

Flag Salute.

Roll Call: Bruno (zoom,) Johnson, Kashwick, Padmos, Perloff, Traphagen, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

OPMA authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms.

The Town of Clinton Council is meeting in person as well as providing an option for the public to participate via ZOOM video meetings. Please note that the option to attend is being provided as a courtesy, therefore, if Zoom becomes unavailable during the meeting and it cannot quickly be fixed, Council will continue with the remainder of the meeting.

For those joining us via Zoom, please raise your hand during designated times to be recognized for a comment. Whether you are appearing in person or via Zoom, you must provide your name to be recognized.

Please 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!

Mayor Kovach asked for a moment of silence for former DPW employee, Howard Deemer. Howie worked with the Town for 31 years, he was a great employee and friend!

APPROVAL OF MINUTES

A motion was made by Mr. Traphagen, seconded by Ms. Johnson, to approve the minutes of the Council Meeting held October 25, 2023.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS

A motion was made by Mr. Perloff, seconded by Mr. Kashwick, to approve the monthly reports for the month of October as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

MAYOR’S COMMENTS

Mayor Kovach asked for a motion to cancel the evening Council meeting of November 22, 2023 at 7:30 p.m. and have it held 8:30 a.m. November 22, 2023. Motion made by Mr. Kashwick seconded by Ms. Johnson.

Vote all ayes
Motion carried

1. Business Council meeting with New Jersey Conference of Mayor AI discussion with Senator Zwicker – the Senator discussed AI and some legislation that they are looking at to address its use in government.
2. Ribbon cutting for Michelle Heide, Gentlestone Wealth Management rebranding. Congratulations and we wish them much success.
3. Hunterdon Art Museum 70th anniversary Gala celebration, congratulations to the art museum on their 70th anniversary celebration, the food, auction items and company as always were spectacular.
4. Playground donation from St. Luke’s Health Network – thank you to St. Luke’s for their generous donation.
5. Clinton Public School Halloween parade and trick or treating – perfect weather for the all!
6. Crimestoppers Gala celebrating Chris Phelan – congratulations to Mr. Phelan and all the awardees including Raritan Township Police, Clinton Township Police and the Hunterdon County prosecutor’s office at the Crimestoppers Gala!
7. 11th Annual Seasons of Hope breakfast for Imagine, A center for helping people coping with loss and to support Mayor Muir and his team as well as the families at Imagine.
8. One Voice Summit 10th annual, hard to believe they are celebrating their 10th year and grateful to be a part of the organization.
9. Day of the Dead celebration at the Art Museum was a fabulous success!! Mr. Perloff will elaborate more but Mayor Kovach wanted to thank Alison Perloff for all her work to create a successful event.
10. Attended the 3rd Annual Flags for Hero’s dedication ceremony hosted by the Sunrise Rotary. Mayor Mullay of Clinton Township and Dominick Ragno a veteran’s advocate and Vietnam Veteran spoke along with a few of the Rotarians who have also served.
11. Screening of “Our Town Called Clinton” was held at the Hunterdon Art Museum. Mark from Citispot has created another documentary dedicated to his love for Clinton. Mayor Kovach believes he has entered it in a film festival. Mayor Kovach is hoping he will consider another screening for more people to be able to enjoy it.
12. Rutgers Policy Perspective – Mayor Kovach joined Mayor Paul Muir and Kerry Pflugh from the NJCM at Rutgers for breakout discussions on how Rutgers can better partner with community organizations, state government, municipalities, school, etc.
13. A letter addressed to Congressman Kean from DOT Commissioner Diane Gutierrez-Scaccetti has been copied to our office regarding the three overpasses on I-78 in the Town of Clinton and the associated noise issues and related challenges residents are experiencing. Council has been copied on the letter as well. A copy of the letter will become a part of these minutes, attached hereto.
14. Reminder, the League of Municipalities is next week, November 13, 14, 15, 2023.

PROCLAMATION – FAMILY COURT AWARENESS MONTH COMMITTEE

Mayor Kovach read the proclamation and will deliver it to the Committee. The mission of Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children.

SPECIAL EVENT – 37TH ANNUAL CHRISTMAS PARADE

The Clinton Guild Annual Christmas Parade will be held December 1, 2023. The application has been reviewed by Chief Kubinak and insurance coverage reviewed by Mr. Phelan. All is in order. A motion was made by Mr. Perloff, seconded by Mr. Kashwick, to approve the parade as requested.

Vote all ayes
Motion carried

BEST PRACTICES

Ms. Olsen, CFO and Tax Collector and Mr. Phelan, BA, have answered all the questions in the Best Practices program and the Town will not be losing any State Aid. Offered to answer any questions Council may have but none were requested.

RESOLUTION #150-23 – APPLICATION FORM AND FEES FOR SIGN SPONSORSHIP

A motion was made by Mr. Traphagen, seconded by Ms. Padmos, to adopt Resolution #150-23 as submitted:

RESOLUTION # 150-23

RESOLUTION APPROVING AN APPLICATION FORM FOR THE “WELCOME TO CLINTON” SIGN SPONSORSHIP PROGRAM

WHEREAS, on September 27, 2023, the Mayor and Council of the Town of Clinton adopted Ordinance No. 23-19 establishing a sponsorship program for the “Welcome to Clinton” signs; and

WHEREAS, the Town’s Historic Preservation Commission has drafted the attached application form for such program. (attached to the minutes)

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

1. The attached application form for the “Welcome to Clinton” Sign Sponsorship Program is hereby approved and adopted for use.
2. The Clerk and Historic Commission are authorized to distribute the application to interested parties and post such on the Town website.
3. This Resolution shall take effect immediately.

Vote all ayes
Motion carried

RESOLUTION #151-23 – CONTINUATION OF CORPORATE BUSINESS TAX

A motion was made by Mr. Kashwick, seconded by Ms. Johnson, to adopt Resolution #151-23 as submitted:

RESOLUTION #151-23

SUPPORTING CONTINUATION of CORPORATE BUSINESS TAX (CBT) AT 2023 RATE TO
FUND CRITICAL OPEN SPACE, FARMLAND, HISTORIC PRESERVATION AND HAZARDOUS
SITE CLEANUP FUNDING

Whereas, in 2014 sixty-five percent (65%) of New Jersey voters approved amending the New Jersey Constitution to provide long term sustainable funding for open space (Green and Blue Acres), farmland and historic preservation by dedicating a portion of the Corporate Business Tax (CBT) to those programs;

Whereas, New Jersey voters' high approval on every NJ open space ballot question since 1961 reflects their dedicated support for farmland, open space and historic preservation;

Whereas, agriculture plays an integral role in the prosperity, agri-businesses and well-being of "The Garden State" along with providing a fresh and abundant supply of food for its residents;

Whereas, in the most densely populated state in the nation, the Covid-19 pandemic proved the high value of New Jersey's open space and recreational areas to the health and well-being of residents throughout New Jersey, especially those in urban towns and minority communities;

Whereas; Governor Murphy stated on Earth Day 2023 during final adoption of New Jersey's Environmental Justice Rules, "we have worked incredibly hard to ensure that all people – regardless of income, race, ethnicity, or national origin – can enjoy their right to live, work, learn and recreate in a clean and healthy environment";

Whereas, New Jersey is one of the original thirteen colonies, its historic preservation is significant to our nation's history;

Whereas, open space is essential to protecting New Jersey residents and businesses from storm related flooding that results in loss of life and property and is increasing at an alarming rate due to climate change;

Whereas, continuation of New Jersey's CBT provides important and necessary funding for the acquisition, preservation and stewardship of open space, farmland and historic sites in New Jersey that protects and enhances the character and beauty of "The Garden State" while providing its citizens with opportunities for recreation, relaxation and education;

Whereas CBT funding provides long-term, sustainable funding to support communities with the remediation of hazardous sites known as brownfields, the cleanup of leaking underground storage tanks, and funds cleanups of hazardous spills;

Whereas the proposed reduction in the CBT included in the 2024 NJ State budget would slash approximately \$60 million annually from vital open space, farmland, historic preservation and remediation of hazardous sites known as brownfield, the cleanup of leaking underground storage tanks, and funds cleanups of hazardous spills;

Therefore, be it resolved that the undersigned ask Governor Murphy and the New Jersey Legislature to maintain the current 2023 level of Corporate Business Tax funding without reduction to provide continuous level funding for critical environmental and public health programs, and

Be it further resolved that a copy of this resolution be sent to Governor Murphy, Senators Steinhardt and Zwicker, Assemblymembers Peterson, DiMaio, Jaffer, and Freiman, the Association of New Jersey Environmental Commissions, and the NJ Department of Environmental Protection.

Open to Council for discussion, this resolution was submitted by Councilman Kashwick and opened the floor to questions. Councilman Traphagen asked if there was a specific bill to which Mr. Kashwick replied no. Councilman Traphagen wholeheartedly agrees with the concepts but feels there are other avenues in approaching it.

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

Vote 4 Ayes
3 Nays
Motion carried

RESOLUTION #152-23 – STUDY OF REDEVELOPMENT AREA

A motion was made by Ms. Johnson, seconded by Ms. Padmos, to adopt Resolution #152-23 as submitted:

RESOLUTION # 152-23

RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWN OF CLINTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE TOWN IS A REDEVELOPMENT AREA

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Town of Clinton ("Town") is authorized to direct the Land Use Board of the Town of Clinton ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Town would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Town of Clinton may desire to make use of all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Town of Clinton may choose to utilize the power of eminent domain; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain property located within the Town, more specifically identified as Block 3, Lot 2 as shown on the Official Tax Map of the Town of Clinton (the "Property");

WHEREAS, the Town entered into an escrow Agreement pursuant to Resolution No. 148-23 adopted on October 25, 2023 with the Owner of the Property, SNG Properties, LLC (the "Owner"), obligating the Owner to pay for all costs associated with such investigation; and

WHEREAS, nothing herein shall be construed as obligating the Mayor and Council to designate the Property, or any portion thereof, as an area in need of redevelopment.

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

1. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Town of Clinton is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Mayor and Council of the Town of Clinton to be an area in need of redevelopment.
4. This Resolution shall take effect immediately.

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #23-20-REHABILITATION OF CLARIFIER

A motion was made by Ms. Padmos, seconded by Mr. Perloff to open the public hearing of Ordinance #23-20:

ORDINANCE #23-20

BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF SECONDARY CLARIFIER NO. 2 FOR THE SEWER UTILITY IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,586,450 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,586,450 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF

Vote all ayes
Motion carried

There being no public comment. a motion was made by Ms. Johnson, seconded by Ms. Padmos, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Kashwick, seconded by Ms. Padmos, to adopt Ordinance #23-20 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #23-21 – SEWER MAIN IMPROVEMENTS

A motion was made by Ms. Johnson, seconded by Mr. Kashwick, to open the public hearing of Ordinance #23-21:

ORDINANCE #23-21

BOND ORDINANCE PROVIDING FOR ROUTE 173 AND EAST MAIN STREET SEWER MAIN IMPROVEMENTS FOR THE SEWER UTILITY IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$976,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$976,500 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Traphagen, seconded by Ms. Padmos, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Padmos, seconded by Mr. Perloff, to adopt Ordinance #23-21 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #23-22 – VALVE AND METER REPLACEMENT PROJECT

A motion was made by Ms. Johnson, seconded by MMs. Padmos, to open the public hearing of Ordinance #23-22:

ORDINANCE #23-22

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$770,000 FOR THE VALVE AND METER REPLACEMENT PROJECT IN COMPLIANCE WITH THE WATER QUALITY ACCOUNTABILITY ACT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$770,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

Vote all ayes
Motion carried

There being no public comment, a motion was made by Ms. Johnson, seconded by Ms. Padmos, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Traphagen, seconded by Ms. Johnson, to adopt Ordinance #23-22 on final reading.

ROLL CALL: AYES: Bruno, Johnson, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #23-23 – WATER REPLACEMENT PROJECT

A motion was made by Mr. Kashwick, seconded by Mr. Perloff, to open the public hearing of Ordinance #23-23:

ORDINANCE # 23-23

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000 FOR THE WEST MAIN STREET WATER MAIN REPLACEMENT PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

Vote all ayes
Motion carried

There being no public comment, a motion was made by Ms. Padmos, seconded by Mr. Kashwick, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Kashwick, seconded by Mr. Perloff, to adopt Ordinance #23-23 on final reading.

ROLL CALL: AYES: Bruno, Johnson, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

WATER REFUND

Water Collector, Nancy Burgess, requested a refund in the amount of \$38.65. Motion made by Mr. Perloff, seconded by Ms. Johnson, to grant the refund as requested.

ROLL CALL: AYES: Bruno, Johnson, Padmos, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PUBLIC COMMENT

Resident John Bohnel, Center Street, asked for public comment, Mayor Kovach allowed him to speak.

Mr. Bohnel spoke of his afternoon spent discussing the Middle East with Rabbi Kornfeld and said “it puts things in perspective, what is important and what is not”.

Mr. Bohnel congratulated all the candidates, win or lose. Glad to see everyone together at the dias and gives his respect to all. Mr. Bohnel did express his disappointment on the Community Bulletin page on Facebook in this “state of the Town”. He explained he managed the page for 8 years and kept it non-political and kept it as an organ of chit chat in the Town, a public service. Recently he was kicked off the page and stated the page was stolen. Proceeding the election, political ads and promotions began. This election became more contentious than ever before in the history of Clinton and Mr. Bohnel wished to say he disapproved of the actions and was disappointed in seeing how the page was handled.

In closing, Mr. Bohnel’s last comment this evening addressed the speeders on Center Street and would like to see speed bumps installed!

CORRESPONDENCE

1. A letter has been received from William Bauer, who in 1995 donated the funds to construct the pavilion at the playground in memory of his son Airman 1st Class Daniel Bauer. Mr. Bauer mentioned visiting recently and was happy to see how well the pavilion is being kept, however the stone with his son’s name on it has begun to fade and was wondering if it can be replaced. Mr. Bauer will pay for the replacement stone and the engraving. Mayor Kovach is referring the request to Mr. Phelan, BA.

REPORTS OF COUNCIL

Councilman Bruno

1. Buildings and Grounds – researching lights with Councilwomen Padmos and Johnson for the playground basketball court and tennis/pickleball court, have decided to go with lower wattage lighting, 3,000 kelvin and a cost of \$5,400.00 max. Thank you for Councilman Kashwick for the information provided on lower wattage lights.

Councilwoman Padmos

1. Attended many fun events over the past couple weeks. The Hunterdon Art Museum Art auction was a fun party and encouraged folks to attend.
2. Crimestoppers – very interesting and suggested they sponsor a podcast with all the information they have.
3. Day of the Dead was truly amazing!! Thank you to Councilman Perloff and his wife, Alison for all their work in bringing this event to Town!
4. Board of Health, Rabies Clinic will be held this Saturday, November 11, 2023 from 8am to 11am in the municipal barn.
5. Thank you to St. Lukes for their \$10,000 gift to the playground! A special presentation was made at the playground and photos were taken.

Attorney St. Angelo

Attorney St. Angelo has prepared an ordinance adoption checklist for the clerk and deputy clerk to follow.

Councilman Kashwick

1. Shade Tree – five more trees to be planted within the next few weeks. State Environmental Protection Agency coming to inspect the trees. Will make report at the next meeting.
2. There appears to be a State Requirement that towns have a tree preservation ordinance. Councilman Kashwick is looking into that and reviewing our current tree ordinance to see if that meets the requirements. The committee will be discussing this at their next meeting.

Councilman Perloff

1. Recreation Committee - CCYA is coming to Recreation with evaluations next week and should have recommendations for the pay scale for the next meeting.
Bonfire is scheduled for January 27, 2023, rain date February 3.
2. Clinton Guild – Chameleon Blue will be celebrating their 10th anniversary Sunday at noon with a ribbon cutting.
3. Economic Development continues working on the website to update the lists of active businesses. Will be meeting with Jack Daniels to get his most recent list of businesses. EDC is asking Communications Committee to discuss how they would like to present the list on the website and in the newsletter.
4. Water Committee – continuing to talk through the impact of PFAS regulations and the impact it will have on the Town’s water system. Our engineer is working diligently on the Asset Management Plan and hope to have it by the end of the year, if not, definitely by the end of the first quarter.
5. Day of the Dead – SUCCESS! Many thanks to all that attended this event! Councilman Perloff’s wife Alison worked extremely hard to put this together and would like to thank many people who helped. The event was sponsored by the Hunterdon Art Museum, Prevention Resources and the Friendly Sons of St. Patrick. The Art Museum calculated over 400 entries to the Art Museum and estimate it could be close to 500 that actually came thru! A special thank you to Glen Roof for designing the ofrendas which was designed like a giant puzzle and numbered to be used again. Many people make altars or “ofrendas” (offerings) in their homes to honor their loved ones who have died. Every ofrenda also includes the four elements: water, wind, earth and fire. Water is left in a pitcher so the spirits can quench their thirst. Thank you to Craig Reuter who always comes thru! Climbing the tallest ladder in Clinton to display all the multi colored flags called papel picados across the museum patio! Talks have begun for next year’s event!
6. Veteran’s day is Saturday, November 11, 2023. Towne Restaurant is hosting the breakfast and it is being funded by the Friendly Son’s of St. Patrick. Two seatings 7:00 a.m. to 8:15 a.m. still has openings, the 8:15 a.m. to 9:30 a.m. is booked!
7. Buildings and Grounds – Discussion at the next meeting of an opioids “broken” bench that Prevention Resources has and moves around the county to bring awareness. Councilwoman Padmos asked Councilman Perloff to ask businesses if they would accept free Narcan from a business that Karl (attended meeting introducing North Haven) is working for.

STANDBY AND OVERTIME

A motion was made by Mr. Kashwick seconded by Mr. Traphagen to approve the standby and overtime attached to these minutes for the period of October 13 through October 26, 2023.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #153-23 – EXECUTIVE SESSION

A motion was made by Ms. Padmos, seconded by Mr. Traphagen, to enter into Executive Session as 8:12 p.m.

Vote all ayes
Motion carried

RESOLUTION # 153-23

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;

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

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

___Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: Land Acquisition OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

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

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

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

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town

Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be:

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

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

ADJOURNMENT

Upon returning from Executive Session at and there being no further business, a motion was made by Ms. Johnson, seconded by Mr. Perloff to adjourn the meeting at 8:19 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor

November 8, 2023
Regular Council Meeting



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

TAHESHA L. WAY
Lt. Governor

October 23, 2023

The Honorable Thomas H. Kean, Jr.
Member of Congress, 7th District
75 Claremont Road, Suite 206
Bernardsville, NJ 07924

Dear Congressman Kean:

Thank you for your letter on behalf of your constituents regarding the three overpasses on I-78 in the town of Clinton and the associated noise issues and related challenges they are experiencing. On behalf of the New Jersey Department of Transportation (NJDOT), I appreciate the opportunity to address your concerns.

NJDOT recognizes that traffic noise is one of the most pervasive impacts of transportation across our state. Addressing traffic noise as it relates to the quality of life of our neighbors while striving to maximize the efficiency of our existing roadways will continue to be a challenge.

The use of noise walls is based on requirements established by the Federal Highway Administration (FHWA) and NJDOT. Noise studies are performed for these sound barriers distinguished as Type I and Type II noise walls. Type I noise walls are constructed as part of federally mandated noise studies, conducted during certain construction projects along state highways. Most notably the noise studies are only triggered if the roadway is being widened or there is another significant change to the roadway profile. NJDOT follows its "Traffic Noise Management Policy and Noise Wall Design Guidelines," effective July 1, 2011, in its decision not to advance the Type II noise wall program. This is necessary because projects to mitigate roadway noise compete directly with projects that are being developed to improve safety on our roads. You may find this policy on the official web site for the State of New Jersey.

NJDOT does not support the use of signs along the State roadway system to prohibit or limit the use of compression engine braking, often called, "Jake Braking," because this type of braking has recognizable safety benefits for the driver's safety and for the public. The safety benefits represent that heavy duty vehicles can be operated in a more controlled manner during a "normal" braking or decelerating condition, as well as in an emergency braking situation. Proper muffler installation

and maintenance is the solution to prevent unnecessary vehicular traffic noise, but this is not the responsibility of the NJDOT.

The Department's bridge and infrastructure experts have reviewed the conditions of the above referenced bridges and do not find evidence of hazards from falling debris. Please note that as required by FHWA regulations, NJDOT's bridges are inspected at regular two-year intervals and more frequently when conditions warrant. Whenever an inspector encounters loose concrete or portions of a bridge that may be in danger of falling, a work order is issued to NJDOT's maintenance staff to remove the loose material and correct the condition.

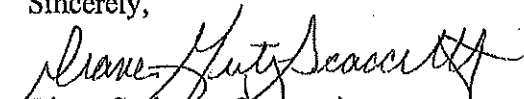
Your letter also refers to possible falling truck parts and their potential to injure children as they walk near the overpasses. Please be assured that safety is always the Department's primary concern. NJDOT carefully inspects bridges every two years. Although NJDOT cannot be responsible for the condition of the vehicles operating on state roadways, vehicles are required to be inspected periodically in accordance with state and federal regulations.

The suggestion to provide asphalt rubber overlays on bridge decks is problematic for several reasons. Based on the as-built plan information from 1957, the bridges do not appear to have been designed for an additional overlay allowance. Placing a non-structural asphalt overlay on the bridge decks would add additional dead load and therefore decrease the live load carrying capacity of the bridges. The Department no longer permits the use of asphalt overlays on bridge decks because asphalt overlays make it impossible to inspect the condition of the bridge decks during our regularly scheduled biennial bridge inspections.

Although you requested changes to the drainage patterns from the overpass on Leigh Street to the storm sewer network because of excessive runoff and sediment, NJDOT inspectors did not find evidence of drainage issues. However, there are indications that additional inspection and cleaning is warranted. Therefore, NJDOT maintenance staff will be regularly inspecting and maintaining the respective inlets.

I hope you find this information helpful. If you have any additional questions or concerns, please feel free to contact Vanessa Holman, Deputy Chief of Staff at (609) 963-1940.

Sincerely,



Diane Gutierrez-Seaccetti
Commissioner