

Flag Salute.

Roll Call: Bruno, Kashwick, Padmos, Perloff, Stentz, 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. Bruno, seconded by Mr. Perloff, to approve the minutes of the Council Meeting and Executive Session held February 28, 2024 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF BUDGET MEETING MINUTES**

A motion was made Mr. Kashwick, seconded by Ms. Padmos, to approve the Budget Meeting minutes of March 6, 2024 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS**

A motion was made by Mr. Traphagen, seconded by Mr. Bruno, to accept the monthly reports for the month of February, 2024 as submitted.

Vote all ayes  
Motion carried

**PUBLIC COMMENTS - NONE**

**MAYOR’S COMMENTS**

Water Rates - The water committee met with Suburban Consulting Engineers and reviewed the recommendation which will be presented to Council by Suburban at the April 10<sup>th</sup> meeting for review and discussion. As always this will be an open public meeting for anyone that wants to participate.

Budget workshop was held on March 6<sup>th</sup> with a review of the finance committee's recommendations for current, water and garbage. The budget will be introduced on March 27<sup>th</sup> and I'm happy to say with a 3-cent reduction on the municipal taxes. Mayor Kovach is preparing the budget letter, and it will be ready along with the introduction.

International Women's Day celebration with an amazing group of women in Morristown. The organization "Pass the Crown Around" hosted at the venue 1776 by David Burke, Morristown, offers information for entrepreneurs and business owners.

Friendly Son's of Saint Patrick Weekend was a weekend of absolutely insane weather! The FSSP hosted a great weekend celebration from the party on Friday night with the Nerds, Saturday was the children's event and Pub Night and the parade (which experienced every form of weather before and after) to the after party with the Amish Outlaws. We are thrilled to be the host community for an organization that does so much across the county.

Sunrise Rotary hosted a fabulous and well attended children's event Saturday afternoon even with the rainy weather. Always grateful to them for all they do to give back to the community.

Run O' the Mill – not sure what year we are on with the race, but it always seems the weather is frigid (maybe it improves our time so we can be done) but also well attended and looking forward to next year.

Republic Services stopped by to share some updated information and initiatives they are spearheading including EV trucks and plastic recycling. They offer a lithium and alkaline battery recycling bin that we could have outside on the porch – will give the info to Councilman Kashwick for the Environmental Commission to review. They are also happy to give any talks in person or via zoom around recycling and information on a community grant program.

Women in film panel last night in Montclair – great opportunity to talk about film in NJ and the towns that are leaning in to film production and the economic drivers it offers to small businesses.

Film Ready training is scheduled for Tuesday April 23<sup>rd</sup> 9-2 in Morristown. If anyone is interested in attending let Clerk know but please make sure if you sign up, you attend. This is free but limited space.

OPRA was heard in committee on Monday and will be in appropriations committee tomorrow I believe. Waiting to hear if we (the league) will be giving testimony.

Affordable Housing also is moving through committees in the Assembly.

#### **PROCLAMATION TRISOMY AWARENESS MONTH**

Mayor Kovach announced a proclamation has been prepared in support of Trisomy Awareness Month, a condition characterized by the presence of an additional chromosome to the normal diploid number, which causes developmental abnormalities in a person.

#### **RESOLUTION #59-24 – INSURANCE REVIEW FOR EVENTS AND VENDORS**

A motion was made by Mr. Perloff seconded by Mr. Bruno, to adopt Resolution #59-24 as submitted: Councilman Kashwick explained the two changes recommended by the committee would be facility and special events applications be reviewed by the Insurance Committee before coming before Council, and the medical coverage be lowered from \$10,000 to \$5,000.00.

#### **RESOLUTION 59-24**

**RESOLUTION AMENDING THE POWERS OF THE INSURANCE COMMITTEE REGARDING THEIR REVIEW AND APPROVAL OF WAIVERS FOR INSURANCE COVERAGE LIMITS FOR ENTITIES HOLDING EVENTS AND/OR VENDORS LOCATED ON PUBLIC PROPERTY** 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**, on December 27, 2023, the Mayor and Council adopted Resolution 167-23 which authorized 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 to grant or deny requests for waivers of such insurance requirements for any contractor, vendor, or resident seeking rent or reserve municipal property or facilities ; and

**WHEREAS**, the Town of Clinton Insurance Committee is desirous to make additional changes to their duties in order to clarify their role to ensure efficient oversight of the insurance-related matters noted above.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton that Resolution 163-23 is hereby amended 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 events (“Applicants”) is hereby adopted:
  - a. General. For all Facility Use Requests and/or Special Event Permits received by the Town, 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/sponsor of the event, and/or participating vendor(s) as applicable. 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.
  - e. 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.
  - f. This policy may be amended by resolution of the Town Council.
2. A copy of this resolution be provided to all municipal departments and the Town of Clinton Recreation Committee.
  3. This resolution shall take effect immediately.

#### **TOWN OF CLINTON INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

The Applicant agrees to protect, indemnify and hold harmless the Town of Clinton, its officers and directors, employees, officials, volunteers, agents, subcontractors and affiliates and all of the foregoing's respective successors and assigns (collectively, the "Indemnified Parties"), from and against any and all liabilities, losses, damages, costs, expenses (including but not limited to attorney's fees and expenses), causes of action, suits and claims of any nature whatsoever. Such indemnification shall include, but not be limited to, matters arising from, based upon, or relating to (a) Personal Injury or death to, or damage to or loss of property of, loss of use of property, to any person caused in whole or part by the negligence of any Indemnified Party in connection with such Indemnified Party's involvement or participation in the aforementioned event. This indemnification agreement is not limited to the insurance requirements.

This indemnification shall be governed by and construed in accordance with the laws of the State of New Jersey, without reference to the conflict of law provisions thereof. If any portion of this indemnity shall be invalid or unenforceable, the remaining portion hereof shall not be affected thereby and shall remain in full force and effect.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name (If applicable) \_\_\_\_\_  
Date: \_\_\_\_\_

**For Minors**

I/WE, \_\_\_\_\_ (hereinafter "I/WE"), acknowledge and

Represent that I/WE am/are the parent(s)/legal guardian(s) of \_\_\_\_\_  
Printed Name of Parent(s)/legal guardian(s): \_\_\_\_\_  
Date: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned, a duly authorized representative of the Renter, have read and agree to be bound by the terms of this agreement.

Vote all ayes  
Motion carried

**RESOLUTION #60-24 – MINIMUM INSURANCE STANDARDS**

A motion was made by Mr. Kashwick seconded by Mr. Perloff, to adopt Resolution #60-24 as submitted:

**RESOLUTION #60-24**

**ESTABLISHING MINIMUM INSURANCE STANDARDS FOR CONTRACTORS AND VENDORS ACCESSING MUNICIPAL PROPERTY FOR RECREATION OR NON-RECREATION PURPOSES**

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

WHEREAS, the Town of Clinton Insurance Committee (Insurance Committee) is desirous to amend the current minimum standards of insurance to be provided by contractors/vendors/residents seeking rent or reserve municipal property or facilities by submitting a Facility User Form and/or Special Event Permit; and

WHEREAS, the (Insurance Committee recognizes that depending on the good/services being provided by the contractor/vendor/resident, different insurance limitations would continue to be in the best interest of the Town; and

WHEREAS, the Insurance Committee wishes to continue with its "tiered" insurance structure to continue providing for higher insurance limitations for contractors/vendors/residents providing higher risk services and lower insurance limitations for contractors/vendors/residents providing lower risk services; and

WHEREAS, the Insurance Committee wishes to amend the coverage limits currently received for Tier A by reducing the coverage amount currently required under "Medical Payments;" and

WHEREAS, any contractor/vendor/resident seeking rent/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

WHEREAS, the attached document entitled "Town of Clinton Insurance Requirements" shows the requested amendment to the coverage amount; and

WHEREAS, additions to the requirements are noted in bold italics and deletions noted in strikethrough, and all other portions of the "Insurance Requirements" set forth below shall remain unchanged.

WHEREAS, recognizing that the list of tiered events is not all-encompassing, the Mayor and Council authorize the Town of Clinton Insurance Committee, in consultation with the Town Administrator, Risk Manager, or other employee as needed to make interpretations and assign contractor/vendors/residents to specific tier requirement coverage for any Facility Use Form and Special Event Permit that is received by the Town; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby adopt the amended recommendations as provided by the Insurance Committee for insurance limitations in accordance with the attached document entitled "Town of Clinton Insurance Requirements".

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to all municipal departments and the Town of Clinton Recreation Commission.

## **Town of Clinton**

### **Insurance Requirements**

**TIER A CATEGORIES – HIGH/MEDIUM RISK (Parades, Marathon event, Cycling event, Fireworks display, Hot Air Balloon, Wagon Rides, Bounce Houses or inflatables, Amusement Rides, Petting Zoos, Alcohol Sales or consumption, Day Camps, Sporting Leagues, Pyrotechnics, Helicopter experience, Pony Rides, Food Truck Vendors, Food Vendors (no alcohol), Exercise/Fitness/Dance Class, Music & Entertainment, Beverage Truck (no alcohol), Fishing Derby, Sports Coaching, Dunk Tank, Art Classes)**

- A. All insurance coverages reference in this application, purchased by the applicant shall use Insurers with a minimum A.M. Best Rating of A- VII and all Insurers shall be licensed or authorized to do business in New Jersey.
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 certificates of insurance or its equivalent, shall not in any way relieve applicant from any liability or diminish their obligations to maintain the insurance coverages required herein, or with any agreement with the Town or by law.
- C. Applicant shall maintain, or cause to be maintained, for the full term of the contract or as required below, at their sole cost and expense, the following insurance coverages:
  - a. Commercial General Liability insurance shall cover ALL operations of the Applicant for bodily injury, property damage, personal injury with minimum limits of not less than:

- i. Bodily Injury and Property Damage Liability \$1,000,000 each occurrence
    - ii. Personal Injury Liability: \$1,000,000 each occurrence
    - iii. Products/Completed Operations: \$1,000,000 each occurrence
    - iv. Medical Payments: **\$5,000**
    - v. General Annual Aggregate: \$2,000,000
  - b. Commercial General Liability coverage shall contain:
    - i. No Cross Liability or Cross Suits exclusions or limitations.
    - ii. Town and its officers, directors, boards, commissions, agents, employees and volunteers as additional insured on a primary and noncontributory basis.
    - iii. Waiver of Subrogation.
  - c. Commercial Automobile Liability insurance coverage with minimum limits of \$1,000,000 per accident for all Owned, Leases, Non-Owned and Hired Vehicles
  - d. Workers' Compensation and Employers Liability insurance in accordance with the applicable State statutes and laws. Sole proprietorships, members of LLC's and partners who will performing work may not "opt out" of coverage in states were allowed; coverage must be maintained.
    - i. Part A – Statutory benefits
    - ii. Part B - \$100,000 each employee disease/\$500,000 policy limit/\$100,000 each accident
  - e. Professional Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
  - f. Liquor Law Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
- D. Should the insured's coverage lapse or be cancelled for any reason, the Town must be notified no later than 30 days prior to cancellation date.
- E. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.

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**TIER B CATEGORIES – LOW RISK (Face Painting, Clowns, Jewelry sales, Home goods sales, Crafters, Business promotion booth.)**

- A. All insurance coverages reference in this application, purchased by the applicant shall use Insurers with a minimum A.M. Best Rating of A- VII and all Insurers shall be licensed or authorized to do business in New Jersey.
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 certificates of insurance or its equivalent, shall not in any way relieve applicant from any liability or diminish their obligations to maintain the insurance coverages required herein, or with any agreement with the Town or by law.

- C. Applicant shall maintain, or cause to be maintained, for the full term of the contract or as required below, at their sole cost and expense, the following insurance coverages:
- a. Commercial General Liability insurance shall cover ALL operations of the Applicant for bodily injury, property damage, personal injury with minimum limits of not less than:
    - i. Bodily Injury and Property Damage Liability \$500,000 each occurrence
    - ii. Personal Injury Liability: \$500,000 each occurrence
    - iii. Products/Completed Operations: \$500,000 each occurrence
  - b. Commercial General Liability coverage shall contain:
    - i. No Cross Liability or Cross Suits exclusions or limitations.
    - ii. Town and its officers, directors, boards, commissions, agents, employees and volunteers as additional insured on a primary and noncontributory basis.
    - iii. Waiver of Subrogation.
  - c. Commercial Automobile Liability insurance coverage with minimum limits of \$500,000 per accident for all Owned, Leases, Non-Owned and Hired Vehicles
  - d. Workers' Compensation and Employers Liability insurance in accordance with the applicable State statutes and laws. Sole proprietorships, members of LLC's and partners who will performing work may not "opt out" of coverage in states were allowed; coverage must be maintained.
    - i. Part A – Statutory benefits
    - ii. Part B - \$100,000 each employee disease/\$500,000 policy limit/\$100,000 each accident
  - e. Professional Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
  - f. Liquor Law Liability Coverage (if applicable) with minimum limits of \$1,000,000 each claim/\$1,000,000 annual aggregate.
- D. Should the insured's coverage lapse or be cancelled for any reason, the Town must be notified no later than 30 days prior to cancellation date.
- E. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.
- F. For those vendors or organizations that are working directly with children the General Liability policy will not have exclusion for Sexual Abuse and Molestation or separate coverage can be provided.

**TIER C CATEGORIES – RESIDENT REQUIREMENTS**



Residents shall provide the Town of Clinton no less than five days prior to the date of use of any Town facilities evidence in the form of a certificate of insurance for personal liability insurance coverage conditioned below:

- A. Any and all applicable insurance coverage purchased by the Applicant(s) shall use Insurers with a minimum of A.M. Best rating of A-VII and all Insurers shall be licensed or authorized to do business in New Jersey.
  
- B. Compliance by applicant with the carrying of insurance and furnishing of ACORD 25 Certificate of Insurance or its equivalent shall not in any way relieve applicant from any liability or diminish their obligations to maintain insurance coverage.
  
- C. The Town of Clinton reserves the right to deny access to town facilities to applicants that do not provide evidence of personal liability insurance coverage.
  
- D. Should any applicant hire outside vendors to perform services or functions relating to the use of Town of Clinton facilities, the applicant should obtain evidence of the vendor's insurance in accordance with the provisions outline in Tier A & B. for their own protection.

**TOWN OF CLINTON INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

The Applicant agrees to protect, indemnify and hold harmless the Town of Clinton, its officers and directors, employees, officials, volunteers, agents, subcontractors and affiliates and all of the foregoing's respective successors and assigns (collectively, the "Indemnified Parties"), from and against any and all liabilities, losses, damages, costs, expenses (including but not limited to attorney's fees and expenses), causes of action, suits and claims of any nature whatsoever. Such indemnification shall include, but not be limited to, matters arising from, based upon, or relating to (a) Personal Injury or death to, or damage to or loss of property of, loss of use of property, to any person caused in whole or part by the negligence of any Indemnified Party in connection with such Indemnified Party's involvement or participation in the aforementioned event. This indemnification agreement is not limited to the insurance requirements.

This indemnification shall be governed by and construed in accordance with the laws of the State of New Jersey, without reference to the conflict of law provisions thereof. If any portion of this indemnity shall be invalid or unenforceable, the remaining portion hereof shall not be affected thereby and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, a duly authorized representative of the Renter, have read and agree to be bound by the terms of this agreement.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Company Name (If applicable) \_\_\_\_\_  
Date: \_\_\_\_\_

**For Minors**

I/WE, \_\_\_\_\_ (hereinafter "I/WE"), acknowledge and

Represent that I/WE am/are the parent(s)/legal guardian(s) of \_\_\_\_\_

Printed Name of Parent(s)/legal

guardian(s):

Date: \_\_\_\_\_

Vote all ayes  
Motion carried

**RESOLUTION #61-24 – THOMAS PETTO – FIRE SUBDODE / INSPECTOR**

A motion was made by Mr. Kashwick seconded by Ms. Padmos to adopt Resolution #61-24 as submitted:

**RESOLUTION #61-24**

**WHEREAS**, the Town of Clinton needs to hire a Fire Sub-Code Official and Fire Inspector, and;

**WHEREAS**, the Construction Official has recommended the following individual be hired at the current salary as set by the 2024 salary resolution:

THOMAS PETTO – Fire Sub-Code Official and Fire Inspector

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Thomas Petto to fill the open position, Fire Sub-Code Official and Fire Inspector effective March 1, 2024.

Vote all ayes  
Motion carried

**RESOLUTION #62-24 – SETTING THE QUARTERLY SEWER RATES**

A motion was made by Mr. Perloff seconded by Mr. Bruno, to adopt Resolution #62-24 as submitted:

**RESOLUTION #62-24**

**RESOLUTION ESTABLISHING THE FLAT-RATE SANITARY SEWER UNIT COST**

**WHEREAS**, Section 112-10 of the code of the Town of Clinton provides that an annual flat-rate sanitary sewer cost for each flat-rate sewer unit shall be set by resolution adopted by the Town Council; and

**WHEREAS**, pursuant to statute, sewer units shall be set so as to cover the costs of acquisition, construction and operation of sewerage facilities, and

**WHEREAS**, it is recommended that there be an adjustment in the flat-rate sewer unit cost; and

WHEREAS, the Mayor and Town Council have reviewed the recommendation and find the recommended rate to be appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, County of Hunterdon, New Jersey, that the annual flat-rate sewer unit cost beginning June 2024 will be set at \$520.00 for each sewer unit.

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

Vote all ayes  
Motion carried

**RESOLUTION #63-24 – PRELIMINARY INVESTIGATION REDEVELOPMENT AREA**

A motion was made by Mr. Bruno, seconded by Mr. Perloff to adopt Resolution #63-24 as submitted:

**RESOLUTION # 63-24**

**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 (BLOCK 21, LOT 34)**

**WHEREAS**, certain property identified as Block 21, Lot 34 as shown on the Official Tax Map of the Town of Clinton (the “Property”), which is developed with a strip mall housing a Walgreens, the Open Cupboard Food Pantry, a sandwich shop, and liquor store, suffered a catastrophic fire that destroyed the portion of the building housing the Walgreens and Open Cupboard; and

**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 land use 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 does *not* desire to utilize the power of eminent domain in this instance; 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 21, Lot 34 as shown on the Official Tax Map of the Town of Clinton (the “Property”); and

**WHEREAS**, the Town anticipates that the redevelopment study and any resulting plan will be funded by a grant provided by the Highlands Council; 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

Mr. Dean Durling, father of Jonathan Durling, owner of the strip mall where the fire occurred on February 25, 2024 causing the loss of Walgreens and the Open Cupboard Pantry. The foregoing resolution will assist the family in having the Land Use Board and the Town Planner prepare a study of the area in need of re-development and fast track the process for the family. Mr. Durling was assured to be informed of the progress of the Land Use Board and Council. This will be a collaborative process with the land owner, their attorney and their engineer.

**INTRODUCTION OF ORDINANCE #24-01 – PROHIBITING SALE OF DOGS & CATS BY  
RETAIL STORES**

A motion was made by Mr. Perloff, seconded by Mr. Bruno introduce Ordinance #24-01 on first reading as submitted:

**ORDINANCE # 24-01**

**ORDINANCE PROHIBITING THE SALE OF DOGS AND CATS BY RETAIL PET STORES**

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively); and

**WHEREAS**, according to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases; and

**WHEREAS**, these health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually; and

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats; and

**WHEREAS**, many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where

the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Town Council believes it is in the best interests of this Town to adopt reasonable regulations to reduce costs to the Town and its residents, protect the citizens of the Town who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Town.

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

**SECTION 1.** Section 64-1 entitled “Definitions” of the Code of the Town of Clinton (“Code”) is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

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

***ANIMAL RESCUE ORGANIZATION***

*A non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. “Animal rescue organization” does not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals*

***ANIMAL SHELTER OR SHELTER***

*A facility, whether located in or outside the State of [STATE], that is operated by or under contract with the [LOCALITY] for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.*

***CAT***

*A member of the species of domestic cat, Felis catus.*

***DOG***

*A member of the species of domestic dog, Canis familiaris.*

**DOG**

~~Any dog, bitch or spayed bitch.~~

**DOG OF LICENSING AGE**

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

***HOBBY BREEDER***

*A person that barter, offers for sale, displays for sale, or sells, Cats, Dogs, or both, only from the premises on which they were bred or reared, resulting in no more than a total of one (1) litter per calendar year whether or not the animals in such litter are offered for sale or other transfer, and is in compliance with the Zoning Regulations of this Code.*

**KEEPER**

Any person exercising control over a dog or permitting a dog to remain on premises under his control.

**KENNEL**

Any establishment where the business of boarding, selling or breeding dogs for sale is carried on, except a pet shop.

**OWNER (when applied to the proprietorship of a dog or cat)**

Includes every person having a right of property in the dog *or cat* and every person who has a dog *or cat* in his keeping.

**PET SHOP**

~~Any room or group of rooms, cage or exhibition pen, not part of a kennel, where dogs are kept or displayed for sale.~~

***OFFER FOR SALE***

*To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.*

***PET SHOP***

*A retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.*

**POTENTIALLY DANGEROUS DOG**

Any dog which has been declared potentially dangerous by a Municipal Judge pursuant to N.J.S.A. 4:19-23.

**POUND**

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

**SHELTER**

~~Any establishment where dogs are received, housed and distributed without charge.~~

**VICIOUS DOG**

Any dog which has been declared vicious by a Municipal Judge pursuant to N.J.S.A. 4:19-22.

**SECTION 2.** Section 64-3.1 of the Code entitled “Retail Pet Shops” is added as follows:

**§64-3.1-1 Prohibition on Sale of Dogs or Cats by Retail Pet Stores**

- A. Notwithstanding any other provision of law to the contrary and subject to the exemptions provided in subsection (C) below, it is unlawful for a pet store, as defined in Section 64-1 of the Code, or any other retail store or shop to sell or offer for sale a dog or a cat.
- B. Nothing in this section shall be construed to prohibit a pet store or any other retail store or shop within the Town of Clinton from providing space to an animal rescue organization or an animal shelter, as defined in Section 64-1 of the Code, to publicly showcase dogs or cats available for adoption.
- C. Exemptions. The following shall not be considered pet stores and shall be exempt from the prohibitions of this Ordinance:
1. An animal care facility;
  2. An animal rescue organization; and
  3. Hobby Breeders.

**§64-3.1-2 Enforcement; Penalty for Violation.**

- A. A retail pet store that sells or offers for sale a dog or cat in violation of §64-3.1-1 shall be fined by a sum of \$500. Each sale or offer for sale in violation of §64-3.1-1 shall constitute a separate offense.
- B. The Town of Clinton Police Department, Zoning Officer, and / or Animal Control Officer shall be empowered to enforce this Section.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall become effective 90 days after passage and publication according to law.

Vote all ayes  
Motion carried



Louise Campanello and Larry Cohen of the Humane Society of the United States attended the meeting this evening to explain the necessity of adopting this ordinance and distributed a 19-page packet to council “The Cruel Reality of the Puppy Mill Pipeline”. Inside the packets were documentations of puppy mill breeders and brokers and reports of deplorable conditions of puppy mill and kitten mill cruelty, photos that were difficult to look at. Ms. Campanello and Mr. Cohen explained the necessity of adopting the ordinance and restricting the retail sale of puppies and kittens to only those sourced from shelters or rescue organizations.

A copy of this ordinance will be published in the Hunterdon Review edition of March 20, 2024. A public hearing will be held April 10, 2024.

### **CORRESPONDENCE - NONE**

### **REPORTS OF COUNCIL**

#### **Councilwoman Stentz**

Shade Tree – Councilwoman Stentz measured the white ash tree at the Community Center! Estimated to be 236 inches in circumference, a radius of 34 inches which is about 3 feet wide. Ms. Stentz reviewed the big tree list on line and this tree could possibly be the 2<sup>nd</sup> or 3<sup>rd</sup> largest ash tree in the State. The largest ash in the nation is 323 inches. Ms. Stentz will measure the sycamore tree next, however, her plan is to nominate the ash on the “Big Tree” registry.

School Board Meeting at Clinton Public School, the South Branch River clean up is going to be announced in search of volunteers on April 20, 2024.

#### **Councilman Bruno**

Buildings and Grounds – Committee met with Chief Kubinak and Mr. Clerico, Town Engineer, to discuss a crosswalk at the New Street location for school children coming from View 22. ADA compliant at the southern apron of the fire house. Waiting on Mr. Clerico’s report.

#### **Councilman Traphagen**

South Branch Emergency Services – reported 14 new volunteers since January! 41 calls for the month of February in Clinton, and 345 YTD. A very busy month!

#### **Councilwoman Padmos**

Thank you to the Friendly Sons for a very fun weekend! Three days and nights of music and friends!

Platinum Club – March 23, 2024 meeting at Shoprite florist area at 8:50 a.m. to begin the Mayor’s Health and Wellness tour lead by Mark LaRose of MAX Challenge and Kristy Callari, Nutrition Coach will walk the store with interested folks, limit is 20, to learn how to navigate aisles, decode nutrition labels and make informed decisions for a healthier life style. Folks will learn how to select produce, whole grains, lean proteins and more.

Art in Bloom Festival is really coming together for April 14, 2024. Extra parking is arranged at Unity Bank on Old 22 and a shuttle will take folks to the Main Street area. Artisans will unpack and set up on Lower Center, Main Street and East Main Street and park their vehicles at Clinton Public School and

walk back. There will be all day music at the Red Mill and the Clinton Fire Department, as well as serving beer and wine!

**Councilman Kashwick**

Platinum Club – Chair yoga will begin on Monday afternoons at the Community Center hopefully in April. The certified instructor will be a new resident of Clinton and will not be charging.

Environmental Commission meets next week. Mary Jo Kurtiak contacted Raritan Headwaters regarding river water testing because of the amount of aquatic plant life. Headwaters did come out and tested the river in a few spots and provided a report on water temperature, pH, nitrates, chloride, specific conductance and dissolved oxygen. Overall we are in good shape. The chloride and specific conductance was a little elevated but that is to be expected at this time of the year because of salting the roads and runoff. Water chestnut seeds were detected and not surprised they proliferate in this area; the slow, shallow water is perfect habitat for them. There is not much that can be done to get rid of them. It was suggested to decrease mowing to increase the size of the buffer along the river to have more filtration before runoff reaches the river as larger buffers of stream/wetland-side plants increase uptake of excess nutrients before they enter waterways. This can help to lessen nutrients available to water chestnut.

Completed two more modules with the Rutgers Environmental Stewardship Program. One on Environmental Justice and the other on Renewable Energy. Also completed a self-paced assignment on Scientific Literacy.

Conservancy Garden schedule: April 27, Hunts Mill; May 11, Millview Park; May 25, Town Hall and June 8, DeMott Pond.

Insurance – resolutions adopted earlier this evening.

Green Team meets next week. River Clean up April 20, 2024.

Chief Kubinak has announced a DEA prescription drug drop off day on April 27 from 10:00 a.m. to 2:00 p.m.

Shade Tree – attended a DEP seminar on creating a Tree Removal/Replacement ordinance. This is being required as a State requirement and part of our stormwater management plan to be in place by May 1. The Shade Tree Commission has been working on this for a couple years knowing this was going to be required. The State has a template, however, Councilwoman Stentz and Councilman Kashwick are working on a draft that they will share at next week's Shade Tree meeting. As long as the Town shows good faith efforts that we are working on it, we should be fine.

**Councilman Perloff**

Councilman Perloff reported he has heard complaints from residents living on West Main Street about cars speeding off Exit 15 and traveling on West Main Street. Chief Kubinak will address the situation.

St. Patrick's Day Weekend events were great in spite of the rain on Saturday. Over 400 turned out Friday Night for the Nerds, over 150 Saturday night and over 500 people on Sunday following the parade for the after party and the Amish Outlaws. The 50/50 winner walked away with \$10,000.

Economic Development / Clinton Guild – have not hears concerns from anyone about the business registry for the website, there was no debate at the meeting so Councilman Perloff recommends moving forward and getting costs for mailing so EDC can determine their budget.

Recreation Committee – Egg Hunt hosted by the Clinton Guild and the United Methodist Church will be held Saturday, March 23, 2024 at the Community Center. Volunteers are needed to scatter eggs around Gebhardt Field and set up the scavenger hunt.

Friday night March 22 another hunt in the evening, Flashlight Hunt, bring children with flashlights and baskets to collect. Set up 4:00 p.m. and hunt begins 7:00 p.m. Hunts Mill Park. If interested in helping, contact Mary Ann Shea, chair of the committee.

Cruisin' Clinton will be held April 28, 2024 on East Main Street. Cars will be parked perpendicular on half the road and straight on the other side leaving 11 feet width for emergency vehicles. Chief approved.

#### **STANDBY AND OVERTIME**

A motion was made by Mr. Bruno seconded by Mr. Perloff, to approve the standby and overtime attached to these minutes for the period of February 16, 2024 through February 29, 2024.

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

Vote all ayes  
Motion carried

#### **PAYMENT OF BILLS**

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

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

Vote all ayes  
Motion carried

#### **RESOLUTION # 64-24 – EXECUTIVE SESSION**

A motion was made by Mr. Bruno, seconded by Ms. Padmos, to enter into Executive Session to discuss a matter of litigation at 7:50 p.m.

#### **RESOLUTION # 64-24**

#### **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 ensure 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 purchase, 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 \_\_\_\_\_)

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

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

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be:

(estimated length of time) OR upon the occurrence of \_\_\_\_\_

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

Vote all ayes  
Motion carried

**ADJOURNMENT**

Upon returning from executive session and there being no further business, a motion was made by Mr. Bruno, seconded by Ms. Padmos to adjourn the meeting at 8:05 p.m.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

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Janice Kovach, Mayor