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Flag Salute.

Roll Call: Dineen, (zoom) Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach
Absent: Bruno

STATEMENT OF ADEQUATE NOTICE:

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

Mayor Kovach welcomed the public to the hybrid meeting and explained how the meeting will be run by reading the following statement :

NJSA 10:4-8(b) authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms. Recently adopted P.L. 2020, c.11 amends OPMA to clarify that in times of emergency public bodies may vote, accept public comment and cause a meeting to be open to the public via electronic means.

The Town of Clinton is a public meeting as well as using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

Please use the chat feature in ZOOM to indicate that you wish to be recognized for a comment or a question. You must provide your name and address to be recognized. You can also type in your questions. Feel free going forward to email councilmeeting@clintonnj.gov with any questions or concerns between meetings.

Please feel free to reach out with a note at jkovach@clintonnj.gov anytime!

APPROVAL OF MINUTES

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to approve the minutes of the Council meeting minutes and executive session minutes of July 27 as submitted.

A motion was made by Mr. Perloff seconded by Mr. Traphagen to approve the minutes of the special meeting August 19, 2022 as submitted.

Vote all ayes
1 Abstention (Humphrey, left meeting)
Motion carried

APPROVAL OF MONTHLY REPORTS - JULY

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

Vote all ayes
Motion carried

PUBLIC COMMENTS

John Bohnel, 76 Center Street, came before council to discuss two matters. Mr. Bohnel’s first concern is the proliferation of political signs throughout town. Mr. Bohnel suggested removing the signs until October 1st.

Second concern: As a resident of 22 years with a love and support of the town, Mr. Bohnel is disturbed with opinions based on what he believes to be facts that the town wants to spend \$1M on a playground and spent \$25,000 in 2019 to Suburban Consulting for renderings of a playground. Mr. Bohnel was told the drawings were needed to attain grant money.

Mr. Bohnel reported that he visited Glassboro parks system with Councilman Perloff and was informed that their three playgrounds were community built. In previous discussions with council, Mr. Bohnel was told the playground could not be built by the community because of ADA compliance. Mr. Bohnel and Councilman Perloff chose to be proactive for the town. Mr. Bohnel spoke of floating tiles for the tennis courts from a company called Mataflex from Utica, New York, a company that drove four and a half hours to visit our playground and with a few repairs was given a quote of \$34,000. Mr. Bohnel said he attempted to give information to the town and in his opinion was “practically thrown out” dismissed, not by council. Mr. Bohnel continued to say the scheduling of the tennis court was for early September, however, the contractors showed up 8:00 a.m. today, August 28, 2022. Mr. Bohnel had Eagle Fence visit the site as well and was told the poles were fine, solid and slight repairs could be made to pull the ties at the top, price \$18,000.

Mr. Bohnel’s opinion is “we could have gone down another course” and his motto is “never look back” but hopes the playground is going to be handled differently than the tennis courts.

Testimony submitted by Mr. Bohnel is attached to these minutes.

Mayor Kovach expressed her appreciation to Mr. Bohnel for taking the initiative and for doing the research for the renovations of the tennis courts at the Community Center. The Council meeting of September 28, 2022 will focus on the playground. A representative of Jake’s Law has been invited. Mayor Kovach thanked everyone for their input regarding ideas and fundraising efforts.

Lisa Intrabartola, 19 Georges Place, gave an update of the newly formed Booster Club. Ms. Intrabartola talked about fundraising efforts that have been going very well! The club invited Councilman Perloff to jump in and join the group. The next meeting is September 19 @ 7:30 p.m. for anyone interested. Next event is Friday, August 26 at Sunken Silo on Route 22, “Pints for the Park” at 7:30 p.m. Ms. Intrabartola and the Booster Club is working hard to have an all inclusive park, ADA requirements are the bare minimum which passed 32 years ago. Hopes to take it a long way above the law. When all children, diverse in many ways, can play together, they grow to be wonderful human beings.

Molly Padmos, 16 Water Street, expressed her appreciation to Council and Councilwoman Johnson, for all their hard work and hope everyone can come together to continue to work for the Town, the park and the Booster Club.

Jonathan Donath, 9 Cypress Court, is a parent of two young children in CPS and offered to help in any way, to develop a park that will fit the family friendly town and to upgrade the playground. Residents “do want this” and Mr. Donath has every confidence in the elected official it will be done properly! Very exciting! Applaud everyone involved in fundraising.

Mayor Kovach reiterated her feelings of appreciation to everyone and ultimately all on the same page. Mayor Kovach reached out to the Mayor Wallace of Glassboro and their CFO and learned they have ADA park playgrounds. They have an extensive crew working on the parks. To quote former mayor and school teacher, Allie McGaheran, “you can continue to complain or step up and be part of the solution”!

Councilman Perloff explained he has three young girls, the youngest with three IEP’s and 2 older daughters, Mexican born living in a non-Mexican neighborhood. Mr. Perloff is excited to have his

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daughters enjoy the playground and made it clear he has never been against an all-inclusive playground. Mr. Perloff is grateful for all the work Councilwoman John and the Booster Club is doing and will continue doing. Mr. Perloff is grateful to learn and work with everyone and concurs the end game will work out.

Nicole Ayers, 18 Fairview, has bi-racial children and to echo Mr. Perloff's comment, they are in a minority position. One of her daughter's has sensory issues and agrees that anything less than all-inclusive would be a disservice to a portion of our community. Clinton would be the only all-inclusive playground in Hunterdon County and the greater area.

Councilwoman Johnson gave a brief background of her professionalism and the importance of an all-inclusive playground. Councilwoman Johnson did comment for the record that since the beginning, she was pushing for the playground not the tennis courts. Research and working together is what everyone is working towards.

Ms. Intrabartola said the public meeting will be good but asked if people's comments will be limited? Mayor Kovach said we like to be respectful and give people a chance to speak and share their comments but would like to keep comments to a five minute timeframe.

Councilman Humphrey stated how important volunteerism is and if people did volunteer to step up earlier much more could be addressed early on.

MAYOR'S COMMENTS

1. Senator Booker visited the Red Mill and met with business owners, Mayors, Commissioners and Marc Saluk, Director of the Hunterdon County Economic Development to promote tourism. The new slogan is "The Other Side of Jersey". Many good conversations took place and Senator Booker, heard how about the American Rescue money being spent. \$24,000,000 came to the County and \$250,000 was allocated for tourism and will continue to grow. Senator Booker heard of the initiatives being taken to increase tourism including the Beer Trail, the 579 Trail and lots of others. Frenchtown was named best downtown shopping and we need to support our sister towns.
2. Mayor Kovach proudly announced that the 1st Annual Hunterdon Games was a huge success!! Clinton came in second place, Union Township took first! Clinton Township and Bethlehem Township 3rd and 4th. Many municipalities took part in this fun packed day. Elvira Bruno was amazing how she corralled all the participants and so much more! A special thank you to Elvira for taking the reins. Councilmen Bruno and Humphrey suffered combat wounds but doing well! Mayor Kovach thanked everyone who participated in the awesome day!
3. Haunting on the River movie premiere will be presented tomorrow evening, August 25, 2022 and will be shown again Friday and Saturday evenings. Mark Zhutianli, owner of Citispot on Main Street, brought his labor of love to reality with this full length movie acting as Director, Screenplay and Soundtrack!
4. On August 31, 2022, International Overdose Awareness Day will be held 5:00 p.m. to 7:00 p.m. at Open Door Recovery Center, 5 East Main Street, Flemington, New Jersey.
5. Go Hunterdon will hold their annual meeting at a breakfast on September 23, 2022 at the Mountainview Chalet. Reservations required.

6. Harvest Hope Celebration October 1, 2022, 11:00 a.m. – 4:00 p.m. Deer Path Park, 120 W. Woodschurch Road, Flemington, New Jersey 08822 in support of Hunterdon County Stigma Free Task Force. Invitation received from Department of Human Services, hoping municipalities would join the competition in a scarecrow competition! Paul Muir, Director of the Red Mill accepted the challenge and will submit a “haunted” creature and will offer fast pass tickets as a prize!

7. Mayor Kovach reached out to Sony, CEO and will get Ghostbusters original 1984 movie to show at Hunts Mill Park, Saturday, October 1, 2022, with no licensing fee! Rules are it can only be called “Carpool Cinema 2022” or “Wheels to Reels”. Mayor Kovach asked for a motion to sign the contract, motion made by Ms. Johnson, seconded by Mr. Perloff, authorizing the Mayor to sign.

Vote all ayes
Motion carried

8. Two resignations received from crossing guards, Heidi Bavaro and Karen Cruse. A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to accept with regrets.

Vote all ayes
Motion carried

REFUNDS

Three refunds are being requested:

Water – Joe Callari, 14 Augusta Drive in the amount of \$40.20

Sewer - Bob Pyle, Center Street, in the amount of \$125.00

Solicitor’s Permits, Aptive, permits removed, in the amount of \$1,700.00

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to approve refunds as requested.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #22-10 AMENDMENT TO TOWING & STORAGE FEES

A motion was made by Mr. Perloff, seconded by Mr. Humphrey, to introduce Ordinance #22-10 on first reading as submitted:

ORDINANCE # 22-10 ORDINANCE AMENDING FEE SCHEDULES FOR TOWING AND STORAGE OF MOTOR VEHICLES

WHEREAS, Chapter 129 of the Code of the Town of Clinton provides for the establishment of a fee schedule for towing and storage of motor vehicles by ordinance based on recommendations received by the Mayor and Council from the Chief of Police; and

WHEREAS, Chief Kubinak has provided recommendations on the appropriate fees to be charged for towing and storage of motor vehicles within the Town of Clinton through 2023; and

WHEREAS, the Mayor and Council have reviewed and accept those recommendations;

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

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SECTION 1. The towing and vehicle storage rate schedule, found in Chapter 129, Attachment 1 of the Code of the Town of Clinton, be amended as follows (deletions noted in strikethrough ~~thus~~, and additions noted in bold italic *thus*):

TOWN OF CLINTON TOWING RATE & STORAGE SCHEDULE

Rates and Fee Schedule

1. **Light-duty day Rate (8:00 a.m. — 5:00 p.m., anytime)**

For vehicles with a gross vehicle weight (“GVW”) under 10,001 lbs, \$125.00 ~~\$90.00~~ per towing vehicle dispatched, plus fees for any additional service performed and \$5.00 per mile after the first 6 miles from the scene to operator’s garage. which includes towing up to six miles plus any fees for additional services performed.

~~———— (mileage fee for over 6 miles from scene to operator’s garage) \$4.00 per mile.~~

2. **Light-duty night rate (5:00 p.m. — 8:00 a.m.)**

~~———— \$125.00 per towing vehicle dispatched, which includes towing up to six miles from scene. The night rate shall also apply to all tows on Sundays and legal holidays in the State of New Jersey.~~

~~(mileage fee for over 6 miles from scene to operator’s garage) \$4.50 per mile.~~

2. **Road Service, Gas, Tire Change, Lockout, Battery Jump (Anytime):**

~~\$75.00 (8:00 a.m. — 5:00 p.m.)~~

~~———— \$90.00 (5:00 p.m. — 8:00 a.m.) The night rate shall also apply to all tows on Sundays and legal holidays in the State of New Jersey.~~

~~\$125 (plus cost of any material used, including but not limited to gasoline).~~

3. **Medium Towing** – For motor vehicles with a ~~gross weight~~ *GVW* between 10,001 pounds to 26,000 pounds:

~~\$215.00 per towing vehicle dispatched~~ *\$250.00 per hour with a minimum of one hour per towing vehicle dispatched* regardless of the time of day, plus ~~\$6.50~~ *\$6.00* per mile from scene, after the first 6 miles.

4. **Heavy Duty Towing with ~~Conventional~~ Wrecker (any type)** – For motor vehicles with a ~~gross weight~~ *GVW* over 26,000 pounds ~~which can be moved with a conventional wrecker:~~ *\$300.00* ~~\$425.00~~ per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day, plus ~~\$6.00~~ *\$6.50* per mile from scene, after the first 6 miles.

5. **For all Specialized Recovery Incidents requiring specialized Equipment (aside from what’ is listed above) for towing, storage or equipment, refer to Garden State Towing Association’s Rate chart found at www.gsta.org, which are the rates established by the New Jersey State Police for tow operators on State highways,**

~~6. Heavy Duty Towing with Under Reach Towing For a motor vehicle with a gross weight over 26,000 pounds where under reach towing is required:~~

~~— \$325.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day, plus (\$6.00 per mile from scene, after the first 6 miles)~~

~~7. Vehicles that are locked and in park or in gear Additional services fee: \$35.00~~

~~8. These rates do not apply to recovery which includes impales, over turned, or off road.~~

6. Additional Work

Hourly rate, charged in quarterly increments (first 15 minutes is not billable) clean-ups, winch work, dolly work – \$75.00 per hour.

7. Storage Fees

Storage Fees become effective after the first 11 hours of a vehicle tow.

Vehicles *with a GVW of* less than 10,001 pounds - \$45.00 per day

All other vehicles with *a GVW* gross weight over 10,001 pounds – \$90.00 per day or part thereof.

Indoor storage - \$90 per day.

~~Vehicles will be released during normal business hours:~~

~~Monday – Friday (8:00 a.m. – 5:00 p.m.)~~

~~Saturday (8:00 a.m. – 12:00 p.m.)~~

~~After hours vehicle release fee – \$75.00 per vehicle~~

All towing charges noted above are from *the* initial *scene* / incident to *the* towing garage. Any towing to alternate sites *shall will* be negotiated between *the* tow operator and *the* customer

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 take effect upon final passage and publication.

Vote all ayes
Motion carried

A summary of this ordinance will be published in the Courier News edition of August 28, 2022.

A public hearing will be held September 14, 2022.

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RESOLUTION #122-22 – CHAPTER 159

A motion was made by Mr. Humphrey, seconded by Mr. Traphagen, to adopt Resolution #122-22 as submitted:

RESOLUTION # 122-22

WHEREAS, the Town of Clinton wishes to purchase an Enclosed Service Body for the Water Truck from an authorized vender under the State of New Jersey Cooperative Purchasing;

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

WHEREAS, the Route 23 Auto Mall has been awarded the State Contract T-3063; and

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

WHEREAS, the actual cost for the Enclosed Servicer Body for the Water Truck is not expected to exceed \$102,138.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$102,138.00 under Ordinance #22-05,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Route 23 Auto Mall be awarded a contract for the purchase of an Enclosed Service Body for the Water Truck.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #123-22 - FIREWORKS

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to adopt Resolution #123-22 as submitted:

RESOLUTION # 123-22

WHEREAS, the Town of Clinton Recreation Committee has requested permission from the Mayor and Council of the Town of Clinton, to have a Fireworks Display at the Town Picnic to be held on September 10, 2022, rain date September 17, 2022 at Hunts Mill Park, and

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

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Clinton that the Recreation Committee's request for a fireworks display at the Town Picnic on September 10, 2022, rain date September 17, 2022 at dark, be approved.

Vote all ayes
Motion carried

RESOLUTION #124-22 – PURCHASE OF NEW WATER TRUCK

A motion was made by Mr. Humphrey seconded by Ms. Dineen, to adopt Resolution #124-22 as submitted:

RESOLUTION # 124-22

WHEREAS, the Town of Clinton wishes to purchase an Enclosed Service Body for the Water Truck from an authorized vender under the State of New Jersey Cooperative Purchasing;

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

WHEREAS, the Route 23 Auto Mall has been awarded the State Contract T-3063; and

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

WHEREAS, the actual cost for the Enclosed Servicer Body for the Water Truck is not expected to exceed \$102,138.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$102,138.00 under Ordinance #22-05,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Route 23 Auto Mall be awarded a contract for the purchase of an Enclosed Service Body for the Water Truck.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #125-22 – AMENDMENT TO TEAMSTERS CONTRACT

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to adopt Resolution #125-22 as submitted:

RESOLUTION #125-22

RESOLUTION AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF CLINTON AND THE TEAMSTERS LOCAL 469

WHEREAS, on April 28, 2021, the Mayor and Council of the Town of Clinton (Town) ratified the Collective Bargaining Agreement between the Town and the Teamsters Local 469 (Teamsters) via Resolution #84-21; and

WHEREAS, the Town has required all employees within the Water/Road Department to possess a Commercial Driver's License (CDL), to which all current employees are compliant; and

WHEREAS, based on the new regulations imposed by the Federal Motor Carrier Safety Administration (FMCSA) on February 7, 2022, any new applicant wishing to obtain a CDL can no longer do so in the manner historically used to obtain this license and must complete a costly and lengthy training process; and

WHEREAS, as a direct result of this new Federal requirement, the Town had several vacancies within the Water/Roads Department that they have been unable to fill for over six (6) months; and

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WHEREAS, the Town recognizes the need to have a sufficient number qualified and trained employees within their Department of Public Works in order to adequately provide services to the residents of Clinton; and

WHEREAS, the Town currently has a sufficient number of employees who possess CDL's; and

WHEREAS, the Town of Clinton and Teamsters Local have subsequently agreed to make certain changes to the terms and conditions of the Collective Bargaining Agreement, specifically amendments to "Schedule A" by creating a new, separate rate of pay for employees that do not possess a CDL who are assigned to the Water/Roads Department without penalizing existing employees in this department who have obtained their CDL already; and

WHEREAS, the Town and Teamsters have executed a Memorandum of Understanding approving the attached changes; and

WHEREAS, upon adoption of this resolution,

1. All references to "Schedule A" in the Collective Bargaining Agreement shall now refer to the amended version referenced herein.
2. All existing terms and conditions not referenced in this Resolution shall remain in full effect and cannot be altered or amended without the mutual consent of the Town of Clinton and the Teamsters Local 469.; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize and ratify the amendments to the Collective Bargaining Agreement between the Town of Clinton and Teamsters Local 469 as more fully described in the preceding paragraphs in this Resolution, which are expressly incorporated herein by reference.

BE IT FURTHER RESOLVED that the Town of Clinton shall enter into and execute an amended Collective Bargaining Agreement incorporating the amendments set forth in this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are expressly conditioned on Teamsters Local 469 having approved the aforesaid amendments to the Collective Bargaining Agreement, and the provisions contained herein shall have no force or effect absent such approval by Teamsters Local 469.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Town of Clinton Chief Financial Officer and the Teamsters Local 469.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #126-22 – BYOB TOWN PICNIC

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to adopt Resolution #126-22 as submitted:

RESOLUTION # 126-22

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

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

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Clinton, that BYO (Bring Your Own) consumption of alcoholic beverages shall be permitted at the Hunts Mill Park during the Town of Clinton Town Picnic to be held on September 10, 2022, rain date September 17, 2022 beginning at 3:00 PM

Vote all ayes
Motion carried

RESOLUTION #127-22 – WATER RESERVATION

A motion was made by Mr. Traphagen, seconded by Ms. Dineen, to adopt Resolution #127-22 as submitted:

RESOLUTION # 127-22

**RESOLUTION APPROVING WATER CAPACITY RESERVATION
APPLICATION # L22-03**

WHEREAS, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations; and

WHEREAS, the Town has received Water Reservation Application # L22-03, dated July 25, 2022, submitted in the name of Hunterdon County Vocational School District, (Township of Clinton, Block 79, Lot 1, Tax Map Page 13); and

WHEREAS, on August 11, 2022, the Town's Water Consulting Engineer, Suburban Consulting Engineers, informed the Town of Clinton Water Committee of their recommendation of approval of the aforementioned application which proposes a new Hunterdon County Vocational School with a total projected gross floor area of 34,150 square feet; and

WHEREAS, on August 17, 2022, the Town's Water Committee held their monthly meeting in which they have reviewed the application; and

WHEREAS, as the Town's Water Committee is satisfied with the information outlined by Suburban Consulting Engineers, the application is deemed complete, to which they have granted a final approval and have imposed the conditions listed in Suburban Consulting Engineers August 11, 2022 letter.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Chapter 142, Section 1, Sub-section J(3) of the Town's Ordinances, the Mayor and Council hereby approves Water Reservation Application # L22-03 in the amount of 4,425 GPD for a period of twelve (12) months.

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

Vote all ayes
Motion carried

RESOLUTION #128-22 – REFUND OF OVERPAYMENT OF TAXES

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to adopt Resolution #128-22 as submitted:

RESOLUTION # 128-22

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for following block and lots due to overbilled/merged into main lot,

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 overpayments to the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
14 32	QFARM	Ambe Holdings of Clinton, LLC	563.71
21	29	Old 22 Urban Renewal Associates LLC	2,650.34

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 3rd qtr 2022.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #129-22 – OPPOSING PROPOSED INCREASES IN SHBP

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to adopt Resolution #129-22 as submitted:

RESOLUTION 129-22

Resolution Opposing the Proposed Increases to the State Health Benefits Program

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

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WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting “rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year”; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Clinton in the County of Hunterdon call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the governing body of the Town of Clinton in the County of Hunterdon, urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, Michael Doherty, John DeMaio and Erik Peterson, and New Jersey State League of Municipalities.

Vote all ayes
Motion carried

BANNER REQUEST

A motion was made by Mr. Perloff, seconded by Ms. Johnson, to approve the banner request for the Clinton Guild. Dates to be discussed between Ms. Beder and Mr. Muir, slight conflict in dates.

Vote all ayes
Motion carried

SPECIAL EVENT REQUEST – RUN O’THE MILL

A special event application has been received from Judith Cruz-Walsh, Race Director, for the annual Run O’the Mill 5K to be held March 11, 2023. A motion was made by Mr. Traphagen seconded by Mr. Perloff, to approve the request.

Vote all ayes
Motion carried

CORRESPONDENCE

1. The Women’s Club of Clinton is celebrating 100th Anniversary on Monday, September 12, 2022 1:00 to 2:00 p.m. There will be a short presentation of the club’s history followed by a monetary donation to honor contributions to the community.
2. New Jersey League of Municipalities ticketed events for November 15 – 17, 2022. Anyone interested in attending should contact the clerk to register.

REPORTS FROM COUNCIL

Councilman Humphrey

Environmental Commission met August 15 but did not have a quorum. A special guest attended with an awesome idea! Councilman Perloff suggesting the year long indoor Farmer's Market for the Community Center and folks were excited to hear this! Mr. Humphrey contacted Sustainable Jersey and found they are willing to support a grant by the Green Team and the Economic Development Commission. Insurance will be an issue to work out but the group felt it was an exciting idea!

Clinton Leadership Roundtable will suspend meetings until January, following reorganization meetings and meeting new elected officials.

For the record, Mr. Humphrey was emphatic about staff being treated with the utmost respect. If a person has an issue to discuss, they should take the time to take a breath or even a day, to consider how to approach a problem when talking to the staff. All employees are trained professionals and are good at their jobs and are underpaid for what they do and should never be treated with disrespect.

Attorney St. Angelo

Many changes in legislations will take place over the next couple months so be prepared!
IMPORTANT! No one should ever go under yellow caution tape!

Councilman Traphagen

Rescue Squad – reported 367 for the month of July, 2779 for the year, a 16% increase over last year. Response times for the coverage area 7 minutes 7 seconds, Clinton 6 minutes, 6 seconds.

Historic Commission – Graveyard tours scheduled for Saturday, October 15, 2022 at the Clinton Presbyterian Church cemetery. Two sessions 7:00 p.m. and 7:45 p.m. \$30.00 pp and proceeds to fund the façade grant program. Many fascinating things may take place on the tour!

4H Fair opening ceremony this evening! Speeches by Commissioner Lanza spoke of Hunterdon's agriculture history combined with tourism initiatives.

Councilwoman Johnson

Just a reminder that Friday, August 26, 2022, "Pints for the Park" being held at Sunken Silo. Booster Club fundraiser, \$10.00 cover, raffles, music and \$1.00 oysters from Metropolitan Seafood! 7:00 p.m. to 10:00 p.m.

Councilman Perloff

Guild is redesigning their website and working on a community marketing outreach in conjunction with the Economic Development Committee. An idea was discussed asking Mayor to attend meetings from time to time as well as Chief Kubinak and Rich Phelan stopping by.

Two more Come Together events this season!

Pumpkin Fest will be held October 21, 2022 from 6:00 to 9:00 p.m. Guild requesting a road closure for that night. Pumpkin drop off begins at 4:00 - 4:30 p.m.

Farmer's Market idea is a great idea and Environmental is in support of this!

Recreation – Laura Burr and Kristina Tuxhorn have coordinated a lot of work for the town picnic which is September 10, 2022. Insurance waiver for Tier A is being requested for vendors. A motion was made by Mr. Perloff seconded by Ms. Johnson to waive the insurance as requested. Ms. Johnson volunteered herself and Mr. Perloff to tackle the insurance issue going forward.

Vote all ayes

6278

1 Nay (Humphrey)
Motion carried

“Carpool Cinema” or “Wheels and Reels” will be held October 1, 2022, hoping to get 100 cars to attend and not more than 200. Discussing ways to advertise for Town residents first. Time: 7:00 – 7:15 pm to start film at Hunts Mill Park. Ghostbusters!

Canoe Races, September 25, 2022.

Councilwoman Dineen

Water Committee – Hydrant flushing has slowed down due to drought and water restrictions. New meter truck is being outfitted. Two water reservations have been received, Polytech facility on Route 31 in front of North Hunterdon High School and Bev Graph Packaging, however, Bev Graph is on hold as the application was incomplete. Lead service deadline requirements have been met and the goal is for full remediation is 2023. New pumping facilities have been installed at Foster Wheeler and Fox Fire stations. Preliminary discussions for Well #2 in the Borough of Lebanon. Ingerman project, all services have been transferred, plantings will take place in cooler weather and in light of water restrictions.

Land Use Board granted a floor area ration (FAR) variance and minor site plan for 2-8 Main Street. Resolution approval on September 6, 2022.

STANDBY AND OVERTIME

A motion was made by Mr. Humphrey seconded by Ms. Johnson to approve the standby and overtime attached to these minutes for the period of July 22 through August 4 and August 5 through August 18, 2022.

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

ROLL CALL: Ayes: Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Ms. Johnson seconded by Mr. Perloff to adjourn the meeting at 9:05 p.m.

Janice Kovach, Mayor

Cecilia Covino, RMC/CMC
Municipal Clerk

ccovino@clintonnj.gov

From: John Bohnel <jabohnel@gmail.com>
Sent: Thursday, September 1, 2022 7:08 AM
To: Ceil Covino
Subject: Re: minutes

Thank you so much for providing this Ceil, much appreciated.

Understanding that this is just one of many jobs you are required to perform and have limited time, I have reviewed the recording of the meeting and would suggest that the minutes are amended in this manner, as many of the points I made were left out, and I believe are important.

Be happy to discuss the changes with you if you'd like.

John

John Bohnel, 76 Center Street, came before the council to discuss three matters.

Mr. Bohnel's first concern is the proliferation of political signs throughout town. Mr. Bohnel suggested removing the signs until October 1st.

Second concern: Stating that as a Town resident of 22 years and has demonstrated in many ways his love and support of the town, Mr. Bohnel is now deeply disturbed that the town is seriously entertaining the expense of \$1,000,000.00 on a new playground, and anticipating paying on top of that a consulting/design firm, for a second time, to design it.

He stated that he learned the Town had already spent \$25,000 in 2019, paid to Suburban Engineering, for a preliminary design and renderings of a playground. To the best of his knowledge, he said, nothing has been done to develop and act on what Suburban proposed. Mr. Bohnel stated that he was told by playground committee members and the Town Business Administrator that the drawings were needed at that time to attain grant money.

Mr. Bohnel reported that his research on community-build playgrounds, meaning he stated, that all the labor is done by volunteers, led him to the Town of Glassboro NJ. He shared that he and Councilman Perloff drove to Glassboro to tour their playgrounds at the invitation of Glassboro's Recreation Director and DPW Director and was informed that their three ADA playgrounds were community-built for a total cost of approximately \$175,000. He said the playground contractor Glassboro hired was already "state-approved" and did all the playground design work, plan drawings, and engineering free of charge.

In previous discussions with several Town of Clinton council people and administrators, Mr. Bohnel and Mr. Perloff had been told the playground could not be built as a community-build because of ADA compliance.

Third concern: Mr. Bohnel also addressed the \$137,000 the Town of Clinton Playground Committee and Town Council has approved to demolish the existing tennis court and fence and replace them in their entirety.

He stated in his opinion as a former building contractor, that from his observation of the existing court, that minor cracks could have been repaired easily by the Public Works Department, and put back into service before the gate to the court was locked last October. He said he observed no other surface irregularities, such as "heaving" which he said, implies that certain areas of the court had become unstable and shifted in terms of being level and causing potential 'tripping' hazards. Mr. Bohnel said he asked the Town Business Administrator if the town had requested an engineering study to determine that the court was in such poor condition that replacement was the only option and if he could see that report. According to Mr. Bohnel, the response he was given was that an engineering report could not be provided because it wasn't done. Instead, Mr. Bohnel was told, the Town was

advised by their insurance accessor that the tennis court was "unsafe." Mr. Bohnel said he asked the Administrator if the accessor was questioned about what could be done to make it "safe," but that question was not answered.

Mr. Bohnel stated that as a result of his research that the tennis court could be resurfaced by installing plastic modular floating tiles, available from a 36 year-old company called Mateflex from Utica, New York. He arranged for the Mateflex sales manager to visit our tennis court and was provided a written quote for resurfacing, which the sales manager said, according to Mr. Bohnel, was in better condition than most of the courts they resurface, for \$34,000 in material, as a community-build, with Mateflex onsite supervision. The sales manager, said Mr. Bohnel, told him they do many community build projects.

And because of the excellent condition of our court, granting that the cracks had to be filled, Mr Bohnel was told Mateflex would warrantee their product for 15 years, replace any faulty tiles for free for up to five years, and would be happy to provide locations of courts they resurfaced that were still in use after 20 years of service. Mr. Bohnel stated that Mateflex provided the same material for The Town of Glassboro, which did a community-build for a complex of eight tennis courts at a cost of \$185,000.

Mr. Bohnel said he has been petitioning the Town over the last week to try to cancel the \$137,000 contract. For the reason, he said, that if it could be done, the savings would pay for a large portion of a new playground, if not all of it.

He claimed he attempted to discuss the cancellation, the reason for doing so, and how it might be done, with the Town's Business Administrator in his office on August 12th, and in his opinion, was "practically thrown out."

Mr. Bohnel said he was told by the Business Administrator that day, that the tennis court demolition and new construction was scheduled for early September. But to Mr. Bohnel's amazement, he said, the contractors showed up to start the work at 8 a.m. today, August 24th. After hearing this news about 10:30 am today, he stated he visited the playground about noon, which was already 50% demolished, and he was told by the son of the owner of the contractor, Shore Top Construction, who was also the crew foreman, that (1) when the team showed up at the site they thought they were at the wrong tennis court because it appeared to be in great shape, and that (2) they were only told yesterday (Aug 23rd) that their scheduled changed and they were to mobilize to come to Clinton tomorrow (today). "How and why could this have happened?" Mr. Bohnel asked.

Mr. Bohnel also stated that he asked the owner of Eagle Fence Company, of Branchburg, to meet him at the site a week ago for an evaluation of the existing tennis court fencing. He stated he was told that the fence poles were in excellent condition, solid and plumb, and that repairs could be made on the lower portion of the fencing itself, which was bulging out from people running into it, by cutting the existing ties that hold it to the poles, pulling the fencing tight, and re-tying it. However, because he was asked for an estimate, the owner of Eagle Fencing submitted a written quote for \$18,000 to replace all the fencing, without poles. Mr Bohnel noted that he understood this was not a 'prevailing wage' price, and he estimated that perhaps \$5-10,000 could be tacked on to make it 'prevailing wage.'

Mr. Bohnel's summarizing opinion was that the Town of Clinton could have gone down another road and saved in the vicinity of \$100,000 of hard-earned grant money by refurbishing the tennis court, not replacing it. In addition, he stated, the \$25,000 paid to Suburban Engineering in 2019 and the \$14,900 just paid to Suburban Engineering for tennis court blueprints and specifications, was in his opinion, unnecessary and wasteful, and that that money that could have been spent on actually constructing a new playground.

Mr Bohnel then shared that his motto is "never look back," and said that since the Town Council had already voted 6-1 in an Executive (private) Session against trying to cancel the contract, and that the existing tennis court is now virtually gone, we must now move on together as a town. He expressed that he hopes, and expects, the playground project is going to be handled in an entirely different manner than the tennis courts. He then complimented the Council members for their service, contributions, and hard work, but stated that in his opinion, they were misled by the information they were provided about both the tennis court and the playground.

Mayor Kovach expressed her appreciation to Mr. Bohnel for taking the initiative and for doing the research for the renovations of the tennis courts at the Community Center, and that Mr Bohnel will be given the opportunity by invitation to serve on a new playground committee she will be forming. The Council meeting of September 28, 2022 will focus on the playground. A representative of Jake's Law has been invited. Mayor Kovach thanked everyone for their input regarding ideas and fundraising efforts.