

Flag Salute.

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

STATEMENT OF ADEQUATE NOTICE:

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

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

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

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

Please feel free going forward to email councilmeeting@clintonnj.gov with any questions or concerns between meetings. Please feel free to reach out with a note at jkovach@clintonnj.gov anytime!

APPROVAL OF MINUTES

A motion was made by Mr. Traphagen, seconded by Ms. Johnson to approve the minutes of the Council Meeting and Executive Session minutes of May 10, 2023 as submitted.

Vote all ayes
1 Abstention (Bruno)
Motion carried

MAYOR’S COMMENTS

1. Mayor Kovach presented two proclamations over the weekend which are available on the website for anyone interested in reading!
The first is thanking the Rentoulis Family as part of the Friendly Sons of St. Patrick gifting of the Irish flag. Town took the opportunity to share our gratitude and appreciation for all they have done for the Town of Clinton.
Second, recognizing the Red Mill and the Wheels for the Wheel campaign. Recognizing the contributions of the volunteers and the recognition of an event that not only raises funds but also has been voted the best event by Hunterdon Happenings.
2. Mayor Kovach attend the PSE&G Power lunch hosted by Ruthi Byrne at the Mansion at FDU. The event which is always well attended, featured the Secretary of State, Tahesha Way, Senator Jon Bramnick, Ryan Haygood, President and CEO for the Institute for Social Justice and Jonathan Holloway, President of Rutgers University. The topic was preparing for New Jersey’s Future and touched on voting and engagement.

3. Nicholas Henry from Congressman Kean's office was in town to see the concerns that have continued to be raised around Route 78 runoff, noise and safety. He acknowledged that it is the DOT's jurisdiction but that the Congressman's office will continue to work with them. All of council participated in the meeting. As the Town has raised this issue multiple times with DOT including a visit by myself, the chief and then Congressman Malinowski's district director, Mitchell Drulis to the DOT offices. In addition to the points raised by Senator Doherty's office throughout the years. A resolution is on the agenda again raising the issues that will be sent to Congressman Tom Kean, Jr., Senator Douglas Steinhardt, Senator Andrew Swicker, Assemblymen, Peterson, Freiman, DiMaio and Assemblywoman Sadaf Jaffer.
4. On May 14 Councilman Kashwick and Mayor Kovach cut the ribbon to the opening of the spring/summer Farmer's Market.
5. Monday, May 15, Mayor Kovach spoke before the Senate Environment and Energy committee in support of S861 which would allow towns to burn Christmas trees once a year as part of a celebration. Passed out of committee unanimously and is expected to be before the full Senate June 20. Joining the Mayor in Trenton was Councilwoman Padmos and daughter Katie, Councilmen Kashwick and Perloff, and Liz Hedden from CPS. It is expected to work through the Assembly in the same time-frame.
6. May 17 was the Annual Hunterdon County of Chamber dinner that Councilwoman Padmos and EDC Chair John Creech attend with Mayor Kovach on behalf of the Town.
7. May 22, a second grade walking history tour with Mrs. Lione and Mrs. Platt of the Historic Commission. The students were very impressive with their interest and participation. A huge thank you to Holly Lione and Rosemarie Platt for making that happen along with CPS.
8. Mayor Kovach was in Trenton today to testify along with Downtown NJ and the League on bills A5461, A5509 that would allow the transfer of inactive or pocket licenses and adjust the population requirement. Mayor's comments focused on our community and others like Clinton that are small and family-owned restaurants and until the population requirement goes away and more licenses become available the transfer of pocket licenses may still be cost prohibitive.
9. Lastly, after much conversation over the last year and a half with the Highlands and our Planner, Jim Kyle, at the Mayor's request, the Town submitted a proposal for a Phase I traffic study that would help assess whether current weight limits on municipal roads is adequate or conversely determine if further modification is needed. The initial assessment would be of the current conditions, the points of entry, the drivers of the traffic with the goal to then develop a means and method plan to address the situation.

10. Planned upcoming Ribbon Cuttings: Daily Dose 3:30 pm Saturday, May 27; June 3, Clinton's Corner Barber Shop at 2:00 pm; Dunkin' June 13, at noon.

PUBLIC COMMENTS - NONE

PUBLIC HEARING OF ORDINANCE #23-11

A motion was made by Ms. Padmos seconded by Ms. Johnson to open the public hearing of Ordinance #23-11:

ORDINANCE # 23-11

ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY DESIGNATED AS BLOCK 21, LOT 27 (59 Old Highway 22)

Vote all ayes
Motion carried

George Tiboni of West Main Street asked what the plan is for the development of the new police station, if there are sketches to share? Mayor Kovach explained they have met with the architect and inspections have been done. Architect Nader will be working on plans which will be unveiled when complete. There being no further questions, a motion was made by Mr. Traphagen, seconded by Ms. Johnson, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Johnson, seconded by Ms. Padmos to adopt Ordinance #23-11 on final reading.

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

Vote all ayes
Motion carried

Councilman Kashwick signed off the meeting via zoom as he is currently in Ireland.

ROAD OPENING PERMIT REQUEST

Salvatore Latino, owner of property 58 Leigh Street which is adjacent to Riverside Drive, has come before Council seeking a waiver to the Town's five (5) year moratorium for a street opening permit on Riverside Drive. The five year road opening moratorium is set to expire August, 2024. The reason for the urgency is having NJDEP permits that will expire a few months before August 2024. Mr. Latino is currently seeking a building permit to begin construction in advance of the expiration of his NJDEP permits which will occur on or about October 27, 2023. He has posted a Performance Bond in the amount of \$25,200.00 and inspection fees in the amount of \$1,050.00 which are being held in escrow by the Town of Clinton. Mr. Latino is assuring the Town that the road opening restoration work is guaranteed. The plan is to build two duplex homes which amount to four units of gothic design in keeping with the scape of the Town. Mr. Bruno asked Mr. Latino how big of a trench will need to be dug and would he be willing to repave the road if it ends up being more than expected. Mr. Latino honestly replied he would have to speak with his engineer, the Town Engineer and Mr. Phelan about that when it is

determined the necessity but assured everyone that he will be in compliance to return the road to the current pavement condition. There being no further question, Mr. Latino thanked Council for their and consideration of his request.

WATER REFUND

Nancy Burgess, Water Collector, is requesting a refund for 31 Plumstead Court in the amount of \$74.19. A motion was made by Mr. Perloff, seconded by Ms. Johnson to approve the refund as requested.

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

Vote all ayes
Motion carried

RESOLUTION #99-23 – SUMMER RECREATION SALARIES

A motion was made by Ms. Johnson, seconded by Ms. Padmos, to adopt Resolution #99-23 as submitted:

RESOLUTION #99-23
2023 SALARY RESOLUTION

BE IT ORDAINED by the Mayor and Town Council of the Town of Clinton in the County of Hunterdon and State of New Jersey as follows:

That the following position titles and employees within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2023:

<u>POSITION</u>	<u>SALARY</u>
Samantha LeStrange, Director	\$8,000.00/Annual
Dave Henry, Assistant Director	\$5,000.00/Annual
Timothy Bidwell, Teacher	\$47.00/Hr.
Michelle Gallagher, Teacher	\$47.00/Hr.
Joe Harris, Teacher	\$47.00/Hr.
Liz Hedden, Teacher	\$47.00/Hr.
Jordan Kipp, Teacher	\$47.00/Hr.
Suzanne Lauricella, Teacher	\$47.00/Hr.
Jamie Christensen, Senior Counselor	\$18.00/Hr.
Grace Medea, Senior Counselor	\$18.00/Hr.
Caroline Robitaille, Senior Counselor	\$18.00/Hr.
Graeme Arnold, Junior Counselor	\$15.00/Hr.
Skyler Burr, Junior Counselor	\$15.00/Hr.
Lucy Harris, Junior Counselor	\$15.00/Hr.
Josie Hedden, Junior Counselor	\$15.00/Hr.
Alli Kelpitz, Junior Counselor	\$15.00/Hr.
Skyler Klien, Junior Counselor	\$15.00/Hr.
Gianna Lauricella, Junior Counselor	\$15.00/Hr.
Michael Mealey, Junior Counselor	\$15.00/Hr.
Hope Menichillo, Junior Counselor	\$15.00/Hr.
Ryder Roberts, Junior Counselor	\$15.00/Hr.
Sophia Roberts, Junior Counselor	\$15.00/Hr.
Amy Salazar, Junior Counselor	\$15.00/Hr.

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

Vote all ayes
Motion carried

RESOLUTION #100-23 – HIRING OF SPECIAL RESOURCE OFFICER

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to adopt Resolution #100-23 as submitted:

RESOLUTION #100-23

WHEREAS, the Town of Clinton Police Department has entered into a shared service agreement with Clinton Public School to provide a School Resource Officer, and;

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

WHEREAS, the Police Chief recommends that the following person be hired to fill the open position of School Resource Officer at the rate of \$32.00 per hour;

BRIAN TESTA

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Brian Testa to fill the open position at the Town of Clinton Police Department effective May 24, 2023.

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

Vote all ayes
Motion carried

RESOLUTION #101-23 – OVERPAYMENT OF TAXES

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to adopt Resolution #101-23 as submitted:

RESOLUTION #101-23

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to closing,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Centralized Refunds, P.O. Box 9202, Coppell, Texas, 75019-9978, for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
2	10	Swenson, Gil & Julia	\$2,403.31

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 2nd quarter 2023.

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

Vote all ayes
Motion carried

RESOLUTION # 102-23 – DISCHARGE OF MORTGAGE

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to adopt Resolution #102-23 as submitted:

RESOLUTION # 102-23

**A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE**

WHEREAS, Nicole M. Sierp purchased a home at 9 Rolling Hill Road, Clinton, New Jersey, on September 24, 2018; 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 Nicole M. Sierp executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on September 28, 2018 in Mortgage Book 4118 on page 792 (the “COAH Mortgage”) ; and

WHEREAS, on May 5, 2023, Nicole M. Sierp sold the home to Ruth Pierce 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 Nicole M. Sierp to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #103-23 – SUPPORT OF RESIDENT CONCERNS REGARDING I-78

A motion was made by Ms. Johnson, seconded by Ms. Padmos to adopt Resolution #103-23 as submitted:

RESOLUTION #103-23

RESOLUTION SUPPORTING RESIDENT CONCERNS REGARDING STATE ROUTE 78
WHEREAS, over the past few years, many Town of Clinton residents have expressed their concerns with the noise, pedestrian safety and storm/ground water runoff from sections of Route 78 going through the Town: and

WHEREAS, Route 78 is owned and maintained by the State of New Jersey, Department of Transportation; and

WHEREAS, residents have voiced concerns that the intensity of the noise has amplified, falling debris has become more frequent and safety concerns from water runoff have only increased as the volume of traffic on Route 78 has grown; and

WHEREAS, the increased noise from Route 78 can be heard in every neighborhood within the Town of Clinton, and only seems to be getting worse; and

WHEREAS, the debris and water runoff can be seen at the 2 overpasses for Route 78 that go through the Town of Clinton, and a third located in Union Township that is within approximately 100 feet of our municipal boundary; and

WHEREAS, representatives from the Town of Clinton have met with both State and Federal officials on numerous occasions to try and find a solution to reduce or eliminate the concerns but no remediation actions have occurred; and

WHEREAS, the Mayor and Council of the Town of Clinton recognize that the concerns brought forward by our residents are both quality of life and safety issues that need to be addressed by the State of New Jersey, Department of Transportation; and

WHEREAS, the Town of Clinton is committed to working with the State of New Jersey, Department of Transportation however we can in order to remedy all the concerns they have been presented with.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Clinton recognize and support the concerns brought forward by our residents and hereby ask that State of New Jersey, Department of Transportation identify corrective action to all the items that they have been presented with in recent years.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the offices of:

NJDOT Commissioner Diane Gutierrez-Scaccetti
Congressman Tom Kean Jr.
Senator Douglas Steinhardt
Senator Andrew Zwicker
Assemblyman Erik Peterson
Assemblyman Roy Freiman
Assemblywoman Sadaf Jaffer

Councilman Perloff asked to address the resolution and stated that when Council first talked about this he thought it was understood that they would address the petition. Mayor Kovach stated that it is the obligation of elected officials to bring resident concerns to officials. A lengthy discussion ensued and it was decided to table the resolution to a future meeting. Mayor Kovach asked if there were any revisions, please pass them along to the clerk.

RESOLUTION #104-23 – SUPPORT OF REVOLUTIONNJ

A motion was made by Mr. Traphagen, seconded by Mr. Perloff, to adopt Resolution #104-23 as submitted:

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 104-23

**A RESOLUTION OF CLINTON, NJ SUPPORTING
RevolutionNJ**

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and the Town of Clinton; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

1. The Town of Clinton commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Town of Clinton authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Town of Clinton further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and the understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Vote all ayes
Motion carried

RESOLUTION #105-23 – ADDENDUM TO REDEVELOPER’S AGREEMENT

A motion was made by Ms. Johnson, seconded by Ms. Padmos to adopt Resolution #105-23 as submitted:

RESOLUTION # 105-23

RESOLUTION AUTHORIZING EXECUTION OF A SECOND ADDENDUM TO A REDEVELOPER’S AGREEMENT WITH OLD 22 URBAN RENEWAL ASSOCIATES, LLC

WHEREAS, pursuant to Resolution 137-20 adopted on September 23, 2020, the Town designated Old 22 Urban Renewal Associates, LLC (the “Redeveloper”) as the redeveloper of property designated as Block 21, Lots 29, 30.01, 31, 32 and 33 on the Tax Map of the Town of Clinton and authorized the execution of a Redeveloper’s Agreement; and

WHEREAS, pursuant to Resolution 111-21 adopted on June 30, 2021, the Town authorized the execution of an Addendum to the above-referenced Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement requires an amendment to clarify the affordable housing requirements and obligations of the Redeveloper.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby authorizes the execution by the Mayor and Clerk of a Second Addendum to the Redevelopment Agreement by and between the Town of Clinton and Old Highway 22 Urban Renewal Associates, LLC, concerning the Property identified as Block 22, Lots 29, 30.01, 31, 32, and 33 on the Tax Map of the Town of Clinton in substantially the same form as attached hereto.

SECOND ADDENDUM TO THE REDEVELOPMENT AGREEMENT BETWEEN

TOWN OF CLINTON, a municipality of the State of New Jersey with offices located at Municipal Building, 43 Leigh Street, Clinton, New Jersey 08809, together with any successor public body hereinafter designated by or pursuant to law (hereinafter referred to as the “Town”), and

OLD 22 URBAN RENEWAL ASSOCIATES, LLC., a Limited Liability Company formed and operated pursuant to the laws of the State of New Jersey with offices located at 5 Powell Lane, Collingswood, New Jersey 08108 (hereinafter referred to as the “Redeveloper”)

(the Town and the Redeveloper are hereinafter collectively referred to as “Parties”).

WITNESSETH:

WHEREAS, the Redeveloper owns certain property that is known and designated as Block 21, Lots 29, 30.01, 31, 32 and 33 on the Tax Map of the Town of Clinton, Hunterdon County, State of New Jersey (the “Property”); and

WHEREAS, the Parties executed a Redevelopment Agreement pertaining to the Property dated September 23, 2020, which was amended by an addendum dated June 23, 2021 (collectively, the “Redevelopment Agreement”); and

WHEREAS, during construction, it was noted that the number of three-bedroom units needed to be decreased, which alters the bedroom distribution of the affordable units; and

NOW, THEREFORE, the undersigned parties agree to amend the Redevelopment Agreement as follows:

1. **Section 12.01 Affordable Housing Set-Aside.** This section shall be modified to reflect the income tier and bedroom distribution of the affordable units as follows:

“Each income tier (very-low-income, low-income, and moderate-income) shall be proportionally distributed across each bedroom size, such that the affordable units shall be provided as follows: one very low income one bedroom unit, one low income one bedroom unit, two moderate income one bedroom units, two very low income two bedroom units, five low income two bedroom units, eight moderate income two bedroom units, one very low income three bedroom unit, two low income three bedroom units, and two moderate income three bedroom units .”

It is understood and agreed that this Addendum is in addition to the terms and provisions of the Redevelopment Agreement by and between the Parties hereto along with all Riders and Addendums preceding this Addendum. Where any clause or clauses in this Addendum are inconsistent with any clause or clauses of the Contract referred to herein, it is understood that this Addendum shall prevail and supersede any inconsistent clause or clauses in the Contract.

The parties have read and understand this Addendum to the Contract for Sale fully. It is signed in accordance with New Jersey law by the Buyer and by the Sellers.

Attorney St. Angelo explained a change in the units, making one three-bedroom moderate income unit a two-bedroom and making one two-bedroom low-income unit a very low income unit. The trade off for decreasing the number of three -bedroom units was to increase the number of very low-income units. The Town is required to have 13% of its overall new units be very-low income.

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

Vote all ayes
Motion carried

RESOLUTION #106-23 – LIQUOR LICENSE RENEWAL

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to adopt Resolution #106-23 as submitted:

RESOLUTION # 106-23

WHEREAS the Town of Clinton Governing Body is in receipt of an application for the renewal of **CLUB LICENSE # 1005-31-006-001** for:

**INSTITUTE FOR HUMAN EXCELLENCE OF NEW JERSEY IN
56 MAIN STREET
CLINTON, NEW JERSEY 08809**

WHEREAS the submitted application form is complete in all respects, fees have been paid and clearance has been received from the New Jersey Department of the Treasury;

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Governing Body does hereby approve, effective July 1, 2023 through June 31, 2024 and that a copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

Several Council members were going to abstain as they are club members, however, Attorney St. Angelo explained that a legal “doctrine of necessity” allows for members to vote.

Vote all ayes
Motion carried

RESOLUTION #107-23 – CHAPTER 159

A motion was made by Mr. Perloff, seconded by Ms. Padmos, to adopt Resolution #107-23 as submitted:

RESOLUTION – 107-23

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 \$6,535.94 from the State of New Jersey and wishes to amend its 2023 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 2023 in the sum of \$6,535.94 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:
Clean Communities Program, and

BE IT FURTHER RESOLVED, that a like sum of \$6,535.94 is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from the .5% Cap
Public and Private Programs Off-Set by Revenues:
Clean Communities Program:
Other Expenses

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #23-12 – WATER UTILITY IMPROVEMENTS

A motion was made by Ms. Johnson, seconded by Mr. Traphagen, to introduce Ordinance #23-12 on first reading as submitted:

**WATER UTILITY
CAPITAL ORDINANCE NO. 23-12**

**CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE
COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING
OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY
AND APPROPRIATING THEREFOR THE SUM OF \$197,500.00 FROM THE WATER
CAPITAL IMPROVEMENT FUND FOR WATER UTILITY IMPROVEMENTS**

BE IT ORDAINED, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon, State of New Jersey as follows:

Section 1. The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Water Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Vac Trailer	\$162,000.00
Trash Pumps	6,500.00
Leak Detection Equipment	15,000.00
ProPress Plumbing Tool	4,000.00
Roof on Well #1	8,000.00
Miscellaneous Costs	2,000.00
TOTAL	\$197,500.00

Section 2. The aggregate sum of \$197,500.00 is hereby appropriated from the Water Utility Capital Improvement Fund for Water Utility Improvements within the Town of Clinton Water Utility to the payment of the cost of the improvements as described in Section 1 hereof.

Section 3. Said improvements are lawful capital improvements of the Water Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Town of Clinton Water Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

Vote all ayes
Motion carried

A copy of this Ordinance will be published in the May 31, 2023 edition of the Hunterdon Review. A public hearing will be held June 14, 2023.

INTRODUCTION OF ORDINANCE #23-13 – VARIOUS CAPITAL IMPROVEMENTS

A motion was made by Mr. Perloff, seconded by Mr. Traphagen, to introduce Ordinance #23-13 on first reading as submitted:

ORDINANCE #23-13

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$153,279 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$145,615 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$153,279, and further including the aggregate sum of \$7,664 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$145,615 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the

estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Streets and Roads:</u>			
(i) Acquisition of a zero-turn lawn mower with bagger, including all related costs and expenditures incidental thereto.	\$17,285	\$16,420	10 years
(ii) Acquisition of a dump truck body, a paint sprayer and street signs, including all related costs and expenditures incidental thereto.	\$28,785	\$27,346	15 years
b) <u>Construction Code:</u>			
Acquisition of an electronic construction inspection program, including all related costs and expenditures incidental thereto.	\$25,285	\$24,021	5 years
c) <u>Buildings and Grounds:</u>			
Acquisition of a new drop box for the outside of 47 Leigh Street, including all related costs and expenditures incidental thereto			
d) <u>Police Department:</u>			
Acquisition of bullet resistant vests, including all related costs and expenditures incidental thereto.	\$1,642	\$1,560	15 years
	\$6,977	\$6,628	5 years
e) <u>Fire Department:</u>			
(i) Acquisition of turn out gear, self-contained breathing apparatus masks and a particulate hood, including all related costs and expenditures incidental thereto.	\$18,385	\$17,466	10 years

(ii) Acquisition of supply and fire attack hoses and nozzles and appliances, including all related costs and expenditures incidental thereto.	\$42,635	\$40,503	15 years
(iii) Acquisition of LED scene lights, including all related costs and expenditures incidental thereto.	<u>\$12,285</u>	<u>\$11,671</u>	10 years
TOTAL:	<u>\$153,279</u>	<u>\$145,615</u>	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.33 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local

Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$145,615, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$2,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the June 6, 2023 edition of the Courier News. A public hearing will be held June 14, 2023.

CORRESPONDENCE

Public Notice of a public meeting to discuss Clinton Moebus 34, LLC has been scheduled for June 20, 2023 at the Clinton Fire Department.

REPORTS OF COUNCIL

Councilman Perloff

Guild – Come Together music begins Memorial Day Weekend through Labor Day on Friday evenings, along with Art Bar at the Art Museum. Friday, June 9 is the flag Day Bike Parade on Main Street. Red Mill hosting the British Car show June 3 and Music at the Mill begins June 10 and 11.

Recreation meets tomorrow evening.

Water Committee – gallon numbers of unallocated water continue to come down 6.5 M gallons from April 2022 to April 2023. Awesome planning and work being done.

Councilwoman Padmos and Councilman Perloff met had a brief conversation with AirB&B and received a few sample ordinances. Strictly in discovery mode at this point, potential tax incentives may be available and promote tourism.

Small Business event scheduled for June 13 has been moved to June 20, 2023 at the Community Center. However, the public hearing on the Moebus Tract is the same evening at the fire house, therefore a new date may need to be rescheduled. Mayor Kovach suggested asking the speakers how they felt about scheduling a new date. Keynote speakers Chris Phelan of the Hunterdon Chamber of Commerce and Paul Muir will discuss grant options for local business owners.

Last week was National Police Week – thank you to Chief Kubinak and his team and to Councilman Bruno.

Councilwoman Johnson

1. Councilwoman Johnson asked if a new rain date for the picnic has been decided on in order to book the fireworks. The fireman convention is the 23rd of September so a new date needs to be chosen. Ms. Johnson also asked about reviewing the budget because the cost goes up each year.
2. School board is meeting this evening as well.

Councilman Traphagen

1. Historic Commission – June 10, 2023 is the Bonnell Tavern Tour and the Garden Party fund raiser event! Tickets available!
2. Emergency Services Week, give thanks to the workers when you see them! Blood Drive at the Squad building June 25, 2023. Details to follow.

Councilwoman Padmos

1. Attended Ribbon Cutting for the Clinton Music which was awesome! They offer a variety of activities such as song writing, instrument lessons and a recording studio! Also attended a great event at the Towne Restaurant where the Friendly Son's of St. Patrick presented an Irish flag to Dino and Chrisa for their unending support!
Another Ribbon Cutting this Saturday at 3:30 p.m. at The Daily Dose and June 3rd for Clinton Corner Barber.
2. Attended meeting in Trenton with Mayor Kovach in support of Christmas tree bonfires.
3. Playground – Councilman Kashwick included Ms. Padmos in a meeting the Lou Spanner, the Town Arborist, regarding the trees at the Halstead Playground. Mr. Spanner sent a report and a quote that was shared with the Environmental Commission, Playground Committee and Mr. Phelan. In addition to the Ash Borer treatment, he suggested trimming the large tree and cabling the one limb that will come out towards the large playground structure. During removal and installation of the new equipment, we need to be careful around all the trees and try not to compress the soil. Mr. Phelan will lead the installation and removal plan for the playground.

4. Booster Club – Next fundraiser for the Park is scheduled for August 25 at 6:00 p.m. at Sunken Silo. Dino Rentoulis offered to host an event at the Towne Restaurant!
5. Economic Development Committee is working with Councilman Traphagen to create a new landing page for the website, Creating subcommittees, Communications, Branding, Outreach, Grants, etc. Looking at the Sustainable Jersey programs and seeking points through Shop Local during Dicken’s days. EDC is considering partnering this year with the Guild and the holiday events.
6. Platinum Club, no meeting was held but Norma Kania said everything is organized for the brunch to be held June 4, 2023 at the Fire House! Doors open 11:30 a.m.
7. Board of Health – Rabies Clinic is scheduled for November 11, 2023.

Councilman Bruno

1. Clinton Fire Department reported 28 calls for the month of April. Grill nights have begun and a great turnout for the beginning of the season! Classic Car Night was held and very well attended. Fire Department is planning on having different types of events at each of the Grill Nights. Planning a Veteran’s event for November. Two new Jr. members, Kyle Howard and Russell Wintermute have joined the team. Russell is the son of a former chief Scott Wintermute and grandson of Bill Wintermute, another former chief.
2. Buildings and Grounds discussed the paving of New Street and the installation of sidewalks by the fire house with the grant funds, Town has two years to complete. Discussed the Leigh Street and under Route 78, all covered by the one grant. Fire Department asked for the refurbishment of the apron as part of the project. July 1, 2023, grants are due. Mr. Bruno said the committee is reviewing roadways in need of repair. A few leftover seedlings from Arbor Day were planted by someone at Hunts Mill Park and needed to be relocated. When planting, please remember to call 811. The lawn at the Community Center has been sodded and leveled to benefit the Farmer’s Market on the lawn. Patrick Taylor is building a new children’s library at Hunts Mill Park.
3. Veteran’s Memorial Banners that are in other towns will soon be coming to Clinton. Starting with ten and plan to grow each year. The Gebhardt grandstand is rotting, DPW will make the repairs at the cost of \$775. Frenchtown Mayor Brad Myhre has invited Clinton to attend the Memorial Day Parade.

STANDBY AND OVERTIME

A motion was made by Ms. Johnson, seconded by Ms. Padmos to approve the standby and overtime attached to these minutes for the period of April 28 through May 11, 2023.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION # 108-23 - EXECUTIVE SESSION

A motion was made by Ms. Padmos, seconded by Mr. Traphagen, to enter into executive session at 8:45 p.m. Action may be taken.

RESOLUTION # 108-23

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to 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 purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

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

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

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

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

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

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

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

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

Upon returning from Executive Session at 8:45 p.m., a motion was made by Mr. Perloff, seconded by Ms. Johnson to adopt Resolution #109-23 as prepared by Attorney St. Angelo and submitted:

RESOLUTION #109-23

**RESOLUTION AUTHORIZING RELIEF FROM A ROAD OPENING MORATORIUM AT 2-4
AND 6-8 RIVERSIDE DRIVE , BLOCK 23, LOTS 6.02 AND 6.03
FOR THE PURPOSE OF INSTALLING UTILITIES**

WHEREAS, the Town of Clinton (the “Town”) paved Riverside Drive in or about August 2019; and **WHEREAS**, it is the Town’s policy to apply a five year moratorium on road opening after paving consistent with New Jersey Department of Transportation regulations (N.J.A.C. 16:41-3.1), and, as a result there is a prohibition on road openings on Riverside Drive until August 2024; and

WHEREAS, Salvatore Latino is the owner of Block, 23, Lots 6.02 and 6.03; more commonly known as 2-4 and 6-8 Riverside Drive (the “Properties”); and

WHEREAS, Mr. Latino is seeking to construct a duplex on each lot; and

WHEREAS, a copy of the subdivision plan is attached hereto; and

WHEREAS, Mr. Latino intends to apply for a road opening permit to install utilities to the Properties; and

WHEREAS, pursuant to a letter dated May 14, 2023 (attached), Mr. Latino requested a waiver from the road opening moratorium; and

WHEREAS, Mr. Latino asserts that denying the road opening permit would present a hardship to him because he holds permits regarding the development that are set to expire in November 2023; and

WHEREAS, Mr. Latino indicated that, based on his construction schedule, the road opening would occur in or about April 2024, only about 4 to 5 months prior to the expiration of the moratorium; and

WHEREAS, the Mayor and the Town Council deems a waiver of the moratorium to be appropriate, subject to the conditions set forth herein.

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

1. A waiver of the road moratorium is granted and a road opening permit shall be issued to Salvatore Latino for the properties designated as Block, 23, Lots 6.02 and 6.03, more commonly known as 2-4 and 6-8 Riverside Drive, subject to the following conditions:
 - a. Any disturbed pavement and surrounding areas will be restored in accordance with Chapter 122, Article I of the Code of the Town of Clinton.
 - b. Any other conditions imposed by the Town Administrator or Town Engineer during their review of the road opening permit.
2. A copy of this Resolution shall be provided to Salvatore Latino and the Town Administrator.
3. This Resolution shall take effect immediately.

ADJOURNMENT

There being no further business, a motion was made by Ms. Johnson seconded by Mr. Bruno to adjourn the meeting at 8:55 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor