secretary of the Interior; or

[2] Directly by the Secretary of the Interior in states without approved programs.

PARTIAL DEMOLITION. The dismantling, razing, or removal of structural members, floors, interior bearing walls, and/or exterior walls or portions thereof, including all operations incidental thereto.

TOTAL DEMOLITION. The dismantling, razing, or removal of all of a building or structure, including all operations incidental thereto.

ZONING OFFICIAL. The Zoning Official of the Town of Clinton.

Section 88-109. Special Requirements for Demolition of Historic Structures or Portions Thereof.

A. Procedure.

(1) No approval or permit shall be issued by the Construction Official for the total or partial demolition of a Historic Structure, except in conformity with the provisions of this Section and any other applicable law, statute, ordinance or regulation. This provision shall apply to the total or partial demolition of an accessory structure as well as the principal structure. This provision shall not apply to structures that are not listed in the historic district inventory or listed as non-contributing structure.

(2) Within five (5) business days of the submission, Construction Official (or his or her designee) shall certify that the application is complete and the applicant shall be so notified in writing. If the application is found to be deficient, the Construction Official (or his or her designee) shall provide written or verbal notice of the deficiency to the applicant.

(3) After an application for total or partial demolition of a Historic Structure is deemed complete, the Construction Official shall deliver a copy of such application to the Historic Commission and Historic Preservation Officer. The Commission shall review the Application at its next regularly scheduled meeting or schedule an emergency meeting if necessary and issue a written report and recommendation in consultation with the Historic Preservation Officer. Said report and recommendation shall be issued no later than fifteen (15) business days after the Application is deemed complete.

(4) Failure of the Historic Commission to issue a report within the prescribed time period will be deemed a certification to the Construction Code Official that the subject building or structure possesses no cultural, historical or architectural significance which would merit its preservation consistent pursuant to subsection C hereunder.

B. Content of Application.

In addition to the information required on the standard permit application for demolition, an application for demolition of a Historic Structure shall include the following:

(1) A map, site plan or survey showing the location of the structure on its property with reference to neighboring properties;

(2) Photographs of all street facade elevations and significant features on that block's frontage;

C. Review by Commission and Historic Preservation Officer; Report

Prior to the issuance of a permit to totally or partially demolish any Historic Structure, the Commission must review the permit application and certify to the Construction Code Official that the subject building or structure possesses no cultural, historical or architectural significance which would merit its preservation consistent with the standards set forth herein. The Commission shall consult with the Historic Preservation Officer and the Town Construction Official in the drafting of the required report.

The report issued by the Commission and Historic Preservation Officer shall include, but shall not be limited to:

1. A description of the age (noting if the building and/or structure was constructed more than 50 years ago), architectural style, historical associations and significance of the building or structure;
2. A statement as to whether the structure is included in any surveys of historic structures by the Town of Clinton or New Jersey Department of Environmental Protection Environmental Protection - Historic Preservation Office: List of New Jersey and National Registers of Historic Places;
3. A determination of whether the structure is associated with events that have made a significant contribution to the broad patterns of our local, state, and/or national history;
4. A determination of whether the structure was associated with the life of a person who made a significant contribution to local, state and/or national history;
5. A determination of whether the structure embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; most especially if no other, or very few, buildings or structures with the same association has survived;
6. A determination of whether the structure yielded, or may not be reasonably likely to yield, information important in prehistory or history;
7. A determination of whether the structure maintains integrity of:
 - i. Location: the place where the historic property was constructed or the place where the historic event occurred; and/or
 - ii. Design: the combination of elements that create the form, plan, space, structure, and style of a property; and/or
 - iii. Setting: the physical environment of a historic property; and/or
 - iv. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property; and/or
 - v. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory; and/or
 - vi. Feeling: the property's expression of the historic sense of a particular period of time; and/or

vii. Association: the property's direct link between an important historic event or person and a historic property.

If, after the consideration of the above, the Commission concludes that the structure possesses no cultural, historical or architectural significance which would merit its preservation, or if the Commission fails to file its report within 45 days, the Construction Official may issue a demolition permit.

If, after the consideration of the above, the Commission concludes that the subject structure does possess sufficient cultural, historical or architectural significance which merits its preservation, and the Commission files its report containing its findings and recommendation for denial within the required 45-day period, then the Construction Official shall deny the permit application request. Notwithstanding any decision by the Historic Commission, the Construction Official can approve a demolition permit if, within the Construction Code Official's opinion, the subject structure poses a threat to the public health and safety pursuant to the Uniform Construction Code.

It shall be unlawful for the applicant to intentionally damage, or deface a structure so as to render it unfit for habitation prior to applying for a demolition permit, or while an application is pending, in order to render it historically insignificant and/or structurally unsound and therefore more suitable for demolition. doing so shall constitute a violation of this Article and subject the applicant and/or owner of the property to the penalties, as enforced by the Construction Official, set forth in §88-110 of the Code of the Town of Clinton.

D. Appeals.

Any decision by the Historic Preservation Commission not to certify a demolition permit for a Historic Structure may be appealed to the Superior Court. The applicant shall also be required to provide the Historic Preservation Commission with written notice of such an appeal simultaneously with the filing of the appeal.

E. Exemptions; Preservation of Historic Elements.

(1) Exemptions. Demolition permits in the following circumstances shall be exempt from the requirements of this article:

(i) An order issued by the Fire Official or the Construction Official to demolish an unsafe structure is exempt from the requirements of this article.

(ii) Notwithstanding any decision by the Historic Commission, the Construction Official can approve a demolition permit if the subject structure poses a threat to the public health and safety pursuant to the Uniform Construction Code. This subsection shall not apply to any structures which are found to have been deliberately neglected so as to avoid the requirements of this chapter.

(2) Preservation of Historic Elements. Prior to the demolition of any historic structure or structure within the Historic District exempt from the requirements of this article pursuant to subsection (1) above, the Historic Commission shall be notified in writing by the Construction Official (or his or her designee) the at least 10 days prior to said demolition and be given the opportunity to request that certain articles of historic significance, which may include building materials, be preserved and donated to the Historic Commission.

Section 88-110. Penalties.

- A. If any person shall demolish a Historic Structure without first having obtained a demolition permit, such person shall be deemed to be in violation of this Ordinance.
- B. Upon learning of the violation, the Zoning Official or Construction Official shall personally serve upon the owner of the lot wherein the violation has occurred or is occurring, a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the structure to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted upon the structure, and a copy shall be sent by both regular mail and certified mail, return receipt requested, to the owner at his, her, or its last known address as it appears on the municipal tax rolls. Copies of all such notices shall be sent to the Chairperson of the Commission.
- C. In the event that the violation is not abated within ten (10) days of service or posting upon the subject structure, whichever is earlier, the Zoning or Construction Official shall cause to be issued a Summons and Complaint, returnable in the municipal Court, charging violation of this ordinance. The Zoning or Construction Official shall also notify the Chairperson of the Historic Preservation Commission of this action.
- D. If a violation involves ongoing unauthorized construction or demolition work, the Construction Official shall immediately issue a stop work order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119, et seq.
- E. The penalty for violations shall be as follows:
- (1) For each day, up to ten (10) days: not more than one thousand dollars (\$1,000.00) per day;
 - (2) For each day, eleven (11) to twenty-five (25) days: not more than one thousand and five hundred dollars (\$1,500.00) per day;
 - (3) For each day beyond twenty-five (25) days: not more than two thousand dollars (\$2,000.00) per day; and
 - (4) In the case of a demolition without a permit therefor, a violation shall be punishable by fine of up to ten thousand dollar (\$10,000.00).
- F. In the event that the Zoning Official or Construction Official is made aware that demolition or removal of a Historic Structure of structure in the Historic District is about to occur without a proper permit having been issued, he or she is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of any Historic Structure. The Chairperson of the Historic Preservation Commission shall be informed immediately of this action.

SECTION 2. Section 12-3 of the Code of the Town of Clinton regarding responsibilities of the Historic Preservation Commission is amended as follows (Deletions noted with strikethrough ~~thus~~ and additions noted in bold italic *thus*):

§ 12-3 Responsibilities.

The Historic Preservation Commission shall have the responsibility to:

- A. Prepare a survey of historic sites.

- B. Coordinate with the Land Use Board as appropriate on historic sites.
- C. Work with individuals, groups and other political entities to further historic interests.
- D. Study the advisability of historical districts within the town.
- E. Carry out such other advisory, educational and informational functions as will promote historic preservation in Clinton.
- F. Establish a home for historic artifacts and provide leadership in the community for the collection, display of and enjoyment of historic memorabilia and events.

G. In consultation with the Historic Preservation Officer, review of applications for permits to demolish or partially demolish Historic Structures as set forth in Article XV.

SECTION 3. Section 73-3(G)(10) regarding permit fees for demotion shall be amended as follows (Deletions noted with strikethrough ~~thus~~ and additions noted in bold italic *thus*):

(10) Demolition fees shall be as follows:

(a) For one- and two-family structures less than 5,000 square feet and less than 30 feet in height, and structures on farms used exclusively for storage of food or grain or sheltering of livestock, the fee shall be \$200 per building.

(b) For all other use groups, the fee shall be \$200.

(c) *In addition to the nonrefundable demolition application fees, for all Historic Structures subject to Section 88-109, the applicant shall be required to establish, at the time of application, an escrow account with the Town to cover the cost of professional services in connection with the review of said application, including all engineering, planning, expert review, and consultation fees and services of the Town. Such fee shall be payable by cash, check or money order.*

[1] At the time of submitting an application for the demolition of a Historic Structure, the applicant shall be required to execute an escrow agreement, in a form approved by the Town Attorney, to cover all necessary and reasonable costs incurred by the approving authority for technical and professional review of the application.

[2] Initial escrow deposits. The initial escrow deposit shall be \$1,000. The applicant shall not be charged for the first \$500 of professional review fees incurred by the Town.

[3] Replenishment of escrow. The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges against the account to 35% (i.e. \$350) or less of the original amount. The account administrator shall notify the applicant to replenish the escrow, and the applicant shall, upon request, replenish the account to the original escrow amount. No further consideration, review, processing or inspection shall be performed by or on behalf of the Town until the additional escrow has been deposited.

[4] Accounting. The applicant may request an accounting of the expenses or fees paid for professional review. Such request shall be in writing to the administrative officer. The applicant shall be responsible for any cost incurred by the municipality in having its professional and administrative staff prepare an accounting of the fees expended. Any remaining balances shall be returned to the applicant within 60 days after a request in writing from the applicant and issuance or denial of a demolition permit.

SECTION 5. Town of Clinton Code Section 4-28, entitled "Historic Preservation Officer" is added as follows:

A. Appointment; term. There shall be an Historic Preservation Officer appointed by the Council for a term of one year. The Historic Preservation Officer shall receive such compensation as may be agreed upon and determined by the Council. He or She shall be a duly licensed professional architect of the State of New Jersey.

B. Duties. The Historic Preservation Officer shall perform the following duties:

- (1) Review of applications pursuant to Article XV and drafting of necessary reports.
- (2) Provide technical advice and assistance to all Town departments concerning historic architecture as needed.
- (3) Upon the termination of his or her service with the Town, surrender all papers, documents, memoranda, reports and other materials relating to the administration of his or her duties.

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

SECTION 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.

SECTION 8. This Ordinance shall take effect upon final passage and publication, all in accordance with the law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Hunterdon Review and a public hearing will be held December 8, 2021.

BEST PRACTICES DISCUSSION

Mr. Phelan and Ms. Olsen reviewed the Best Practices distributed by the Department of Community Affairs. About half of the questions were scored questions and the other half were survey questions. The survey questions mostly related to the American Rescue Plan (ARP) funds that came from the Federal Government. The Town of Clinton will not be losing any State Aid.

COMMUNITY CENTER TENNIS COURT DISCUSSION

The Town has requested a playground safety inspection by our insurance provider, Statewide Insurance Fund. Areas that need to be addressed were outlined in a report, the surfaces of the basketball and tennis courts are cracked or uneven. It was recommended that the tennis court be addressed due to substantial cracks that can cause a tripping hazard to players. Accordingly, the tennis court will be posted as closed through the Spring of 2022 and will be locked to prevent anyone from injury during activity. Councilman Humphrey asked if there was a timeline as to when the court would reopen. Mr. Humphrey also said that maybe public funding needs to be discussed and asked if it would be solely funded through donations or if it could be partially funded through tax dollars. Councilwomen Johnson and Intrabartola liaisons to the Recreation Committee, said that the committee is diligently working on getting funds raised to reinvent the Community Center Park through grants and seeking estimates from professionals gratis. The Councilwomen have also reached out to the local Rotary groups, Kiwanis, and will hold a meeting Monday, November 7, 2021 to discuss fund raising. Mayor Kovach explained the Council will begin working on a budget for next year and Councilwoman Johnson is hoping to have a rough estimate by the end of next week, November 5, 2021.

John Bohnel, 76 Center Street, asked is there was a specific list of what is needed and the reason for the new building. Mayor Kovach explained the town needs to provide adequate shelter for residents in light of Hurricane Ida and a community center and a police department built to today's standards and long-term needs is necessary. The current community does not have WIFI, air conditioning, insulation. Mr. Bohnel asked about parking and the County will be approached to request space in the library parking lot and questioned the Water Supply Authority right of way to which Mr. Phelan explained. Kyle Perloff, 28 West Main Street asked about a plan for the park and the estimates for what? Basketball and tennis courts was the response. The proposed building footprint would be 5,500 sq ft – 2 story building.

CORRESPONDENCE - NONE

REPORTS OF COUNCIL

Rich Phelan, Business Administrator

The dumpsters that were placed behind the municipal building following Hurricane Ida were used by residents to the max! The last dumpster is to be removed by the end of the week.

Kathy Olsen, CFO

The tax sale was held on October 27, 2021. There were two properties in the sale. There were no buyers for one of the properties, so it was struck off to the municipality as a municipal lien. The other property was sold to an outside lienholder.

Councilwoman Johnson & Councilwoman Intrabartola

Board of Recreation – seeking estimates for baseball fields at Hunts Mill, looking at different types of ground covers. Looking into tiles that link together made of recycled plastic for courts and have holes in them for drainage ideas. Life time warranty and environmentally sound. Ms. Johnson is looking forward to the League of Municipalities to visit vendors and to visit the State table to ask about the grant!

Clinton Holiday Lights luminaries will be sold during Dickens Days, all proceeds will go to the Recreation Committee for the town picnic. November 1 there will be an announcement of a competition of holiday lights and fun prizes to be awarded!

Summer Rec program process underway and plan to have information out before the beginning of the

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new year. Ms. Intrabartola spoke with Dr. Cohen of Clinton Public School and the back playground will not be available for summer rec this year due to a playground overhaul. Considering talking to teachers to participate in summer rec and offer other activities such as art, music!

An unscheduled meeting was held to discuss the tennis courts and the skate park. Councilwomen Johnson and Intrabartola explained there will be a skate park waiver to cover kids to bring their equipment and the Town will not be liable if anyone gets hurt. There will be a registration for the waiver to be signed and children under 18 years old will have to have their parents sign it. There will be a sticker given to be placed on their helmet or board so law enforcement will be able to check if they are allowed to skate. The tennis courts will be locked but skate boarders will be allowed to use the wall board next to the courts and the area on the asphalt behind the community center building. Wooden horses will be used to block the areas so cars will not attempt to enter the area, protecting the children skate boarding. Attorney St. Angelo would like to make a few changes to the waiver to state rules are to be followed and barricades are not be moved or used as props.

RESOLUTION #145-21 – SKATE PARK WAIVER

A motion was made by Mr. Humphrey, seconded by Ms. Intrabartola, to adopt the Resolution #145-21 and the skate park waiver registration process:

RESOLUTION # 145-21

**RESOLUTION APPROVING A FORM OF LIABILITY WAIVER FOR SKATE
PARK USERS**

WHEREAS, the Town of Clinton Mayor and Council and Buildings and Grounds Committee approved the use of the wall ball court and the paved area behind the community center; and

WHEREAS, skating presents a unique hazard; therefore, the Building and Grounds Committee has recommended that all skate park users be required to sign a waiver of liability agreement and agree to abide by certain skate park rules, a form of which is attached hereto; and

WHEREAS, the attached agreement and rules require skate park users to wear a badge or sticker noting that they have signed the applicable agreement; and

WHEREAS, the Buildings and Grounds Committee has requested that it be permitted to design such sticker or badge in consultation with some of the skate park users.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, that the attached SKATE PARK PARTICIPANT AGREEMENT, AGREEMENT TO INDEMNIFY, AND WAIVER AND RELEASE OF LIABILITY is approved in substantially the same form for use by the Building and Grounds Committee.

BE IT FURTHER RESOLVED, the Buildings and Grounds Committee is authorized to make changes to the Agreement upon recommendations of the Chief of Police, Town Attorney, or Town's risk manager.

BE IT FURTHER RESOLVED, that the Buildings and Grounds Committee is authorized to work with community members and skate park users to design a stick or badge for use by skate park users.

**Resolution #145-21
SKATE PARK
PARTICIPANT AGREEMENT,
AGREEMENT TO INDEMNIFY, AND
WAIVER AND RELEASE OF
LIABILITY**

In consideration of the services of the Town of Clinton, its agents, officers, employees, and representatives, (hereinafter the "Town"), I agree to the following:

1. I fully understand and acknowledge that:

(a) The Town has permitted use of the open paved area next to the tennis court and behind the Community Center, located at 63 Halstead Street, as temporary skate (hereinafter the "Skate Park").

(b) Inline skating, skateboarding, biking and related recreational activities entail both known and unanticipated risks, which could result in physical or emotional injury, paralysis, death or damage to myself, to property or to third parties. I understand that such risks cannot be eliminated without jeopardizing the essential qualities of the activity. In an effort to minimize those risks I agree to wear a protective helmet, knee pads, and elbow pads at all times that I am in the Skate Park.

(c) THE RISKS INCLUDE, BUT ARE NOT LIMITED TO:

(1) Nature of the activity.

(2) Latent or apparent defects or conditions in equipment or property supplied by the Town or other persons or entity.

(3) Use of property by myself, others or equipment supplied by the Town, or other persons or entity.

(4) Acts of other participants in this activity, employees or agents of the Town.

(5) My own physical condition, or own acts or omissions.

(6) Conditions of the Town facility & surrounding grounds or terrain and accidents connected with their use.

(7) First Aid emergency treatment or other services.

(d) Users of the Skate Park are permitted to bring ramps, tables, and grind rails (hereinafter referred to as "equipment") for use at the Skate Park. Ramps and tables shall not exceed twelve inches in height. Quarter pipes shall not exceed four feet in height. Half pipes shall not be permitted. The Skate Park equipment is not the property of the Town nor have they been purchased, installed, or inspected by the Town. Such equipment is the property of and installed by third parties. Therefore, all participants use of such equipment is entirely at their own risk and the Town makes no representations as to its safety. Use of such equipment shall be governed by the attached Skate Park Rules. Owners of such equipment release, waive, and hold harmless the Town from all liability associated with any

Commented [1]:
Where is this term defined?

Commented [2]:
this is not a defined term. it should have some kind of parameters.

damage or theft of equipment brought to or stored at the Skate Park by participants and third parties.

Commented [3]:
this should be a defined term, see above.

Commented [TSA4R3]:

2. I agree to abide by the Town of Clinton Skate Park Rules.

3. By my participation in these activities and/or use of equipment, I hereby assume all risks and dangers of injury, illness, or death, and all responsibility for any loss and/or damage to personal property.

4. To the fullest extent permitted by law, I on behalf of myself, my personal representatives and my heirs hereby voluntarily and expressly agree to release, waive, discharge, hold harmless, defend and indemnify the Town and its agents, officers, employees affiliates, representatives, successors or assigns from any and all claims, actions, or losses for bodily injury, property damage, wrongful death, loss of services or otherwise which are in any way connected with my participation in this activity or my use of the Town's facilities, including any such claims which allege negligent acts or omissions of the Town.

5. I specifically understand that I am releasing, discharging and waiving any claims or actions that I may have presently or in the future associated with my use of the Skate Park and / or participation in these activities. I agree to voluntarily give up or waive any right that I may have otherwise to bring a legal action against such parties for personal injury or property damages.

Commented [5]:
term is not capitalized here. should be consistent throughout.

6. If any portion of this release and waiver of liability shall be deemed by a Court of competent jurisdiction to be invalid, then the remainder of this release from liability shall remain in full force and effect and the offending provisions severed herefrom.

7. If this release is signed by me on behalf of a minor, in the event that a lawsuit is filed on behalf of such minor against the Town or its agents, officers, employees affiliates, representatives, successors or assigns, alleging that such minor has sustained any injury as a result of participation in these activities, I agree to defend and hold harmless the Town or its agents, officers, employees affiliates, representatives, successors or assigns in connection with any such litigation, including attorneys' fees, costs, and any judgments entered against the Town or its agents, officers, employees affiliates, representatives, successors or assigns in accordance with this release and waiver of liability.

I HAVE HAD SUFFICIENT OPPORTUNITY TO READ THE PARTICIPANT AGREEMENT, AGREEMENT TO INDEMNIFY, AND WAIVER AND RELEASE OF LIABILITY DOCUMENT ON BOTH SIDES OF THIS SHEET. I HAVE READ AND UNDERSTOOD, AND I AGREE TO BE BOUND BY ITS TERMS.

By signing this release and waiver, I further acknowledge that I understand that its content and that this release cannot be modified orally.

Signature of Participant _____

Print Name: _____

Address:

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Phone: _____

Date: _____

(Guardians of participants, under the age of 18, must complete this section)

I AFFIRM THAT I AM EIGHTEEN (18) YEARS OF AGE OR OLDER AND I AM THE PARENT OR LEGAL GUARDIAN OF ANY MINOR CHILDREN IN MY PARTY.

In consideration of _____ (print minor's name) ("Minor") being permitted by the Town to participate in its activities and use its equipment and facilities, I further agree to indemnify and hold The Town harmless with such use or participation by Minor.

I HAVE HAD SUFFICIENT OPPORTUNITY TO READ THE PARTICIPANT AGREEMENT, AGREEMENT TO INDEMNIFY, AND WAIVER AND RELEASE OF LIABILITY DOCUMENT ON BOTH SIDES OF THIS SHEET. I HAVE READ AND UNDERSTOOD, AND I AGREE TO BE BOUND BY ITS TERMS.

Signature of Parent or Guardian: _____

Print Name: _____

Emergency Phone Number: _____

Skate Park Rules

1. Use of the Skate Park involves the risk of serious injury or death. Any user of this facility acknowledges the risk of injury and death, and assumes the risk of injury and death while using this facility.
2. The Skate Park may be hazardous during adverse weather conditions and it should not be used in adverse weather conditions. The Town of Clinton cannot be held liable for injuries occurring under adverse weather conditions.
3. Users of the Skate Park must have on file a copy of a waiver or release. Failure to have a signed waiver form will result in being asked to leave the park. If you're under 18, your parent or legal guardian must sign the waiver form.
4. Upon signing this waiver and release, Skate Park users will be issued a numbered sticker or badge that must be worn at all times while using the skate park. Failure to conspicuously display said sticker or badge will result in being asked to leave the skate park.
5. Parents or legal guardians are responsible for the supervision of their children under 18 years of age.
6. The Skate Park is only open from dawn to dusk. Using the Skate Park outside of the permitted hours of operation will result in penalties being issued in accordance with applicable Town Ordinances.
7. All Skate Park users must wear proper safety gear, including helmets at all times. Users must furnish their own safety equipment.
8. The Skate Park is a shared community space and also functions as a tennis court. The use of the Skate Park / tennis court shall be on a first-come-first serve basis. Skate Park users shall not interfere with or harass tennis players permissibly using the shared space and the same shall be held true for tennis players.
9. Participants are permitted to detach the tennis court nets and place skating equipment (i.e. ramps, rails, etc.) on the tennis court surface subject to the following conditions:
 - a. Any Skate Park equipment stored at the Skate Park shall be stored in the old bocce ball court. The Town reserves the right to move any Skate Park equipment that interferes with use of the recreational facilities or that becomes a hazard. Owners of such equipment shall release, waive, and hold the Town harmless from any liability as a result of damage to said equipment. In the event equipment is not properly stored, the Town reserves the right to prohibit all or certain participants from using or storing equipment at the Skate Park. Skating equipment shall not be left on the tennis court / Skate Park when not in use.
 - b. Participants may disconnect tennis court nets in order to place skating equipment. However, such nets shall be stored in a manner so as not to damage them and shall be reconnected after use.
10. No alcohol, smoking, or drugs permitted.

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11. No horseplay, violence, profane language, etc. allowed in the park.
12. Users must use skate boards or inline skates only. All bikes are prohibited.
13. Use of Skate Park is conditioned upon compliance with all rules. You are prohibited from using this facility unless you agree to follow the rules as stated above.

I have read, understand, and acknowledge the above. I agree to abide by all rules and policies on behalf of myself or my child, and/or to speak with my child regarding these policies. I understand that these policies are to ensure a family-friendly and safe facility for everyone to enjoy. Violations of these rules may result in being banned from the skate park.

Skate park waiver – A motion was made by Mr. Humphrey seconded by Ms. Intrabartola, to accept the waiver and give the attorney permission in consultation with the Buildings and Grounds committee, to make amendments to reflect the new location of the skate park.

Vote all ayes
Motion carried

Councilman Humphrey

Newsletter – December issue will be out soon, please submit articles, photos and profiles on volunteers by November 5, 2021.

Clinton Fire Department – meeting next week.

Volunteer Fair – with the support of Council, Mr. Humphrey would like to bring the fair back and schedule it for Martin Luther King birthday, January 15, 2022. A motion was made by Ms. Johnson seconded by Ms. Intrabartola, to move forward with the volunteer fair.

Vote all ayes
Motion carried

Councilwoman Dineen

Land Use Board meeting November 2, 2021, Resolution approving the assisted living facility at the Holiday Inn and a Site Plan waiver for Frank Gallagher to expand Maine on Main, 12 East Main Street, to the retail space next door.

Councilwoman Karsh

Ms. Karsh made an announcement that she will be resigning from Council on November 24, 2021. It was a difficult decision but due to other commitments must step down from her seat. After November 24, the Democratic party will submit three names and Council will have 15 days to choose a person to the vacancy. Council wished Ms. Karsh well and a round of applause.

Councilman Traphagen

Platinum Club – inviting seniors to the first meeting Friday, November 5, 2021 at 4:00 p.m.

Historic Commission – Welcome to Norma Kania as the new member of the Commission.
Thank you to Richard Miller for years of service on the Commission.

STANDBY AND OVERTIME

A motion was made by Ms. Johnson seconded by Mr. Traphagen, to approve the standby and overtime attached to these minutes for the period of October 1 through October 14, 2021.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Humphrey seconded by Ms. Johnson to approve the voucher list as attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #156-21 – EXECUTIVE SESSION – LITIGATION

A motion was made by Mr. Traphagen seconded by Ms. Intrabartola, to adopt Resolution #156-21 to enter into Executive Session to discuss a matter of litigation at 8:49 p.m. no action will be taken.

RESOLUTION # 156-21

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;

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_____ 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

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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 to the regular council meeting at 9:23 and there being no further business, a motion was made by Ms. Dineen, seconded by Ms. Intrabartola to adjourn the meeting at 9:24 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor