

Flag Salute.

Roll Call: Bruno, 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](mailto:councilmeeting@clintonnj.gov) with any questions or concerns between meetings. Please feel free to reach out with a note at [jkovach@clintonnj.gov](mailto:jkovach@clintonnj.gov) anytime!

**APPROVAL OF MINUTES**

A motion was made by Mr. Kashwick seconded by Ms. Johnson, to approve the minutes of the Council Meetings held December 8, 2023.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS**

Megan Moore, Haver Farm Road, member of the Clinton Public School Board of Education and works with Prevention and Recovery in Hunterdon returned to this evening’s meeting to continue her questions regarding the money coming from the opioid settlement. Chief Kubinak was not at this evening’s meeting and Councilwoman Johnson attempted to explain the different national settlements. The subdivision of allocations which are different funds coming through the State of New Jersey and different throughout the country. As reported at the last meeting, the Chief of Police needed to respond quickly to the Attorney General and mentioned the device as a possible purchase. CFO Olsen said the Town has received \$11,500 to date which goes into a trust fund and once received a Chapter 159 will be adopted to insert it into the 2024 budget. Ms. Moore the information of the state website is very confusing and that the funds can be used for helping people and outside training. Mayor Kovach said we can bring an expert to explain the device. It has been on loan with other towns, to see how it works and the Chief plans to get training for officers. Attorney St. Angelo will look into it further for clarification and will provide a public statement.

**MAYOR’S COMMENTS**

1. The Town of Clinton will be collecting Christmas trees for the Round Valley Trout Association which will be used at the bottom of the reservoir for a fish structure. They will be picked up

curbside and deposited in Hunts Mill Park for the association to collect them when ready to use them.

2. The last 78/22 coalition meeting of the year was held on December 14<sup>th</sup>. Our guest speaker was Jeff Donlon of Sunken Silo. He spoke about the efforts of the beer trail and owning a small business in Hunterdon County. We also discussed the liquor license reform that received a conditional veto. The next steps are to move legislative initiatives in the new session.
3. Thank you, Ceil, and the Hunterdon County Clerks Association for the inclusion in the annual Clerks Holiday Luncheon.
4. Meeting with Scout from Troop 121 Elias Wysong. He is interested in putting up a live feed webcam (like other communities such as Breckenridge CO) on Main Street that would give people an opportunity to see what is going on or participate if they cannot attend events. He will be presenting to the Guild at their meeting tomorrow morning.
5. The Chabad of Hunterdon hosted the final candle Menorah lighting on the last day of Hanukkah on the terrace at the Art Museum. Thank you to the Clinton Fire Department for bringing the ladder truck to assist with the lighting. It was an honor to light the Shamash and join Rabbi Posner in celebrating the last night with our community.
6. Mayor Kovach also did a recent interview on 101.5 with Dino Flammia regarding the veto of the Christmas tree bill, focusing on the community celebration that will continue even if we are not burning trees. The fire department will continue with burning pallets.
7. On Saturday, December 16, Clinton was again overrun with Santas and runners for the annual SantaCon 8K led as previously by the Griswold station wagon. Thank you to Eric and his team for another amazing event.
8. Land Use Board was on the 19<sup>th</sup>, the applicant AMBE holdings also known as the Moebus property completed its testimony with their experts. The next meeting will be January 16, 2024. Attendees will be able to testify and add their comments. The applicant will have the engineer in attendance.
9. Meeting with Recreation to talk about summer recreation. We will have a meeting with Samantha and recreation.
10. Our final ribbon cutting of the year was at After Glow by Sylvia on East Main Street. Congratulations.

And my last update is an opportunity to thank Councilwoman Megan Johnson for her 6 years of service on council as well as her prior years on recreation.

Mayor Kovach called Councilwoman Johnson to the forefront and read a Proclamation to her! A round of applause filled the room and in response Councilwoman Johnson read a heartfelt thank you to council and the Town of Clinton staff. Councilwoman Johnson received a standing ovation. She will be missed, but definitely will stay involved!

**PUBLIC HEARING OF ORDINANCE #23-24 – SALARY RANGE 2024**

A motion was made by Mr. Perloff seconded by Ms. Johnson to open the public hearing of Ordinance #23-24 as submitted:

**ORDINANCE #23-24**

**AN ORDINANCE FIXING THE POSITION TITLES AND SALARY RANGES OF CERTAIN OFFICERS AND EMPLOYEES IN THE TOWN OF CLINTON IN THE COUNTY OF HUNTERDON AND FOR THE WATER UTILITY AND THE SEWER UTILITY IN THE TOWN OF CLINTON IN THE COUNTY OF HUNTERDON**

Vote all ayes  
Motion carried

A copy of this ordinance will be published in the Courier News December 17, 2023. A public hearing will be held December 27, 2023.

**PUBLIC HEARING OF ORDINANCE #23-25 – AMENDED HIGHLANDS CONSISTENCY PLAN**

A motion was made by Mr. Traphagen seconded by Mr. Kashwick to open the public hearing of Ordinance #23-25 as submitted:

**ORDINANCE #23-25**

- 1) ADOPTING AN AMENDED HIGHLANDS LAND USE ORDINANCE;**
- (2) AMENDING TOWN OF CLINTON CODE SECTION 88-39 REGARDING LAND DEVELOPMENT APPLICATION FILING PROCEDURES AND THE “LAND DEVELOPMENT APPLICATION – DEVELOPMENT REVIEW CHECKLIST;” and**
- (3) PROHIBITING WAREHOUSING AND DISTRIBUTION CENTERS AS PRINCIPAL USES IN THE INDUSTRIAL DISTRICT**

Summary: The Ordinance amends the Highlands Land Use Ordinance. The Ordinance adopts the Highlands Model Land Use Ordinance with modifications requiring residential and commercial cluster development in the protection zone and requiring the use of the most up-to-date maps published by the Highlands Council. Consistent with the Highlands Land Use Ordinance, the Ordinance also amends the Town’s land use development checklists to require digital submissions, decrease the number of paper copies submitted, require a Highlands consistency review, and submission of a geotechnical report in certain circumstances. Lastly, the Ordinance prohibits warehousing and distribution centers as principal uses within the industrial zone and permitting such uses as accessory uses only within the industrial zone.

Vote all ayes  
Motion carried

Attorney St. Angelo explained one of the provisions limits the areas in the municipality where warehouses would be allowed. Mayor Kovach explained the Highlands Council will now have the authority to review some uses in the Town. The Land Use Board has submitted their review and did not find any council recommendations inconsistent with the town’s master plan. There being no questions, a motion was made by Mr. Bruno, seconded by Mr. Perloff 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 #23-25 on final reading. Notification will be sent to the Hunterdon County Planning Board, The Highlands Council and General Code to update the Town Code Book.

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

Vote all ayes  
Motion carried

**PUBLIC HEARING OF ORDINANCE #23-26 – CREATION OF POSITION IN POLICE DEPT.**

A motion was made by Ms. Johnson, seconded by Ms. Padmos, to open the public hearing of Ordinance #23-26:

**ORDINANCE # 23-26**

**AN ORDINANCE CREATING THE POSITION OF CORPORAL WITHIN THE TOWN OF CLINTON POLICE DEPARTMENT**

Vote all ayes  
Motion carried

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

Vote all ayes  
Motion carried

A motion was made by Mr. Perloff, seconded by Ms. Padmos, to adopt Ordinance #23-26 upon final reading.

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

Vote all ayes  
Motion carried

**RESOLUTION #165-23 – FIREWORKS DISPLAY**

A motion was made by Mr. Perloff, seconded by Mr. Bruno, to adopt Resolution #165-23 as submitted:

**RESOLUTION # 165-23**

WHEREAS, the Town of Clinton Recreation Committee has requested permission from the Mayor and Council of the Town of Clinton, to have a Fireworks Display at the Town Bonfire to be held on January 27, 2024, rain date February 3, 2024 at Hunts Mill Park, and

WHEREAS, Garden State Fireworks, Inc. has provided a Certificate of Insurance in the amount of \$5,000,000 naming the Town of Clinton as an additional insured, and

WHEREAS the Town of Clinton Recreation Committee will request the Clinton Fire Department and the South Branch Emergency Services to standby at the scene;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that the Recreation Committee's request for a fireworks display at the Town Bonfire January 27, 2024, rain date February 3, 2024 at dark, be approved.

Vote all ayes  
Motion carried

**RESOLUTION #166-23 – BYOB – BONFIRE**

A motion was made by Ms. Johnson, seconded by Mr. Bruno, to adopt Resolution #166-23 as submitted:

**RESOLUTION # 166-23**

**TO ALLOW FOR BYO CONSUMPTION OF ALCOHOL AT TOWN BONFIRE**

WHEREAS, the code of the Town of Clinton, Chapter 32, Section 7, prohibits consumption of alcoholic beverages in, on, or upon any public street, or land owned or occupied by any federal, state, county, or municipal government, or as further explained in the Section 32-7 A through D; and

WHEREAS, alcoholic beverages may be consumed at occasions or events held by bona fide nonprofit organizations or other groups if specifically permitted by resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayo and Council of the Town of Clinton that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Hunts Mill Park during the Town of Clinton Yuletide Bonfire Winter Festival to be held January 27, 2024 beginning at 6:00 pm. A snow date has been added in case of inclement weather, Saturday, February 3, 2024.

Vote all ayes  
Motion carried

**RESOLUTION #167-23 – INSURANCE COMMITTEE POWER TO GRANT WAIVERS**

A motion was made by Mr. Bruno, seconded by Mr. Traphagen, to adopt Resolution #167-23 as submitted:

**RESOLUTION 167-23**

**RESOLUTION GRANTING THE INSURANCE COMMITTEE THE POWER TO GRANT WAIVERS FROM INSURANCE REQUIREMENTS FOR CONTRACTORS AND VENDORS USING MUNICIPAL PROPERTY FOR PRIVATE EVENTS**

WHEREAS, on July 22, 2020 the Mayor and Council adopted Resolution # 117-20 which established "tiered" minimum standards of insurance to be provided by contractors, vendors, and residents renting or reserving municipal property for private events; and

WHEREAS, recognizing that the list of tiered events is not all-encompassing, the Mayor and Council authorize the Insurance Committee to review insurance submissions and assign contractors and vendors to specific tiers of required coverage for recreation-related and non-recreation-related programs and events; and

**WHEREAS**, the Mayor and Council also authorize the Insurance Committee to grant or deny requests for waivers of such insurance requirements; and

**WHEREAS**, any contractor, vendor, or resident seeking rent or reserve municipal property or facilities are still required to complete and adhere to all the terms and conditions of the Town's Facility Use Form (as amended); and

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

1. The following policy for review of proof of insurance and requests to waive insurance requirements for residents, contractors, and vendors utilizing municipal property for private events ("Applicants") is hereby adopted:
  - a. General. If Applicants comply with the insurance requirements, the Applicant must submit a certificate of insurance to the Insurance Committee for review in advance of the subject event. If the insurance requirements are not met, the Insurance Committee shall notify the Applicant in writing. Applicants may request a waiver of the amounts of the Town of Clinton's insurance requirements as set forth below. The Insurance Committee is designated and empowered to review and grant or deny such requests. The decision of the Insurance Committee shall be final. Failure of the Insurance Committee to provide a decision on a waiver request shall not be deemed an automatic approval. All Applicants shall be required to execute a Hold Harmless Agreement in a form provided by the Town.
  - b. Waiver Request. Requests to waive the amount of insurance requirements must be submitted in writing in advance of the subject event by the Applicant. Waiver requests must be submitted by each individual Applicant and not the sponsor of the private event. The request shall include proof of available insurance coverage and set forth the reason for the requested waiver. Such request shall be forwarded to the Insurance Committee for review and consideration.
  - c. Consideration of Waiver Requests. The Insurance Committee shall consider the following factors in determining whether to grant the waiver request. The Insurance Committee may consult with the Town Administrator, Risk Manager, or other employee as needed.
    - i. The number of anticipated attendees of the subject event.
    - ii. The duration of the subject event.
    - iii. The number of people employed by the contractor or vendor
    - iv. The relative hazard or risk of injury posed by the Applicant's activities
    - v. Whether the Applicant will be utilizing any hazardous substances
    - vi. Whether any vehicles will be used in connection with the subject event
    - vii. The availability of other insurance coverage for the subject event.
  - d. Decision. The Insurance Committee shall provide its decision in writing to the Applicant, with a copy to the Town Administrator prior to the subject event. The decision of the Insurance Committee shall be final.
    - a. In the event the Insurance Committee is disbanded or otherwise no longer exists, all powers vested in the Insurance Committee under this policy shall be assumed by the Town Council.

- b. This policy may be amended by resolution of the Town Council.
- e. A copy of this resolution be provided to all municipal departments and the Town of Clinton Recreation Committee.
- f. This resolution shall take effect immediately.

Vote all ayes  
Motion carried

**RESOLUTION #168-23 – HIRING OF NEW POLICE OFFICER**

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to adopt Resolution #168-23 as submitted:

**RESOLUTION #168-23**

**WHEREAS**, the Town of Clinton Police Department requires the hiring of a new Police Officer to fill a vacant position, and;

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

**WHEREAS**, the Chief of Police would like to hire an applicant that is still in the Police Academy; scheduled to graduate in February 2024;

MAX WENDLING

**WHEREAS**, the Police Academy requires the Town's endorsement, via a resolution, while he is in the academy, that he will be hired by the Town of Clinton upon successful graduation from the academy;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Max Wendling to fill the open position of Police Officer, Tenth Class, upon graduation from the Police Academy, with full PTC Certification, in February of 2024. Adopted this 27<sup>th</sup> Day of December 2023.

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

Vote all ayes  
Motion carried

**RESOLUTION #169-23 – TRANSFER OF FUNDS**

A motion was made by Mr. Perloff, seconded by Ms. Johnson to adopt Resolution #169-23 as submitted:

**RESOLUTION #169-23**

**WHEREAS**, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2023 and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

**NOW, THEREFORE, BE IT RESOLVED** that the following transfers between 2023 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Liability Insurance -Other Expenses	\$5,000.00	
Social Security – Other Expenses		\$5,000.00
<b>TOTALS</b>	<u>\$5,000.00</u>	<u>\$5,000.00</u>

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

Vote all ayes  
Motion carried

**RESOLUTION #170-23 – SALE OF AFFORDABLE HOUSING**

A motion was made by Mr. Bruno, seconded by Ms. Johnson, to adopt Resolution #170-23 as submitted:

**RESOLUTION # 170-23  
A RESOLUTION CONCERNING DISCHARGE OF  
AFFORDABLE HOUSING MORTGAGE**

**WHEREAS**, Loretta A. Patz purchased a home at 21 Woodcrest Lane, Clinton, New Jersey, on January 27, 1999; and

**WHEREAS** this home was designated as an Affordable Housing unit in the Town of Clinton; and

**WHEREAS** pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, the said Loretta A. Patz executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on February 9, 1999 in Mortgage Book 1319 on page 495 (the “COAH Mortgage”); and

**WHEREAS**, on December 21, 2023, Loretta A. Patz sold the home to Jeffrey Dysart who has executed a mortgage to the Affordable Housing Authority, which mortgage has been duly recorded;

**NOW THEREFORE BE IT RESOLVED** that the Mayor has the authority to execute a Discharge of the Mortgage given by Loretta A. Patz to the Town of Clinton Affordable Housing Authority.

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

Vote all ayes  
Motion carried



**WATER REFUND**

Water Collector, Nancy Burgess, requested a check in the amount of \$2,000.00 payable to the Mews at Annandale. The tenants get billed for the sewer in their rent bill. The tenant received \$3,000.00 for his water and sewer accounts from the Office of Home Energy Assistance under the Division of Housing and Community Resources DCA. Therefore, a check in the amount of \$2,000.00 will be forwarded to the Mews.

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

Vote all ayes  
Motion carried

**CORRESPONDENCE - NONE**

**REPORTS OF COUNCIL**

**Councilman Perloff**

1. Recreation Committee – continues to review their budget.

2. The list of coaches for CCYA is as follows:

GRADE	TEAM	COACH
3-4 GIRLS	TOC1	JASON PENNUNICI
3-4 GIRLS	TOC2	KYLE JUST
3-4 BOYS	TOC1	JOSE SALAZAR
3-4 BOYS	TOC2	BRIAN HARRIS
3-4 BOYS	TOC3	NICK TONZETICH
5-6 GIRLS	TOC1	BILL COLANTANO
5-6 BOYS	TOC1	GUS KHAMISH
5-6 BOYS	TOC2	JOE WENDEL
7-8 GIRLS	TOC1	GUS KHAMISH
7-8 BOYS	TOC1	PETE BROWN
7-8 BOYS	TOC2	JOHN PECK

Adult Officials \$55.00

Junior Officials \$15.00

Score Book \$12.00

Clock \$12.00

School Usage \$350.00 (8:00 AM to 4:30 PM)

Motion made by Mr. Perloff, seconded by Mr. Bruno to accept the names and salaries as presented.

Vote all ayes  
Motion carried

3. Clinton Guild preparing for their Winter Festival! January 28, 2024.
4. Economic Development Committee – working on the post card that will be sent to all businesses. Mr. Traphagen will create something for the website.
5. Water Committee – usage is down 4M this month which creates a small increase in availability.
6. Buildings and Grounds - Received a thank you from Prevention Resources for allowing the placement of the drug awareness bench in front of the municipal building temporarily.

**Councilman Kashwick**

1. Shade Tree – Committee continues working on a memorial tree policy, working on the annual year end report to be submitted to the State and the report for Tree City USA if it is awarded this will be our 40<sup>th</sup> year! Mr. Bruno asked Mr. Kashwick about the seedlings and they agreed to discuss off line.

**Attorney St. Angelo**

1. Attorney St. Angelo reported that tomorrow, December 28, 2023 will be the last day for Patti Hammer at the Gebhardt and Keifer Law firm. 39 years of dedication to the firm, she will be missed.

**Councilwoman Johnson**

1. Summer Recreation packets will be available withing the next few weeks. Samantha LeStrange will be the coordinator once again.

**Councilman Traphagen**

1. Meeting with the new vendor tomorrow for the newsletter 2024. Working on revamping the visual communications on the website.
2. Congressman Kean met with Chief Setnicky of the South Branch Rescue Squad and informed him of Federal funding opportunities for 2024.

**Councilwoman Padmos**

1. Councilwoman Padmos said she has been approached by families of Rachel Court that have trouble crossing Old 22 at the traffic light after dropping children off to school and the crossing guards leave their posts. Chief Kubinak will meet with the families and discuss the possibilities.
2. The anonymous philanthropist that recently donated \$10,000 to the playground project attended the ribbon cutting but remains anonymous! Thanks to the generous person!  
Grants continue to be pursued, Councilwomen Johnson and Padmos have met with professionals at the site of 63 Halstead Street. Working on reports and a huge thank you to Art Dysart, for all his invaluable knowledge and assistance!
3. Buildings and Grounds - Thank you for the completion of the fence at the playground, it looks great!

**Councilman Bruno**

No report

**STANDBY AND OVERTIME**

A motion was made by Mr. Perloff seconded by Mr. Bruno, to approve the standby and overtime attached to these minutes for the period of December 8 through December 21, 2023.

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

Vote all ayes

Motion carried

**PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Johnson, seconded by Mr. Kashwick to adjourn the meeting at 8:10 p.m.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

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Janice Kovach, Mayor