

CLINTON TOWN COUNCIL
OCTOBER 9, 2024
7:00 P.M.

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Regular Meeting September 25, 2024
2. APPROVAL OF MONTHLY REPORTS – SEPTEMBER
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS – EMPLOYEE RECOGNITION – YEARS OF SERVICE
APPOINTMENT OF GREEN TEAM MEMER
5. RESOLUTION #129-24 – CHAPTER 159
6. RESOLUTION #130-24 - HEADLEY FARMS WATER RESERVATION EXTENSION
7. RESOLUTION #131-24 – DISABLED VETERAN EXEMPTION
8. RESOLUTION #132-24 – AWARD OF BID ROADWAY IMPROVEMENT
9. RESOLUTION #133-24 – ANNUAL CURFEW
10. RESOLUTION #134-24 – AWARD OF PLAYGROUND EQUIPMENT &
INSTALLATION
11. INTRODUCTION OF ORDINANCE #24-18 - ACCEPTING A CROSSWALK EASEMENT
ON THE CLINTON FIRE DEPARTMENT PROPERTY
12. INTRODUCTION OF ORDINANCE #24-19 – REHABILITATION OF BUILDING
13. CORRESPONDENCE
14. REPORTS OF COUNCIL
15. STANDBY AND OVERTIME
16. PAYMENT OF BILLS
17. EXECUTIVE SESSION – IF NECESSARY
18. ADJOURNMENT

RESOLUTION - #129-24

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

WHEREAS, the Town of Clinton has received \$32,500.00 from the County of Hunterdon and wishes to amend its 2024 budget to include this amount as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2024 in the sum of \$32,500.00 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

County American Rescue Plan Funds, and

BE IT FURTHER RESOLVED, that a like sum of \$32,500.00 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap

Public and Private Programs Off-Set by Revenues:

County American Rescue Plan Funds:

Other Expenses

DATED: October 9, 2024

Mayor Janice Kovach

ATTEST:

Cecilia Covino, RMC/CMC
Municipal Clerk

RESOLUTION # 130-24

RESOLUTION APPROVING FIRST WATER CAPACITY RESERVATION EXTENSION - APPLICATION #L23-09

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, on August 12, 2020, pursuant to Town of Clinton (the “Town”) Council Resolution #119-20 (as amended by Resolution #146-21), the Town approved Water Reservation Application #L20-04 in the amount of 26,720 GPD submitted in the name of Kerwin-Savage Partnership for property located at 108 Alton Place in the Township of Clinton (Block 79.07, Lot 1); and

WHEREAS, the approval was extended twice for a total of two years pursuant to Town Council Resolutions #122-21 and #44-23; and

WHEREAS, in compliance with an Order entered in the case of In re: Township of Clinton, Docket No. HNT-L-315-15, pursuant to Resolution #164-21, the water allocation approved under Application #L20-04 was transferred to the Township of Clinton to be held in trust and used for affordable housing purposes; and

WHEREAS, the allocation under Water Reservation Application #L-20-04 expired on August 12, 2023; and

WHEREAS, CRC Communities at Headley Farm Estates, Inc. (“CRC”) is the owner of property designated as Block 46, Lots 33 and 33.01 on the Tax Maps of the Township of Clinton (the “Property”); and

WHEREAS, CRC has proposed a 400-unit inclusionary development on the Property (the “Project”), which is included in the Township of Clinton’s Affordable Housing and Fair Share Plan as a compliance mechanism; and

WHEREAS, CRC submitted a water reservation application on August 9, 2023 (amended by letter and additional submissions on August 22, 2023; September 26, 2023) for a water reservation for Phase 2 of the Project upon notice to and consent of the Township of Clinton; and

WHEREAS, on December 13, 2023 the Mayor and Council of the Town of Clinton adopted Resolution #157-23, which approved Water Reservation Application #L23-09 submitted in the name of CRC Communities at Headley Farm Estates, Inc. (“CRC Communities”) for property designated as Block 46, Lots 33 and 33.02 on the Tax Maps of the Township of Clinton in the amount of 26,720 GPD, which allocation is also to be held in trust by the Township of Clinton for affordable housing purposes; and

WHEREAS, the CRC Communities submitted a request on August 9, 2024 for a water reservation extension for the aforementioned water reservation upon notice to and consent of the Township of Clinton; and

WHEREAS, on August 21, 2024 the Town’s Water Committee held their monthly meeting in which they have reviewed and approved the above-referenced request for an extension.

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 the first extension of Water Reservation Application # L23-09 in the amount of 26,720 GPD through August 12, 2025.

BE IT FURTHER RESOLVED, in accordance with Chapter 142, Section E, the water reservation under Application L23-09 may be renewed for one one-year periods. (i.e. with extensions, a water reservation may be valid for up to three years).

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.

DATED: October 9, 2024

Mayor Janice Kovach

ATTEST:

Cecilia Covino, RMC/CMC
Municipal Clerk



TOWN OF CLINTON
INCORPORATED APRIL 5, 1865
43 Leigh St., P.O. Box 5194
Clinton, NJ 08809-5194
TEL: (908) 735-2275 FAX: (908) 735-8082

TOWN OF CLINTON

RESOLUTION # 131-24

WHEREAS, The owner of property located at 28 Mountain View Road, Block 31.01 Lot 7.01 C1728, in the Town of Clinton was declared a 100% disabled Veteran effective September 7, 2024, and

WHEREAS, the owner made application to the Town of Clinton on September 3, 2024 for tax exempt status, and took ownership on the property on July 1, 2024, and

WHEREAS, the Town of Clinton Tax Assessor changed the necessary status on this property as of January 1, 2025 and the property will be listed as tax exempt, and

WHEREAS, the property owner has already paid the 3rd and 4th quarter of 2024 taxes, which consists of July thru December 2024 taxes, a refund of 113 days totaling \$3,098.46 is due the property owner, and

NOW THEREFORE RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer refund the property owner \$3,098.46 and the Tax Collector remove the remaining taxes due for the 1st & 2nd quarter of 2025 in the total amount of \$ 4,937.22 be abated on Block 29 L 3.03 C0011.

I, Cecilia Covino, Clerk of the Town of Clinton, do hereby certify the foregoing to be a true copy of a resolution adopted by the Town of Clinton Mayor & Council at a meeting on October 9, 2024.

Cecilia Covino, RMC, CMC
Town Clerk

RESOLUTION #132-24

WHEREAS, the Town of Clinton advertised, and subsequently received bids for the Roadway Improvement and Pedestrian Project for LAIF-2023 Route 173 & Leigh St. and MA-2023 New St., (Base Bid) on Thursday, October 3, 2024 as outlined on the attached bid summary;

WHEREAS, five (5) bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>
Crossroads Paving	\$209,734.50
Top Line Construction	\$236,386.70
KM Construction Corp	\$240,253.50
Reivax Contracting Corp	\$286,430.50
Portofino Builders, Inc,	\$287,415.00

WHEREAS, the Town Attorney and CFO have reviewed the documents submitted by Crossroads Paving and has determined that the bid from Crossroads Paving was responsive and;

WHEREAS, the Town Engineer Robert J. Clerico, has reviewed the submitted bids and determined that Crossroads Paving submitted the lowest responsive base bid in the amount of \$209,734.50 for the Roadway Improvement and Pedestrian Project for LAIF-2023 Route 173 & Leigh St. and MA-2023 New St. and;

WHEREAS, the Chief Financial Officer, has certified the following funds to award a contract based upon this bid as not being previously certified, Ordinance 23-10, Account #C-04-44-847-2300 and Ordinance 23-09, Account #C04-44-846-2300;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Contract for the Roadway Improvement and Pedestrian Project for LAIF-2023 Route 173 & Leigh St. and MA-2023 New St. be and is hereby awarded to Crossroads Paving, 386 South Street, Suite 169, Newark, NJ for their bid in the amount of \$209,734.50 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E.
2. The award of this Contract is made subject to review and approval by the New Jersey Department of Transportation.

Janice Kovach, Mayor

ATTEST:

Cecilia Covino, Clerk

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 133-24

WHEREAS, the period immediately prior and subsequent to Halloween, and the holiday time period commencing October 11, 2024 and continuing through November 8, 2024, a time when some persons under the age of eighteen and others may engage in mischief, acts of vandalism, and other petty disorderly offenses which are harmful to and interfere with the rights of citizens to use the streets and public areas of the Town of Clinton; and

WHEREAS, the Chief of Police of the Town of Clinton has determined, after due investigation and deliberation, that the incidence of juvenile delinquency within the Town will or may reach such a level of frequency or severity so as to present a clear and present danger to the public peace, safety, health, morals and welfare of the Town; and

WHEREAS, the Chief of Police has studied and evaluated the question of the public safety and health in the Town of Clinton and has determined that the safety of the public and the welfare of juveniles will be enhanced if a nocturnal curfew is imposed limiting the ability of persons under the age of eighteen to use the streets and public areas of the Town of Clinton.

WHEREAS, Chapter 60 of the Ordinance of the Town of Clinton authorizes the imposition of a curfew.

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

- (A) Based on an oral report submitted to the Mayor and Council by the Chief of Police, the Mayor and Council hereby declare that a temporary emergency exists in the Town of Clinton during the period from Friday, October 11, 2024, up to and including Monday, November 8, 2024; and
- (B) The Mayor and Council do hereby declare a temporary curfew commencing at 9:00 p.m. October 11, 2024, up to and including 6:00 a.m. November 8, 2024. The terms of the curfew shall be consistent with Chapter 60 of the Code of the Town of Clinton.
- (C) Notice of this curfew shall be posted in accordance with Section 60-8 of the Ordinance of the Town of Clinton in such places as may be designated by the Chief of Police so as to give all interested parties notice of the imposition of the curfew.

Cecilia Covino, RMC/CMC
Town Clerk

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION # 134-24

**RESOLUTION AWARDING MARTURANO RECREATION COMPANY, INC.
COMMUNITY CENTER PLAYGROUND EQUIPMENT
AND INSTALLATION – HALSTEAD STREET**

WHEREAS, The Town of Clinton has the need to award a contract for the Community Center Playground Equipment and Installation; and

WHEREAS; The Town of Clinton has chosen to use a vendor in the ESCNJ Coop;

WHEREAS; Marturano Recreation Company, Inc. (MRC) has been awarded Contract #ESCNJ 24/25-01 through the ESCNJ which expires on June 30, 2026;

WHEREAS; the Chief Financial Officer has certified the following funds as not been previously certified: Recreation Local Improvement Grant G-01-41-753-2304 in the amount of \$89,783.00 and Ordinance 24-17 C-04-44-851-2523 in the amount of \$399,786.65;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hereby awards MRC the contract for the Community Center Playground Equipment and Installation Project at an amount not to exceed \$489,569.65.

Mayor Janice Kovach

Adopted:
October 9, 2024

Municipal Clerk

**TOWN OF CLINTON
COUNTY OF HUNTERDON**

ORDINANCE NO. 24-18

**AN ORDINANCE ACCEPTING CROSSWALK EASEMENT OVER A PORTION OF
BLOCK 21, LOT 36**

WHEREAS, the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey, wish to accept an Easement for a portion of Block 21, Lot 36 located in the Town of Clinton, Hunterdon County (the "Property") owned by the Clinton Fire Department; and

WHEREAS, the Town is undertaking a roadway improvement project that requires a crosswalk to be installed on a portion of the Property (i.e. the parking lot of the Clinton Fire Department); and **WHEREAS**, the Town requires an access easement to permit installation and maintenance of the crosswalk; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes the municipality to accept such easement; and

WHEREAS, attached hereto is a form of easement that have been reviewed by the Town Engineer and Town Attorney; and

WHEREAS, it appears to the Mayor and Council that the public interest would be served by accepting the easement described herein.

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

1. The Town of Clinton hereby accepts the above-referenced easement over a portion of the property designated as Block 21, Lot 36 on the Tax Maps of the Town of Clinton, Hunterdon County, as more particularly described in the deed of easement attached hereto.

2. The Town Mayor, Clerk, and such Town Professionals as are necessary, are hereby authorized and directed to take such actions to effectuate the provisions of this Ordinance including but not limited to executing the above-referenced easement in a form substantially similar to that attached hereto and made a part hereof.

3. The Town Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

4. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof together with the notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage shall be mailed to every person whose lands may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Town Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. This Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

7. 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.

Mayor Janice Kovach

ATTEST:

Cecilia Covino , RMC/CMC
Municipal Clerk

BOND ORDINANCE #24-19

BOND ORDINANCE PROVIDING FOR THE REHABILITATION
OF A BUILDING IN ORDER TO PROVIDE FOR NEW POLICE
OFFICES AND AN EMERGENCY MANAGEMENT FACILITY IN
AND BY THE TOWN OF CLINTON, IN THE COUNTY OF
HUNTERDON, NEW JERSEY, APPROPRIATING \$2,000,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,900,000 BONDS OR NOTES OF THE TOWN TO FINANCE
PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,000,000, including the sum of \$100,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,900,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the rehabilitation of a building in order to

provide for new police offices and an emergency management facility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,900,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described

in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

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

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

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

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