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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 meeting and explained how the meeting will be run by reading the following statement :

This meeting was also held in person in the Clinton Fire House, New Street, Clinton, NJ

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 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. Humphrey, seconded by Ms. Johnson, to approve the meeting minutes of June 23, 2021 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

A motion was made by Ms. Intrabartola, seconded by Ms. Karsh, to approve the monthly reports for the month of June: Administrator’s, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control / Inspection Report, Police, Sewer Collector’s, Tax Collector’s, Treasurer’s, Wastewater Treatment Plant Superintendent’s and Zoning Officer Report / Code Enforcement Report as submitted.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Bob Pyle, Center Street, commented on the amount of weeds on Main Street along the gutters and flower beds and the amount of bulk trash being left behind from the hauler. Councilwoman Karsh will address in her Guild report.

Judy Abel, 6 Busher Place, asked why the garbage company is not picking up mattresses. Republic Disposal is not requesting residents to bag mattresses before being put out to be picked up. Ms. Abel suggested putting the new change in the town newsletter.

MAYOR'S COMMENTS

1. Saturday and Sunday, July 10 and 11, 2021 were very busy days in the Town of Clinton. Mayor Kovach thanked Councilwomen Intrabartola and Johnson, as well as residents Laura Burr and Kristina Tuxhorn, for their phenomenal efforts in organizing the Town Picnic in a matter of two months! A wonderful time was had by all! Games, vendors, dunk tank, helicopter landing, tethered hot air balloon, and amazing fireworks display of Garden State Fireworks! Mayor Kovach was one of the volunteers along with Officer Gonzalez that took on the dunk tank experience! Mayor Kovach did joyfully announce the young girls were better at throwing the ball at the tank than the boys!! Also a big thank you to the Rescue Squad, Fire Department, DPW and the Police for all their help!
Other great events that weekend were the 31st Rubber Ducky Race, all 2,000 ducks were sold!
The 1st Cardboard Canoe Race was exciting and no one sank!
The PBA held a Blood Drive at the municipal building from 8:00 am to 4:00 p.m. staffed by our officers.
2. Mayor Kovach will be speaking at two upcoming seminars with the Cannabis Trade Association & Certified Public Accountants.
3. Hunterdon County Tourism is creating a logo with the support of the Highlands Council.
4. Council will table Resolution #116-21 this evening. A special meeting will be held Wednesday, July 28, 2021 at 9:15 a.m. hybrid meeting and in person. Agenda will have two items, the award of contract for Union Road and a Resolution to execute a Developers Agreement for the Dunkin Donuts/ Shell Station location.
5. Town will be going out for Requests for Professionals for the calendar year 2022.

RESOLUTION #113-21 – EXECUTE GRANT CONTACT WITH NJDOT

A motion was made by Ms. Dineen, seconded by Ms. Karsh to adopt Resolution #113-21 as submitted:

RESOLUTION # 113-21

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Haver Farm Road Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Clinton formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Haver Farm Road Improvements-00216 to the New Jersey Department of Transportation on behalf of the Town of Clinton.

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BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Clinton and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Vote all ayes
Motion carried

RESOLUTION #114-21 – LEAVE OF ABSENCE

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #114-21 as submitted:

RESOLUTION # 114-21

EXTENDING UNPAID LEAVE OF ABSENCE FOR LOUISE HARTZOG

WHEREAS, Louise Hartzog, Assistant to the Tax Assessor, has requested an unpaid leave of absence to care for a family member, and;

WHEREAS, the Town’s policies provide that “Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Mayor and Council or governing body, if appropriate, if the leave does not cause undue operational disruption.”, and;

WHEREAS, on April 14, 2021 the Mayor and Council adopted Resolution # 73-21 approving an unpaid leave of absence for sixty (60) days from April 1, 2021 through May 30, 2021 for Louise Hartzog, and;

WHEREAS, on May 26, 2021 the Mayor and Council adopted Resolution # 96-21 approving an additional unpaid leave of absence for sixty (60) from May 31, 2021 through July 29, 2021 for Louise Hartzog, and

WHEREAS, on July 3, 2021, Ms. Hartzog has requested a final sixty (60) days of unpaid leave of absence; and

WHEREAS, Richard Phelan, PW/Business Administrator recommends granting Ms. Hartzog the additional sixty (60) days unpaid leave of absence from July 30, 2021 through September 27, 2021 as her leave does not cause undue operational disruption.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton grant Ms. Hartzog a final sixty (60) days unpaid leave from July 30, 2021 through September 27, 2021.

Vote all ayes
Motion carried

RESOLUTION #115-21 – PURCHASE OF A NEW POLICE CAR

A motion was made by Mr. Traphagen, seconded by Ms. Intrabartola, to adopt Resolution #115-21 as submitted:

RESOLUTION #115-21

WHEREAS, the Town of Clinton wishes to purchase a Police Sports Utility Vehicle from an authorized vender under the State of New Jersey Purchasing Program;

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, Winner Ford has been awarded the New Jersey State Contract #A88729 (T2776); 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 Police Sports Utility Vehicle is expected not to exceed \$36,634.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$36,634.00 under the Capital Budget, Ordinance 21-14;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that Winner Ford be awarded a contract for the purchase of a Police Sports Utility Vehicle.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #21-19 – TRAFFIC REGULATIONS

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to introduce Ordinance #21-19 on first reading as submitted:

ORDINANCE NO. 21-19

ORDINANCE AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS UPON THE PRIVATE OR SEMI-PUBLIC ROADWAYS AND PARKING AREAS WITHIN THE DEVELOPMENT OF OLD 22 URBAN RENEWAL ASSOCIATES, LLC (BLOCK 21, LOT 32)

WHEREAS, a condition of the Resolution of the Planning Board of the Town of Clinton adopted November 3, 2020 for the development of Block 21, Lot 32 (previously Lots 29, 30.01, 31, 32, and 33) being developed by Old 22 Urban Renewal Associates, LLC requires traffic enforcement be authorized upon the private or semi-public roadways and parking areas of the property; and

WHEREAS, by letter of counsel for Old 22 Urban renewal Associates, LLC dated June 24, 2021, a formal request for the application of Title 39 traffic regulations to this property was made; and

WHEREAS, by email correspondence dated June 28, 2021, the Chief of the Town of Clinton Police Department recommended the application of the Title 39 to the property.

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

1. Pursuant to N.J.S.A. 39:5A-1, all applicable traffic and parking regulations provided for under Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey shall be enforced by the Town of Clinton's Police Department upon the private or semi-public roadways and parking areas within the

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boundaries of the property identified as Block 21, Lot 32 (formerly Lots 29, 30.01, 31, and 32) on the official tax map of the Town of Clinton.

2. All signs, posts or other necessary materials utilized for traffic and parking control shall be installed and maintained exclusively by the owners and/or operators of the lot identified as Block 21, Lot 32 on the official tax map of the Town of Clinton and conform with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.
3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Town of Clinton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Hunterdon Review July 21, 2021 edition. A public hearing will be held August 25, 2021.

INTRODUCTION OF ORDINANCE #21-20 – PROHIBITING SMOKING MARIJUANA IN PUBLIC PLACES

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to introduce Ordinance #21-20 on first reading as submitted:

ORDINANCE # 21-20

AN ORDINANCE PROHIBITING THE SMOKING OF MARIJUANA IN PUBLIC PLACES

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”) and companion marijuana decriminalization laws; and

WHEREAS, the Act which legalizes the recreational use and possession of marijuana by adults 21 years of age or older and the two companion laws (P.L. 2021, c. 19 and P.L. 2021) decriminalize marijuana and hashish possession and clarify marijuana and cannabis use and possession penalties for individuals younger than 21 years old;

WHEREAS, the new laws do not preempt municipal authority to regulate smoking or vaping cannabis in public; and

WHEREAS, municipalities retain authority pursuant to N.J.S.A. 40:48-2 to make, amend, repeal and enforce such ordinances, regulations, or rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of

persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town Council of the Town of Clinton having reviewed the matter deems it in the Town's best interests to regulate the use and smoking of marijuana in public parks and recreation areas.

NOW THEREFORE, 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. Section 105-1 entitled, "Smoking Prohibited" is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~):

No person shall smoke or carry any lighted tobacco *or cannabis* products in any of the parks, playgrounds or park facilities, including Gebhardt Field and any other ballfields or recreational fields, within the Town of Clinton.

SECTION 2. Section 105-1.1, entitled "Definitions," shall be added as follows:

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

CANNABIS

All parts of the Cannabis plant, whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, resin, or oil. For purposes of this section, any reference to "Cannabis" shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated Marijuana and Hashish.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.

SMOKING DEVICE

Any electronic or other device that can be used to deliver cannabis, marijuana, or hashish or other related substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or other device used to consume these products. This definition includes "vaping" the above-described products.

TOBACCO

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form.

SECTION 3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Town of Clinton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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SECTION 4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the July 21, 2021 edition of the Hunterdon Review. A public hearing will be held August 25, 2021.

PUBLIC HEARING OF ORDINANCE #21-17 – AMENDMENT TO LAND USE

A motion was made by Ms. Intrabartola, seconded by Ms. Johnson, to open the public hearing of Ordinance #21-17:

ORDINANCE #21-17

AN ORDINANCE AMENDING SECTION 88-56 OF THE CODE OF THE TOWN OF CLINTON
REGARDING PERMITTED USES IN THE INDUSTRIAL DISTRICTS

Vote all ayes
Motion carried

Mayor Kovach explained this ordinance deletes Section 1: A-(5) The use of warehouses and wholesale distribution centers.

There being no public comments, a motion was made by Ms. Karsh, seconded by Ms. Intrabartola, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Ms. Intrabartola, seconded by Mr. Traphagen, to adopt Ordinance #21-17 on final reading.

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

Vote all ayes
Motion carried

PUBLIC HEARING OF ORDINANCE #21-16 – CANNABIS LICENSES

Mayor Kovach explained the reasoning behind opting out at this time for all licenses associated with the six marketplace classes of licensed businesses. Mayor Kovach states it is in the best interests of our residents to forgo any zoning decisions related to cannabis businesses until rules and regulations of the Cannabis Regulatory Commission are adopted and can be fully reviewed and to see the rules on managing the process. Delivery will always be available but many questions remain unclear and Towns are given the option of opting out now but always free to opt in. Mayor Kovach also stated that at the November general election votes recorded 65 in favor of legalization and 35 against.

A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to open the public portion of the meeting.

ORDINANCE # 21-16

**AN PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES
WITHIN THE TOWN OF CLINTON'S GEOGRAPHICAL BOUNDARIES AND
AMENDING SECTION 88-60(G) OF THE CODE OF THE TOWN OF CLINTON TO
ALLOW THE TOWN MORE TIME AND FLEXIBILITY TO ANALYZE POTENTIAL
PERMITTED USES**

Vote all ayes
Motion carried

Steve Kalleser, 25 Hillside, agreed that opting out at this point is a good idea.

Megan Moore, 15 Haver Farm also agreed it is a good idea to opt out and wait to see how thing go. Opting in would be detrimental and Town should revisit it later. Jeff Moore, Superintendent of Hunterdon Central, is concerned of the mental health of our children and the substance abuse problems. "not here, not ever"

Nick Bruno, 1 Goosetown Road, is in law enforcement, and agrees on waiting to see what the State does with the laws is the right way to proceed. At this time, testing for marijuana is challenging but new devices are being studied.

Elizabeth Halpin, 7 Mitchell Lane, agree with advocacy due to the fact that there are no rules at this time and consider such at a later time. Ms. Halpin stated that she has family members with cancer and that medical marijuana does help. Ms. Halpin suggests Town should consider ways of making it safe and a facility in a good neighborhood.

Kyle Perloff, 28 West Main Street, asked if there was a time line and Mayor Kovach said we should see something by late August and guidelines may be available in October.

Nicole Harris, 18 Fairview, asked about the amendment to the Land Use, (Ordinance #21-17) and how it applies to permitted uses in the industrial district. Mayor Kovach explained warehouses and wholesale distribution centers will not be allowed. The tract of land affected is behind the Cracker Barrel/Hampton Inn, on Frontage Road.

John Uray, 32 Wyckoff Drive, Pittstown, read in the Star Ledger about opting out now would prohibit a town from opting in for five years, but Mayor Kovach explained that changed in March. Mr. Uray requested the town say "no" to a consumption lounge.

John Lombardo of Franklin Township introduced himself as Captain of Mando, the Cardboard Boat! Mr. Lombardo mentioned there are plenty locations to house facilities but asked that Main Street not be considered and keep it a family friend place to visit.

Councilman Humphrey made the analogy, "issuing cannabis licenses without rules is like issuing driver's licenses without rules for driving!" Furthermore, data from Colorado has shown that their has been a minimal tax revenue increase for municipalities since the legalization of cannabis business.

Councilwoman Intrabartola spoke of imbibing at the town picnic with friends in front of children and decided it better to walk home. Showing the proper thing to do.
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Councilwoman Dineen chooses to wait and see how things progress. Councilman Traphagen agrees, wait for all the facts and rules.

Councilwoman Karsh stated a couple facts for the record, namely, 65% of residents voted in favor of marijuana legalization and feels strongly about supporting their vote, and taxes will never go down, this is not a revenue generator. Councilwoman Karsh said she is no in favor of opting out and is “on the fence”.

Councilwoman Johnson is on a Hunterdon County opioid task force and sees the epidemic first hand. While seeing both sides, feels it is important to learn the facts. She is not against facilities in Clinton but feels the State has to set out the rules before committing. There should be open conversation about the process.

A motion to close the public portion of the meeting was made by Ms. Dineen seconded by Ms. Johnson.

Vote all ayes
Motion carried

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to adopt Ordinance #21-16 on final reading which will allow the town to opt out on all six licenses of recreational marijuana at this time.

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

Vote all ayes
Motion carried

CORRESPONDENCE - NONE

REPORTS OF COUNCIL

Kathy Olsen, CFO

Waiting on the new tax bills to be delivered, an extension will be made for the 3rd Quarter tax payment date.

Councilman Humphrey

Elders Committee has changed their name to Clinton Town Active Senior, CTAS. Planning an event for Sunday, September 12, 2021 11:00 am to 2:30 pm along with a senior fair with vendor tables and information.

Newsletter – articles are due August 5, 2021. Asking all committees to offer articles and encourage volunteerism in town.

Environmental Commission met Monday and discussed rain garden locations which will involve students from Ms. Hedden’s class from Clinton Public School and starting up the Green Team again!

Message for the newsletter will address trash bags and recycling blowing around on windy days, asking residents to be more cognizant of their handling of such trash.

Hunterdon County Officers meeting with other townships and discuss very important topics. Councilman Humphrey encourages everyone to attempt to attend. Next month the speaker will address energy, Ed Zimmerman to present.

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Councilwoman Intrabartola & Councilwoman Johnson

Recreation Committee – reported on the Town Picnic and the new ideas that provided positive results! The Committee explored fund raising ideas and introduced vendors. Realtor Linda Haughey and Financial Advisor, Lou Tranquilli donated \$250 each which covered the cost of the bounce house. Thank you to all the Clinton Public School volunteers and the tweens that donated hours to help out! Thank you to the Hunterdon Harmonizers for performing, to all fire and rescue squads. Kristina Tuxhorn and Laura Burr, Garden State Fireworks for a fabulous display! Thanks to DPW for all the preparation. A tricky tray was held courtesy of the Paul Muir, Executive Director of the Red Mill Museum Village and proceeds will be donated. Everyone had a great time!

The playground project is on hold at this time, still have not heard anything from the State regarding the \$500,000 grant. The Committee is reviewing the results of the residents' survey and then they will be available for the public to see.

Councilwoman Dineen

Land Use – The Moebus Tract project will be heard at the August 17, 2021 meeting.

Roads – gas lines on Georges Place and Fairview should be completed by the end of August. Union Road drainage issues and Lower Center Street, grates to be cleaned out.

Councilman Traphagen

Elders Committee being renamed to Clinton Town Active Seniors. Luncheon September 12, 2021. Rescue Squad had 370 calls in June.

Councilwoman Karsh

Economic Development Committee – rescheduling their meeting for next month.

Water Committee – meets week of July 19, 2021.

Clinton Guild – discussed the weeds on Main Street and in Alley's Way. The Guild is in search of volunteers to help. Bob Pyle, Center Street, brought the topic up earlier in public comments. Mr. Pyle also mentioned making a 4 way stop at the corner of Halstead and Center/Lower Center. Mayor Kovach said that would have to be discussed with Chief Kubinak and will consider bringing in the County Engineer to a Council meeting to discuss the idea.

Events upcoming: Red Mill Museum Village - Factory Day - Music of a 12 piece band.

Hunterdon Art Museum hosting a film forum.

Haunted Mill begins, October 8 through the 30th.

October 22 Pumpkin Fest

Super Hero Spring is being discussed.

Councilwoman Johnson

Sewer Committee will meet Friday July 16, 2021.

A question if anything is being planned for the 20th anniversary of 911? Mayor Kovach working on it.

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STANDBY AND OVERTIME

A motion was made by Ms. Johnson seconded by Ms. Dineen, to approve the standby and overtime attached to these minutes for the period of June 11 through June 24 and June 25 through July 8, 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. Johnson seconded by Ms. Intrabartola 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 Mr. Traphagen, seconded by Mr. Humphrey to adjourn the meeting at 9:00 P.M.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor

