

Flag Salute.

Roll Call: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

**STATEMENT OF ADEQUATE NOTICE:**

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

**Mayor Kovach welcomed the public to the public 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](mailto:councilmeeting@clintonnj.gov) with any questions or concerns between meetings.

Please feel free to reach out with a note at [jkovach@clintonnj.gov](mailto:jkovach@clintonnj.gov) anytime!

**APPROVAL OF MINUTES**

A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to approve the minutes of August 25 and September 8, 2021 as submitted.

Vote all ayes  
Motion carried

**APPROVAL OF MONTHLY REPORTS**

A motion was made by Mr. Humphrey, seconded by Ms. Karsh, to approve the Wastewater Treatment Plant monthly report for the month of August as submitted.

Vote all ayes  
Motion carried

**RESOLUTION #144-21 - EXECUTIVE SESSION**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #144-21 to go into Executive Session to obtain Attorney advice and discuss pending litigation at 7:33 p.m.

Vote all ayes  
Motion carried

Motion was made by Mr. Humphrey, seconded by Ms. Johnson to return to the open public meeting at 8:34 p.m.

Vote all ayes  
Motion carried

### **PUBLIC COMMENTS**

### **MAYOR'S COMMENTS**

1. Councilman Humphrey, liaison to the Sewer Committee, offered a great suggestion to dedicate the new Wastewater Treatment Filter building to Robert B. Smith, P.E., former councilman and mayor of the Town of Clinton for his experience and dedication to the Town which spanned over 40 years. Everyone agreed that was a wonderful idea! A date to celebrate the dedication has not been decided as of yet.

### **PUBLIC HEARING OF ORDINANCE #21-23 – REVISED INDUSTRIAL TRACT**

A motion was made by Ms. Karsh, seconded by Ms. Johnson, to table the public hearing of Ordinance #21-23:

#### **ORDINANCE #21-23**

#### **ORDINANCE RESCINDING AND VACATING ORDINANCE 21-17 AND AMENDING SECTION 88-56 OF THE CODE OF THE TOWN OF CLINTON PROHIBITING WAREHOUSE USES AS A PRINCIPAL USE IN THE INDUSTRIAL DISTRICT AND PERMITTING WAREHOUSE USES ONLY AS AN ACCESSORY USE IN THE INDUSTRIAL DISTRICT**

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

### **ORDINANCE #21-24 – AMENDING LAND USE APPLICATION CHECKLIST**

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to introduce Ordinance #21-24 on first reading as submitted:

#### **ORDINANCE #21-24**

#### **ORDINANCE AMENDING TOWN OF CLINTON CODE SECTION 88-39 REGARDING LAND DEVELOPMENT APPLICATION FILING PROCEDURES AND THE “LAND DEVELOPMENT APPLICATION – DEVELOPMENT REVIEW CHECKLIST”**

**WHEREAS**, N.J.S.A. 40:55D-10.3, requires municipalities to adopt a checklist for land use applications by ordinance; and

**WHEREAS**, Town Code Section 88-102 requires applications for development within the Town’s Highlands Districts to include a “consistency determination from the Highlands Council” prior to being deemed complete and provides as follows:

Highlands Council referral requirements.

A. Consistency determinations required. No application for development included in § 88-101 above, shall be deemed complete or considered for review by the applicable Town Land Use Board until and unless the applicant has obtained and provided a copy of:

(1) A consistency determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or

(2) A consistency determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Subsection B below, by the applicant's professional(s) that the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan.

B. Findings of inconsistency. Where a Highlands Council consistency determination indicates that an application for development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Town Land Use Board, until or unless the applicant has obtained from the professional(s) responsible for preparation of the applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

**WHEREAS**, although the Town Council asserts that Town Section 88-102 is enforceable and speaks for itself, the Town Council believes it is in the best interest of the Town to include the requirement of a "consistency determination from the Highlands Council" on the land development checklist; and

**WHEREAS**, the Town Council has also determined it is in the best interest of the Town to further amend the land development checklist and to amend the corresponding ordinances to reduce the number of paper application copies required to be submitted by an applicant and require digital copies of all application materials; and

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

**SECTION 1.** Sections 88-39(B) and (C) of the Code of the Town of Clinton ("Code") regarding filing procedures for subdivision and site plan applications are amended as follows (Additions noted in bold italics *thus* and deletions noted with a strikethrough ~~thus~~):

B. Time of filing. Said applications shall be filed with the Secretary of the Land Use Board at least ~~21~~ **20 business** days prior to the regular meeting of the Land Use Board.

C. Application content. Content of the application shall be as follows:

(1) Sketch subdivision plat: an application form in triplicate; ~~4~~ **4** black ~~or blue on~~ **and** white **or color** prints of the subdivision plat **and one digital copy of all application documents in Adobe Portable Document Format (PDF).**

(2) Preliminary subdivision plat and preliminary site plan: an application form in triplicate; ~~4~~ **4** black ~~or blue on~~ **and** white **or color** prints of the subdivision plat or site plan and other required

documents and improvement plans *and one digital copy of all application documents in Adobe Portable Document Format (PDF).*

(3) Final subdivision plat and final site plan: an application form in triplicate; ~~10 4~~ black ~~or blue~~ ~~on~~ *and* white *or color* prints of the subdivision plat or site plan and ~~for subdivision plats, the original tracing, three translucent tracings and two cloth prints~~ *one digital copy of all application documents in Adobe Portable Document Format (PDF).*

**SECTION 2.** The Town of Clinton Land Use Development Application – Development Review Checklist is amended to add the following and consistent with Exhibit A attached hereto:

47. A digital copy in Adobe Portable Document Format (PDF) of all application related documents including but not limited to plans, reports, checklists and correspondence.

48. In accordance with the requirements of §88-102A of the Land Use Ordinance, a consistency determination from the New Jersey Highlands Council in compliance with either §88-102A(1) or §88-102A(2) or proof the applicant is entitled to exclusion under §88-103A or exemption under §88-103B.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** 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 5.** The Town Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 6.** This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

**RESOLUTION #141-21 – APPOINTMENT OF CREW LEADER**

A motion was made by Mr. Traphagen, seconded by Mr. Humphrey, to adopt Resolution #141-21 as submitted:

**RESOLUTION #141-21**

**APPOINTMENT OF CREW LEADER WITHIN THE DEPARTMENT OF PUBLIC WORKS,  
DIVISION OF WATER & ROADS**

WHEREAS, the Town of Clinton Department of Water and Roads requires the appointment of someone to the newly-created position of Crew Leader, and;

WHEREAS, the Public Works/Business Administrator, Water/Road Superintendent and Water/Road Foreman recommend that the following employee be appointed to the position;

Kevin Gonzalez

WHEREAS, pursuant to the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469, the annual stipend for this assignment is \$5,000.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton appoint Kevin Gonzalez to fill the position of Crew Leader within the Department of Water and Roads effective September 23, 2021 pursuant to the applicable terms and conditions as outlined in the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469.

ROLL CALL: AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #142-21 – APPOINTMENT OF CREW LEADER**

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #142-21 as submitted:

**RESOLUTION #142-21**

**APPOINTMENT OF CREW LEADER WITHIN THE DEPARTMENT OF PUBLIC WORKS,  
DIVISION OF WATER & ROADS**

WHEREAS, the Town of Clinton Department of Water and Roads requires the appointment of someone to the newly-created position of Crew Leader, and;

WHEREAS, the Public Works/Business Administrator, Water/Road Superintendent and Water/Road Foreman recommend that the following employee be appointed to the position;

Robert Hoffman

WHEREAS, pursuant to the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469, the annual stipend for this assignment is \$5,000, which will be retroactively applied to June 1, 2021 as the employee has been assuming the roles and responsibilities of the crew leader position since that time; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton appoint Robert Hoffman to fill the position of Crew Leader within the Department of Water and Roads retroactively effective June 1, 2021 pursuant to the applicable terms and conditions as outlined in the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469.

ROLL CALL: AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

**RESOLUTION #143-21 – REVISED REGULATIONS**

Ms. St. Angelo explained Department of Community Affairs amended Residential Site Improvement Standards (“RSIS”) which affects how much water to allocate for proposed and unbuilt projects.

A motion was made by Ms. Karsh, seconded by Ms. Intrabartola to adopt Resolution #143-21 as submitted:

**RESOLUTION # 143-21**

**RESOLUTION AUTHORIZING WATER ALLOCATION RECALCULATIONS IN  
COMPLIANCE WITH REVISIONS TO N.J.A.C. 5:21-5.2**

**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**, Town Code Section 142-11(C)(7) requires that water allocation applications include “detailed water demand calculations in accordance with R.S.I.S., N.J.A.C. 5:21, and N.J.A.C. 7:12,” and

**WHEREAS**, the New Jersey Residential Site Improvement Standards (“RSIS”), specifically N.J.A.C. 5:21-5.2, were revised on October 7, 2020 to reduce residential daily water demand calculations; and

**WHEREAS**, in light of these changes, the Water Committee has determined that it is in the best interests of the Town to recalculate and reassess water allocations for proposed and unbuilt projects to reflect the changes.

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

1. Suburban Consulting Engineers, Inc. (“Suburban”), the Town’s consulting water engineers, are authorized to review all existing water allocation permits and recalculate the required water allocations in accordance with the revised RSIS standards cited above. Suburban shall provide such revised water allocation calculations to the Mayor and Council for review and approval.
2. Suburban shall incorporate any reductions in these allocations into the quarterly letter of water availability.
3. Nothing herein shall have any effect on water allocations granted by contract.
4. Certified copies of this resolution shall be provided to the Suburban and the Town of Clinton Superintendent of Water.

Vote all ayes  
Motion carried

**BANNER REQUEST**

A banner request has been submitted by the Rotary Club of Clinton Sunrise, to display a banner for “Flags for Heroes”. The dates to display are October 21 through November 12, 2021. A motion was made by Ms. Karsh, seconded by Mr. Humphrey, to approve the request.

Vote all ayes  
Motion carried

**SPECIAL EVENT APPLICATIONS**

Half Marathon will not be held as in the past because the Sand Hill area in Flemington has been destroyed by Hurricane Ida. The race will begin at Hunts Mill Park, North on Leigh Street, through Clinton Township to Franklin Township then back to Hunts Mill Park. A motion was made by Ms. Karsh, seconded by Ms. Dineen, to approve the request as submitted. Packet pick ups will be Saturday, October 9, on the patio of the Hunterdon Art Museum 1:00 p.m. to 4:00 p.m.

Vote all ayes  
Motion carried

The application for the Santa Con 8k will be addressed at the council meeting of October 13, 2021, application will be emailed to council prior.

### **CORRESPONDENCE - NONE**

### **REPORTS OF COUNCIL**

#### **Richard Phelan, Business Administrator**

Mr. Phelan reported that two dumpsters that were delivered to the municipal parking lot for residents use in disposing of flood damaged property has been filled a few times and has been a great help to residents and the garbage disposal company.

#### **Councilwoman Johnson**

Recreation Committee – the first park steering committee meeting had a good turnout, volunteers are still needed and subcommittees are being set up. The Committee will continue grant writing and Go Hunterdon will help with technical assistance in writing grants which will be a huge help to the committee. The committee planned to meet on the basketball courts and made ball players aware of the plan, however, the committee was met with obstinate youths that gave the committee a difficult time and the police were called. Discussion was held regarding the lighting at the community center and the situation that took place.

School Board – all is well at Clinton Public. Halloween Parade to be held October 29. PTO is planning to hold a movie night on October 1, 2021 outdoors. Seventh graders from Lebanon Borough now attending CPS. Traffic seems to be an issue.

#### **Councilman Humphrey**

Hunterdon County Government Officer's Association will meet Tuesday, September 28, 2021 at 6:30 p.m. at Chimney Rock in Flemington. Cost is \$35.00 for dinner and the speaker will be Brayden Fahey, Acting Director of Department of Public Safety and County OEM coordinator. Great way to network with officials from neighboring municipalities.

Environmental Commission met and continues reviewing the Clinton Commons (Moebus Tract) land use application with revisions.

Clinton Fire Department – for the record, Mr. Humphrey has not been reporting on the fire department recently and he was asked to leave so they can discuss matters without council liaison present.

Platinum Club held the brunch on September 12, 2021 and the turn out was great! Double the number of attendees of recent years and plan to meet on October 8 to hold their first formal meeting.

#### **Councilwoman Dineen**

Land Use Board - Moebus Tract application has been pushed future date. Holiday Inn has received their variance and final site plan approval, soon to be an assisted living facility.

Roads – Union Road sidewalk project has been completed and milling and paving to take place next week. Poles have been ordered for the new electronic signs.

#### **Councilwoman Karsh**

Clinton Guild hosting Pumpkinfest October 22 from dusk to 9:00 p.m. Pumpkins give away October 16, 2021. Road will be closed so folks can wander back and forth across the street checking out all the fun carvings.

“Stepping into Fall Promotion” working in conjunction with Go Hunterdon, to promote walking into town and counting steps. Guild would like to have signage to show number of steps if council will agree, from the numerous parking lots in town.

Economic Development Committee will meet on September 28, 2021. Councilwomen Karsh and Dineen had a very productive phone meeting with Elizabeth Halpin who is preparing a study with pictures and graphs and should have a final draft available for review before Thanksgiving.

### **Councilman Traphagen**

The Platinum Brunch was a success and many thanks to all the volunteers, Mary Ann Shea, Liz Hedden, Laura Burr, Dino Rentoulis, a number of businesses and the students and the Clinton Fire Department for the use of their space and help setting up all the tables and chairs.

Shade Tree – the removal of some trees began before Hurricane Ida and they are continuing with the clean up. Future plantings to be discussed.

Historic Commission – Welcome to Clinton Signs to be repainted by Karen Romagna. The Façade Grant Program has raised \$1,000 in donations. Paul Muir, Executive Director of the Red Mill to reach out to other historic entities and State level organizations for donations.

### **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 September 2 through September 16, 2021.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

### **PAYMENT OF BILLS**

A motion was made by Ms. Intrabartola seconded by Ms. Karsh to approve the voucher list as attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

Vote all ayes  
Motion carried

### **ADJOURNMENT**

There being no further business, a motion was made by Ms. Johnson, seconded by Ms. Karsh to adjourn the meeting at 9:17 p.m.

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Cecilia Covino, RMC/CMC