

Flag Salute.

Roll Call: Bruno, Dineen, Humphrey, Johnson (Virtual), Perloff (Virtual), 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 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 using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

We will continue to address all questions and comments for any topic that is not on the current agenda during public comments as well as comments during public hearings for any ordinances.

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.

We ask that you keep your device muted until called upon by council. The meeting’s moderator may also mute participants.

The mayor and council will respond to all votes via roll call with the exception of opening and closing of public hearings will be a voice vote.

The Mayor and Council will respond to all votes by raising hands or via roll call.

APPROVAL OF MINUTES

A motion was made by Mr. Perloff, seconded by Mr. Bruno, to approve the meeting minutes and the executive session minutes of October 26, 2022.

Vote all ayes
Motion carried

6327

APPROVAL OF MONTHLY REPORTS – OCTOBER

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

Administrator's report, Animal Licensing report, Clerk's Account, Construction, Official report, Sewer Collector's Account, Water Collector's Account, Zoning/Code Enforcement report, Police report and Tax Collector's report.

Vote all ayes
Motion carried

PUBLIC COMMENTS

1. Mr. David Wiant, 78 Center Street, wanted to congratulate all the candidates who won the council election and give his condolences to those who did not. For the candidates who did not make it he hopes they will continue to be involved going forward. He commends the town for having so many qualified people who are willing to step up. It is a hard task and Mr. Wiant appreciates all that council does for the town

2. Mr. George Tiboni, 41 West Main Street, first wanted to address the discussion about changing the logo for the town. He believed the signs entering to town was the logo and was wondering why that was not a consideration. He feels the sign by exit 15 is in a bad place and should be moved closer to the island coming off of Route 78 for people to see. Second, there is a sign by the new gas station and Dunkin Donuts right off of Route 78 by Exit 15 saying "Welcome to the Town of Clinton". Mr. Tiboni would hate to have the town be associated with Dunkin Donuts. He feels maybe in the future that sign can be change to bring in some aspect of the other welcome to Clinton signs. Leaving the sign the way it is personally is troubling to him.

Mayor Kovach explained the sign over by the Dunkin Donuts was part of the agreement with the Land Use Board. It was a condition of the approval. The historic signs coming into town are in the process of being either repaired, painted, or moved to a different location. The Historic Commission is taking care of that. The logo has always been the Red Mill. The change is just too possible make it more updated.

On another subject Mr. George Tiboni mentioned he had the opportunity to see the plans for the development of the Agway property located on West Main Street. He was amazed at the scale and the density of the proposed project. Mayor Kovach asked where he saw them. Mr. Tiboni said Walter Wilson gave him a thumbnail copy or he thinks he went online somewhere and saw the plans. Mayor Kovach said the town has not seen any plans for the property. Mr. Tiboni feels if the plans he saw comes into play it would destroy the integrity and the architectural design of the town on West Main Street. You would be building another town inside the town Mr. Tiboni said. It would horrendously impact the traffic on West Main Street. He believes there has to be some other type of development for this property that would better suit the town.

Mayor Kovach stated again that she and council have not seen any plans for the Agway property and that nothing has been presented to the Land Use Board at this time.

3. Mr. William Miska, 146 Center Street, thanked Mayor and Council for the opportunity to run for council this year. He emphasized this is an amazing town and they are all fantastic people. It was a pleasure to meet everyone along the way. Mr. Miska just wanted to say it was an honor to be on the ticket with Mike Humphrey, Ross Traphagen, Molly Padmos, John Kashwick and Jen Frohlich. He said

everyone may have a difference of opinion but he can see though this process that everyone genuinely loves this town. Mr. Miska said he is thinking about applying for some of the committees.

Mayor Kovach said she appreciates everyone who steps up. It may seem like an easy job but in no form is it. Every day we have to make decisions that impact the community. We work towards making the best decisions. We work together and fight like a family.

MAYOR'S COMMENTS

1. There was a ribbon cutting ceremony at the Thomson's Seafood earlier tonight. That went well.
2. There will be another ribbon cutting ceremony on Sunday, November 13, 2022 at the Farmer's Market.
3. The League of Municipalities will take place next week down in Atlantic City. There will be many classes to attend with much informative information.
3. Mayor Kovach presented Councilwoman Sherry Dineen with a proclamation for her time on council. This meeting will be her last. She is stepping down from council.
4. Mayor Kovach let council be aware it is Richard Phelan's, Business Administrator, birthday today. Mayor and Council wished him a happy birthday!!

PUBLIC HEARING OF ORDINANCE #22-11 – BUSINESS RENTAL INSURANCE

A motion was made by Mr. Humphrey, seconded by Mr. Perloff, to open the public hearing of Ordinance #22-11:

BUSINESS RENTAL INSURANCE ORDINANCE NO. 22-11

THIS ORDINANCE IS IN ACCORDANCE WITH THE STATE REQUIREMENT
OF ESTABLISHING BUSINESS REGISTRATION WHICH REQUIRES BUSINESS OWNERS AND
RENTAL UNIT OWNERS TO MAINTAIN CERTAIN LIABILITY INSURANCE POLICIES
AND TO REGISTER WITH THE MUNICIPALITY ANNUALLY

Vote all ayes
Motion carried

Mr. Wiant asked how many businesses we have in town. Police Chief Kubinak responded saying about 280 to 300. Mr. Wiant wanted more clarification on this. Councilman Humphrey said the businesses and landlords need to provide evidence to the town that they have insurance. Mr. Humphrey explained we are just to have a database of the certificates to make sure the businesses and landlords have insurance and that there is no lag. Mayor Kovach said this is a State mandate and the fee is just to cover the cost of maintaining these files.

There being no more public comment, a motion was made by Mr. Bruno, seconded by Mr. Humphrey, to close the public portion of the meeting.

6329

Vote all ayes
Motion carried

A motion was made by Mr. Humphrey seconded by Mr. Perloff, to adopt Ordinance #22-11 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #22-12 – SEWER UTILITY

A motion was made by Mr. Traphagen, seconded by Ms. Dineen, to open the public hearing of Ordinance #22-12:

CAPITAL ORDINANCE NO. 22-12

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

Vote all ayes
Motion carried

Mayor Kovach stated this is to purchase a back hoe for the sewer department. The current back hoe is from 1978.

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

Vote all ayes
Motion carried

A motion was made by Mr. Traphagen seconded by Mr. Bruno, to adopt Ordinance #22-12 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #22-13 – GARBAGE UTILITY

A motion was made by Mr. Humphrey, seconded by Mr. Bruno, to open the public hearing of Ordinance #22-13:

ORDINANCE NO. 22-13

AN ORDINANCE ESTABLISHING A SOLID WASTE UTILITY

Vote all ayes
Motion carried

Mr. David Wiant, 78 Center Street, does not understand why we are doing this in the middle of the budget year. Mr. Wiant feels there may be another way to pay for this without creating a garbage utility and put additional burden on the taxpayers. He felt it would have been good to have a community wide discussion on the subject and possibly have a referendum. This is another expense outside of the taxes.

Mayor Kovach explained the new contract starts December 1, 2022 and this cannot go into the budget and the only way to pay for this is thru this garbage utility. The town cannot pay for it thru the current fund like we have because it will put us over the cap. The cost of garbage has almost doubled. Mayor and Council looked at whether they can put it into the current fund and see what services we would have to cut. They looked at not doing municipal pickup and have everyone go out and contact their own hauler which would create garbage trucks on streets every day instead of the twice a week schedule. Councilman Perloff, Councilwoman Johnson and herself have spent hours with Kathy Olsen, CFO and Richard Phelan, Bus.Adm. looking at multiple options. This option allowed us to continue to provide the same service at the lowest cost. As far as having a referendum, it would have to be in February and have a special election which would be after the time the garbage contract needs to start. The special election would be a substantial cost to the taxpayers as well. Mayor Kovach said again this was the best way to keep the cost down. There is legislature pending to allow solid waste be outside the cap at which time this can be evaluated again and possible put back into the budget. There is nothing to say that it cannot go back into the current fund of the budget and dissolve the garbage utility.

Mr. Wiant asked if there are any funds left to carry over to the garbage utility. Kathy Olsen, CFO, explained as of today there is but by the end of the year there will be no left over funds. She may have to transfer monies into the accounts until we start receiving monies from the garbage utility.

Councilman Bruno said he has only been on council for a year and this is most outreach he has received from residents in town. The State put us in an unfavorable position by putting all these unfunded mandates on us. Almost everyone he has talked to does not want this to go through. Mr. Bruno appreciates the time other council members have spent working on this and this maybe the best/bad option but he does not agree. Will the tax rate possibly go down due to this?

Mayor Kovach responded saying that this has to come out of the budget. She wanted to make everyone aware that the state health benefits went up 23% and pension went up 17%. Majority of the tax rate has to do with the school and the county. The municipal portion is minimal. The goal is to keep costs down and taxes down. The financial committee is in the process of trying to accomplish this.

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

Vote all ayes
Motion carried

6331

A motion was made by Mr. Humphrey seconded by Ms. Dineen, to adopt Ordinance #22-13 on final reading.

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

Vote 6 ayes
Vote 1 nays
Motion carried

RESOLUTION #149-22 PURCHASE OF TWO BACKHOES

A motion was made by Ms. Dineen, seconded by Mr. Bruno, to adopt Resolution #149-22 as submitted:

RESOLUTION # 149-22

WHEREAS, the Town of Clinton wishes to purchase two (2) Backhoes from an authorized vender under the Educational Services Commission (ESC) of New Jersey Cooperative Purchasing;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Jesco has been awarded the ESC Contract 18/19-25; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Two Backhoes for the Water Utility and Sewer Utility is not expected to exceed \$235,384.73; and

WHEREAS, the Chief Financial Officer has certified the availability of \$235,384.73 under Ordinance #22-05 from the Water Capital Utility and Ordinance #22-12 from the Sew

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Jesco be awarded a contract for the purchase of two Backhoes.

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

Vote all ayes
Motion carried

RESOLUTION #150-22 HUNTERDON COUNTY OPEN SPACE GRANT

A motion was made by Mr. Humphrey, seconded by Mr. Bruno, to adopt Resolution #150-22 as submitted:

RESOLUTION – #150-22

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$12,612.09 from the County of Hunterdon and wishes to amend its 2022 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 in the sum of \$12,612.09 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
County Open Space Grant, and

BE IT FURTHER RESOLVED, that a like sum of \$12,612.09 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap
Public and Private Programs Off-Set by Revenues:
County Open Space Grant
Other Expenses

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

Vote all ayes
Motion carried

CORRESPONDENCE – None

REPORTS OF COUNCIL

Police Chief Cory Kubinak - No Report

6333

Kathy Olsen, Chief Financial Officer – No Report

Councilman Humphrey

1. The December issue of the Newsletter is coming up. Mr. Humphrey reported to send in your articles as soon as possible.

Nancy Burgess, Deputy Clerk

1. The General Election was held this past Tuesday, November 8 and all went well. No major issues and it was a fantastic turnout. There was a constant movement throughout the day.

Tara St. Angelo, Town Attorney – No Report

Councilwoman Dineen

1. Roads Committee met on November 4th.
2. The preconstruction meeting for the Haver Farm Road paving project was last week. They do not have a final schedule yet but work has begun. We anticipate milling and paving to begin on Monday, November 14th. All residents will be notified.
3. The Department of Environmental will post updates on the stormwater management regulations in December. This will impact the towns on rivers like ours. The regulations will raise the flood elevations 2-3 feet above FEMA's maps. Looking at historical rainfall data this will put more businesses and residences in the flood plain. Those effected will have to have flood insurance and will put restrictions on what can be built on a flood site. Stormwater requirements like reporting, enforcement, and data gathering will get more onerous and will be tough for Tier A communities like ours. This is another unfunded mandate coming down from the State.
4. The final trench restoration on Harrison Street and Fairview Avenue is complete.
5. A bike rack was donated to the town by the Sunrise Rotary and is located a Lower Center Street lot. However it is broken and we are investigating whether to repair or remove it.
6. Buildings and Grounds has not started painting 47 Leigh Street yet. It maybe next week but if not it will be pushed off to spring.
7. The tennis court and pickle ball courts are complete. They are hopping and people seem to be taking care of the nets. We love it!!!
8. The water committee met this morning. They are preparing to replace a water main on the Route 78 overpass on Cokesbury Road. It will all be night work under Department of Transportation's permit. There was one main break last week in Lebanon on Main Street. The hydrant flushing is going well. There are 116 yet to do. No will serve or water reservations applications were received. The water department is holding at 6K gpd of available water capacity. The Ingermann project located on Old Route 22 is still working on abandoning the service on the old water line. There are still a couple punch

list items left at the Foster Wheeler / Fox Fire pump station upgrade project. Hoping to be done by the end of November. And the last report for water is the American Leak Detection will be surveying through late November. Hopefully they will help us find if there are any leaks in our water system.

9. Ms. Dineen thanked Mayor and Council for the proclamation presented earlier in the meeting. This is her last report. She thanked everyone for serving the community. It has been her honor to serve the community. She enjoyed being on council and working with the employees and residents.

Councilman Traphagen

1. The South Branch Rescue Squad met last night. They had 353 calls for October. Their response time for the town has decreased from 5 minutes 30 seconds to 4 minutes 24 seconds. Mr. Traphagen thanked the rescue squad for being quick and on time and for servicing the community.

Councilman Bruno

1. The Shade Tree Commission replaced the tree in front of the Towne Restaurant.

2. Mr. Bruno wanted to say a great job to Nancy Burgess, Deputy Clerk, for stepping up and overseeing the elections yesterday due to Cecilia Covino, Town Clerk, being on vacation. He heard only good compliments on how it was run.

Councilman Perloff

1. Recreation Commission is starting to get facility use forms for the Community Center. They are working with a group to bring some tournaments at Gebhardt Field for next summer. So keep a look out for that.

2. A holiday jewelry sale will be held this Saturday at the Community Center.

3. The Farmer's Market will begin this Sunday, November 13 at the Community Center. Thanks to Rich Phelan, Administrator for helping with organizing all the e-mails. Mr. Perloff will make sure there is a list of all the vendors. He is glad it was able to be held inside the community center where it will be dry and warm during the winter.

4. The movie night and the kid's races was a success. The funds should have been submitted for the trust fund. If they haven't he will make sure the organizer brings those in. A little over \$700.00 was raised. Kathy Olsen, CFO, replied she has not received anything yet. Mr. Perloff will follow up.

5. Clinton Community Youth Association aka CCYA is getting started. The information is in the virtual backpack at Clinton Public School. Forms are due November 15. Recreation members met with the leader of the CCYA, Bill Colantano. He is working on the budget and what is needed to operate. That information should come over to the finance department sometime next week for review.

6. December 18th will be the "Light the Night" event. Laura Burr and Kristina Tuxhorn from the Recreation Commission will be running it. Mr. Perloff will let everyone know where the location will be to pick up the luminaries as soon as possible.

6335

7. The Clinton Guild had a wonderful meet and greet on November 2nd at the Nurish to Heal. Mr. Perloff said it was very nice for the Guild to do this. This is from the Clinton Guild Outreach program for everyone not just the Guild members. It is a way to give back to the community. If get a chance to go to one that would be terrific.

8. Dicken's Days starts this month on November 25th. The Christmas Parade is December 2nd. Candlelight Night is December 15th. You can check out the Clinton Guild's revamped website for more information and other upcoming events.

9. The Playground Committee is going to meet this Monday, November 14th. They received some preliminary proposals and concepts for the playground. The committee will be giving some feedback to the vendors they met with. Mr. Perloff said he will have a more formal report at the next council meeting.

Councilwoman Johnson – No Report

Richard Phelan – Bus.Adm.

1. Last week was held the annual Safety Committee meeting. Attendees were members from Public Works, administration, police, fire, EMS and our risk manager. Once a year everyone attends this meeting to go over updates and changes in the law as it relates to training, review any workers compensation claims and general liability claims that have come in this year. The Town had virtually very few workers compensation claims. The ones we had were minor in nature. Our Risk Management and our insurance company commends us on our record. Police, Fire, and EMS do a terrific job on their training to assist on keeping these numbers down. Overall the risk manager and the insurance company were very pleased. They encourage us to keep doing what we are doing. It Works!!!

STANDBY AND OVERTIME

A motion was made by Mr. Bruno, seconded by Mr. Traphagen, to approve the standby and overtime attached to these minutes for the period of .

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

Mayor Kovach announced the next council meeting, November 23, 2022, will be at 8:00am via a hybrid meeting mainly to pay the bills.

ADJOURNMENT

There being no further business, a motion was made by Ms. Dineen seconded by Mr. Bruno to adjourn the meeting at 8:38 pm.

Nancy Burgess, RMC
Municipal Deputy Clerk

Janice Kovach, Mayor