

Flag Salute.

Roll Call: Bruno, Dineen, Humphrey, Johnson, 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.”

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 Mr. Perloff, seconded by Ms. Johnson to approve the minutes of the Council meeting and the Executive Session minutes of September 14, 2022 as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS - NONE

MAYOR’S COMMENTS

1. Mayor Kovach attended a Strategic Planning meeting of the YMCA of Bucks and Hunterdon Counties. A wonderful idea of joining forces!
2. One Voice Summit 2022, Shepherding our Youth with Hope weekend, October 21-23, 2022. See clerk for additional information.
3. goHunterdon held their annual meeting and awards breakfast on September 23, 2022. Clinton was given a bronze award for the New Jersey Safe Routes to School Program.

4. Mayor Kovach asked for a motion to appoint Nicole Ayers of Fairview Avenue to the Playground Committee. Motion made by Mr. Humphrey, seconded by Mr. Perloff, to appoint Nicole to the Committee.

Vote all ayes
Motion carried

PRESENTATION OF PROCLAMATION

Mayor Kovach presented a proclamation to Bill Colantano for his years of dedication to the Clinton Community Youth Athletics. Mr. Colantano was supported by members of the Recreation Commission and thanked everyone for the recognition. Mr. Colantano explained how he has worked with the youth even when his children were not in the ages he was coaching! Volunteerism is a wonderful thing and keeps communities vibrant!

PLAYGROUND DISCUSSION

Council scheduled this evening's meeting to address the playground and the concerns and comments of all interested parties. Representatives from Jake's Place Foundation and Matheny School, which serves students with a diverse range of medically complex developmental disabilities.

Donna Kelly, Director of Occupational Therapy of Matheny explained that you have to think of everyone when you think of all inclusivity. Adults as well as children benefit from such a playground. It will be accessible to adults with disabilities so they can interact with their children or adults with Alzheimer's can find pleasure in the activities. Ms. Kelly suggested having an occupational therapist on the team to help the committee understand people with physical and cognitive disabilities and people on the autism spectrum.

Arthur Aston, President and Executive Director of Build Jake's Place Foundation explained to council the need to understand the difference between American with Disabilities Act (ADA) compliant and inclusive. ADA does not necessarily meet the needs of everyone.

Jim and Lynn Cummings, Jake's Place, founded in honor of their grandson, spoke passionately of the all inclusive playgrounds in Cherry Hill and Delran. Mr. Cummings explained inclusivity is not just for the children but also for the caregivers who bring them to the playground. He encouraged Clinton to do a community build. Manufacturers provide support by sending in staff and trainers. Mrs. Cummings said the playground cost \$700,000 and took four years to raise the money but only three days to put it together. Councilman Bruno stated getting volunteers to do a community build would be difficult. Resident Laura Burr echoed Mr. Bruno's comment about getting volunteers. Iveth Mosquera, Matheny School, was also on the zoom call.

Councilman Perloff asked about the manufacturer's support and if the community build was certified. The Cummings said yes, support was strong and insurance was carried through the build by the manufacturer, LSI - Landscape Structure Inc. and then turned over to the Camden County for maintenance and insurance.

Jim and Lynn Cummings offered an invitation to Council to visit the playgrounds and offered free consulting services in the planning stages.

Mayor Kovach read a prepared statement before opening to the public discussion.

Councilman Perloff began the discussion by saying we cannot say NO to people who are willing to help out. The Town is blessed for having people interested in helping. We cannot live in a divisive world, we are a town made of diverse families and we ask for forgiveness and should work in harmony.

Councilwoman Dineen said we are all on the “same team” the playground committee, the kids, the playground and we should have open hearts and listening ears.

Councilwoman Johnson apologized to Councilman Perloff and explained that she has worked four years on the project and has done a lot of research.

Councilman Bruno said he does not feel Mr. Perloff should apologize, he is a good human being and everyone is on board.

Councilman Humphrey says Clinton is a well rounded community we are proud of and it’s time to work together.

Mayor Kovach said “ Let’s Build a Playground”!!

Open to the public:

Nancie Greaney, Halstead Street, lives across from the playground and enjoys watching the children play. Ms. Greaney reminded Council that small children love to play in a sandbox! Ms. Greaney commented on cars parking on the street outside the playground where parking is not allowed. Also, the health and condition of trees need to be addressed.

Ken Fisher, Leigh Street, suggested a community build, noting there is much less wait for grant money with that option and believes there are a lot of people that will help. Mr. Fisher said not just Town people to help build but company employees offer assistance in different areas. He spoke of his experience with building playgrounds. Mayor Kovach said the Town is very familiar with the grant process.

Ken Carberry, Halstead Street, agreed with Mr. Fisher and said the grant process can be difficult.

Liz Hedden, Hunts Mill Road, spoke of the new inclusive playground at Clinton Public School. It is open to the public after school hours at 3:00 p.m. Ms. Hedden invited everyone to come see it! Cost was \$1,000,000.

Alexis Offenhauer, West Main Street, echoed Ms. Hedden and said it was designed for everyone to use.

Edward Cadorette, Marudy Drive, said his son, Johnny has disabilities and loves using the swing at the playground and asks everyone come together and get it done!

Laura Burr, Union Road, member of the Recreation Committee and the Booster Club is a Health and Physical Ed teacher. Ms. Burr spoke of the importance of an all-inclusive playground and the benefits of all children to play together on a playground because there is less awkwardness in a common space. She also said that non-disabled kids may have problems that no one sees.

Nicole Ayers, Fairview Avenue, thanked Council for appointing her to the Playground Committee and is very respectful of Council and their work.

Councilman Bruno said he will ask Shade Tree to evaluate the trees at the park with Arborist Spanner. Councilman Bruno then questioned why the committee’s invitation to attend the Booster Club meeting was rescinded. Ms. Intrabartola, Georges Place, wanted to wait until there was a full membership of the Playground Committee before a joint meeting was held. Both parties agreed to make the Booster Club and the Playground Committee meetings open to the public.

Molly Padmos, Water Street, Committee member, said the committee has come up with the plan and a rendering, and the booster club has money put away for the playground build, no amount was given.

Discussion ended 9:25 p.m. – Audio is available in the Clerk’s office.

RESOLUTION #136-22 – GARBAGE CONTRACT

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #136-22 as presented:

RESOLUTION # 136-22

**AUTHORIZING CONTRACT WITH REPUBLIC SERVICES OF NJ, LLC
FOR SOLID WASTE & RECYCLING COLLECTION AND DISPOSAL**

WHEREAS, the Town of Clinton (“Town”) received and opened bids from Republic Services of NJ, LLC d/b/a Raritan Valley Disposal for solid waste and recycling collection and disposal on August 10, 2022 pursuant to the authority of N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Town solicited bids for periods of one, three and five years; and

WHEREAS, the Town has determined that it is advisable to award a five-year contract; and

WHEREAS, Republic Services of NJ, LLC submitted the lowest bid for a five-year contract in the total amount of \$877,139.00, consisting of a charge of \$473,678.00 for solid waste collection and a charge of \$403,461.00 for recycling collection;

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

1. The Town of Clinton approves the award of a five-year contract to Republic Services of NJ, LLC for a total contract amount of \$877,139.00 for solid waste and recycling collection and disposal consisting of a \$473,678.00 charge for solid waste collection and a \$403,461.00 charge for recycling collection.
2. The contract to be entered between the Town of Clinton and Republic Services of NJ, LLC shall be substantially in the form attached hereto.
3. The Mayor and Clerk are hereby authorized to sign the contract and all other documents necessary for the transactions contemplated by this Resolution.

Councilman Bruno questioned the contract and the terms of the agreement asking why we are going for a 5 year contract and why not a 1 or 3 year contract hoping for lower amounts in the future. Mr. Phelan explained

Peter Ochs, 36 Haver Farm Road, asked about the issue with the garbage. Mayor Kovach explained that garbage and recycling costs increased 80% and with increasing health care costs going up 23% the Town was pushed outside the CAP. By creating a garbage utility, residents will be charged between \$225 - \$275 a year depending on units. This billing will enable the Town to keep the regular scheduled pickups.

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

Vote all ayes
1 Nay Vote (Bruno)
Motion carried

RESOLUTION #137-22 – HIRING OF DPW LABORER

A motion was made by Mr. Traphagen, seconded by Ms. Johnson to adopt Resolution #137-22 as submitted:

RESOLUTION # 137-22

WHEREAS, the Town of Clinton Water/Roads Department requires the hiring of one new Laborer, and;

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

WHEREAS, the Water Superintendent/Public Works Director recommends that the following person be hired to fill the open position at a rate of \$19.84 per hour;

MATTHEW HOSER

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Matthew Hoser to fill the open position of Laborer effective October 3, 2022.

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

Vote all ayes
Motion carried

Councilman Perloff stated he is on the Personnel Committee but had no involvement in the interview process of new hires. Mayor Kovach explained that the Business Administrator and the Superintendent of the department hiring handle the process.

RESOLUTION #138-22 – WATER RESERVATION – PULEO INTERNATIONAL, INC.

A motion was made by Ms. Dineen, seconded by Mr. Bruno to adopt Resolution #138-22 as presented. This contractual agreement was discussed in the water committee meeting.

**RESOLUTION # 138-22
RESOLUTION APPROVING WATER CAPACITY RESERVATION
APPLICATION # L22-05**

WHEREAS, the Town has received communication from the Puleo International, Inc, the current owner of a certain tract of land located in the Town of Clinton at 13 Moebus Place, known as Block 18, Lot 5 (Tax Map Page 5) (the “Property”); and

WHEREAS, this property was previously owned by Z and F, LLC who was contractually entitled to 12,500 Gallons Per Day (GPD) for the subject property per an Agreement with the Town of Clinton dated September 11, 2006; and

WHEREAS, pursuant to the language of the above-referenced Agreement, the full allocation of the water is attached to and stays with the Property and cannot be assigned to another property within the Town of Clinton's system; and

WHEREAS, Puleo International, Inc. has received approval from the Town of Clinton Land Use Board to proceed with the development of a 10,000SF warehouse with a total of 100 employees; and

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 aforementioned Ordinance accounts for new requests for water, as well as previously executed Agreements for water as is the current instance; and

WHEREAS, by letter dated September 20, 2022, the Town consulting engineer, Suburban Consulting Engineers, have reviewed the amendment to the application and recommend that the gallonage be approved; and

WHEREAS, on September 21, 2022, the Town of Clinton Water Committee met and discussed the request from Puleo International, Inc. which they have advised that it would be duplicative for them to complete a "Water Reservation Application" to request water allocation for an amount previously approved via Agreement upon, and is not requiring Puleo International, Inc. to complete a new application; and

WHEREAS, for the purposes of memorializing the action, the Town of Clinton Water Committee would like to issue an approved Water Reservation Application to Puleo International, Inc.

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 approved Water Reservation Application # L22-05 in the amount of 12,500 GPD.

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.

BE IT FURTHER RESOLVED, that the above action does not relieve the Puleo International, Inc. from establishing an escrow account with the Town of Clinton Water Department (CWD), as well as obtaining and paying for any CWD water main connection fees, and/or obtaining any State/Local permits for the use of the water referenced herein.

Vote all ayes
Motion carried

CORRESPONDENCE

1. YMCA is hosting their 30th Annual Comedy Night will be held November 18, 2022 at 6:30 p.m. for anyone interested, please see the clerk for additional information.
2. Correspondence has been forwarded to Councilmen Perloff and Humphrey as members of the Economic Development Commission in town. A questionnaire asking to recommendations on how to support future economic development initiatives and growth in the County. A Growth Management Planning public visioning session on October 3 at 7pm at Route 12 County complex.

3. Thank you cards from Fran Kuczynski for her 10th year anniversary with the Town and from Nancy Burgess for Council's support on the loss of her husband.
4. Request from Frelinghuysen Township to help fund their new volunteer fire company. Request for donations of any gear and/or equipment that might be in surplus at our fire department.
5. Correspondence from the Board of County Commissioners of a letter sent to Governor Murphy regarding the State Health Benefits drastic increases in health insurance rates for local government participants.

REPORTS FROM COUNCIL

Councilman Perloff

Recreation Committee – hosted the Hooper Canoe Races and the Friendly sons of St. Patrick-Hunterdon County sponsored the event. Equipment was provided by the Pender Family. The event took place on September 25, 2022. In spite of the drizzly weather, everyone had a good time!

The Carpool movie night will be rescheduled, possibly a spring date.

Community Center rental request to hold a summer camp, dates to be checked so it does not coincide with Summer Rec.

Clinton Guild meet and greet went well.

Playground committee meeting tomorrow night.

Councilman Humphrey

Environmental Commission continues their plans for how we can promote educational programs for residents to help everyone understand the cost of trash collection and the environment. The commission would like to suggest having a pickers day, or week, where residents put out items for the taking such as a couch, or a desk for example, and let people recycle items.

The Commission is excited about having a year round farmer's market at the community center and hopes it can work out.

Councilwoman Dineen

Water Committee discussed Well #7 shut down temporarily for an electronic repairs. Hydrants still to be flushed. Ingerman wants to abandon an old water line on the west side of Town, little impact on surrounding customers.

Councilman Traphagen

Rescue Squad – Blood Drive Sunday, October 9, 2022 from 9:00 a.m. to 3:00 p.m. Sign up required in advance.

Historic Commission – Saturday, October 15, 2022 Cemetery Tours!! 7:00 p.m. and 7:45 p.m. \$30.00 per ticket. Funds will support the Historic Façade grant program.

The joint Commission has reviewed an application and is scheduled to notify the recipient tomorrow.

Councilwoman Johnson

Reminder! Superhero Race on Main Street, Saturday, October 8, 2022, 1:00 p.m. to 4:00 p.m.

Councilman Bruno

Board of Health – Rabies Clinic will be held Saturday, October 22, 2022 from 8:00 a.m. to 11:00 a.m. Pre-registration is suggested. Link is available on the website.

Shade Tree Committee getting several requests to remove trees in the right-of-way but unable to do so, not in the budget. Paul Barbeta, Water Street resident, donating a sapling raised on his property. Commission will visit the Community Center site and check the trees there again with Arborist Lou Spanner, to see if some may need to be trimmed or removed.

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 15, 2022.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

RESOLUTION #139-22 – EXECUTIVE SESSION – PERSONNEL

A motion was made by Ms. Johnson, seconded by Mr. Perloff, to enter into executive session at 10:23 p.m. to discuss a matter of Personnel.

RESOLUTION # 139-22

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 insure 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 _____

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

Vote all ayes
Motion carried

Councilman Humphrey left the room for executive session.

Upon returning from executive session, a motion was made to remove John Bohnel from the Playground Committee due to a violation of the Town's violence policy which is part of the personnel manual, Section 1-19. Motion was made by Mr. Perloff, seconded by Ms. Dineen.

Vote all ayes
1 recused (Humphrey)
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Mr. Bruno seconded by Mr. Humphrey to adjourn the meeting at 10:34 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor