

5062

Mayor Kovach called the meeting to order at 7:30 p.m.

Roll Call: Present – Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, 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.”

APPROVAL OF BUDGET MEETING MINUTES

A motion was made by Mr. Smith seconded by Ms. Johnson to approve the budget meeting minutes of February 27 and March 7, 2019 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – FEBRUARY

A motion was made by Ms. Karsh seconded by Mr. Smith, to approve the monthly reports for the month of February as submitted:

Administrator’s Report, Clerk’s Account, Construction Control/ Inspection Report, Cat & Dog Licensing, Police Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENTS – NONE

MAYOR’S COMMENTS

1. Local Government Week is April 7 – 13, 2019. Mayor Kovach is interested in pulling some events together in Town to celebrate.
2. The Run O’the Mill 5K was held Saturday, March 9 and the St. Patrick’s Day Parade was held Sunday, March 10, 2019. Both events were very well attended, Chief Matheis ranked the 5K the best yet!
3. Chief Matheis has received his Life Member status with the New Jersey State Association of Chiefs of Police! Chief Matheis will be presented with his Life Member Pin on Thursday, May 2, 2019! Congratulations and Hail to our Chief!
4. Highlands has sent notification of funding opportunities, Mayor Kovach has forwarded it onto the Board of Recreation for playground planning.
5. Hunterdon County Freeholders invitation for an information session on a new County cost saving shared service Energy co-op Program. The Town is currently involved in a program, clerk will let the freeholders know.

SPECIAL EVENT APPLICATION

A special event application received from the Hunterdon Art Museum to hold the 2019 ArtParty Gala “River Vibes” on April 27, 2019 from 6:00 p.m. to 10:00 p.m. The museum is asking permission to have no left turn off the Pony Truss Bridge onto Lower Center, making Lower Center Street one-way south to

Main Street. Chief Matheis recommends one off duty police officer. A motion was made by Ms. Karsh, seconded by Ms. Dineen, to approve the request.

Vote all ayes
Motion carried

INTRODUCTION OF BOND ORDINANCE #19-01 –WEST MAIN STREET PROJECT

Ms. Olsen explained that the bids received for the West Main Street Pedestrian Safety Project came in higher than expected and although a Bond Ordinance #16-10 was for the project, a supplemental appropriation of \$100,000 is necessary. A motion was made by Mr. Smith, seconded by Ms. Karsh, to introduce Bond Ordinance #19-01 on first reading.

ORDINANCE #19-01

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR THE WEST MAIN STREET PEDESTRIAN SAFETY PROJECT IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$100,000 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 has heretofore been 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 supplemental amount of \$100,000, such sum being in addition to the \$350,000 appropriated therefor by bond ordinance #16-10 of the Town, finally adopted July 12, 2016 (the "Original Bond Ordinance"), including a \$350,000 grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvements since the project described in Section 3(a) hereof is being funded by the State Grant.

Section 2. In order to finance the additional cost of the improvement, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 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 heretofore authorized and the purpose for the financing of which the bonds are to be issued is the West Main Street Pedestrian Safety Project, as described in the Original Bond Ordinance, 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 \$450,000, including the \$350,000 authorized by the Original Bond Ordinance and the \$100,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$450,000, including the \$350,000 appropriated by the Original Bond Ordinance and the \$100,000 appropriated herein.

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 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

5064

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 10 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 \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 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. Of this amount, \$35,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$10,000 is estimated therefor herein.

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 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 ARule@) for the benefit of holders and beneficial owners of obligations of the Town and

5065

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 real 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.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Courier News, a daily newspaper, with a public hearing to be held March 26, 2019.

INTRODUCTION OF ORDINANCE #19-02 – SIDEWALKS AND STREET TREES

A motion was made by Mr. Smith, seconded by Ms. Karsh, to introduce Ordinance #19-02 on first reading. Council briefly discussed the proposed ordinance and questioned the amount of time a resident would have, namely 30 days, to make repairs to a sidewalk. Realistically, weather could be a reason for not having work done in a 30 day period. Council felt an extension would be reasonably granted for extenuating circumstances and that Attorney St. Angelo will make a couple minor changes. Motion made by Mr. Smith seconded by Ms. Karsh to introduce as amended.

ORDINANCE # 19-02

ORDINANCE AMENDING THE CODE OF THE TOWN OF CLINTON REGARDING THE MAINTENANCE, REPAIR AND REPLACEMENT OF SIDEWALKS AND STREET TREES

WHEREAS, the Town of Clinton (the “Town”) currently has ordinances regarding the installation of new sidewalks (§122-33), replacement of existing sidewalks (§122-34), general maintenance of sidewalks (§122-37), and maintenance of street trees (§130-7) and

WHEREAS, this Ordinance is intended to clarify that the Town will remain responsible for installing new sidewalks and that property owners shall be responsible for the repair, replacement, and maintenance of sidewalks adjacent to their property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that the Ordinance of the Town of Clinton is hereby amended as follows:

SECTION 1. Section 122-34 of the Code of the Town of Clinton entitled “Replacement of Existing Sidewalks” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

5066

A. The members of the Road Committee of the Town Council, with the advice and assistance of the Town Engineer, shall review annually the existing sidewalks in the Town and draft a priority list for the replacement ~~or repair~~ of sidewalks. The priority list shall be prepared each year in sufficient time to allow the Mayor and Council to consider the recommendations of the Road Committee and to allocate in the budget such funds as are deemed appropriate for replacement of sidewalks. ***Nothing herein shall eliminate a property owner's responsibility to maintain and repair sidewalks in accordance with Section 122-37 herein and maintain trees in the public right-of-way or near a roadway in accordance with Section 130-7 herein.***

B. The Road Committee shall prioritize the sidewalks based on the general condition of all sidewalks throughout the Town, the degree of danger that the condition of particular sidewalks or particular areas of sidewalk pose to the public, the amount of pedestrian use of particular sidewalks, whether a particular sidewalk is part of a generally recognized walking route, whether the sidewalks have curb cuts for wheelchair access, whether the adjoining roadway is also being repaired or resurfaced and any other unique factors which would militate in favor of replacing or repairing a particular section of sidewalk. The Road Committee may recommend that only a portion of a particular sidewalk be constructed ~~repaired or~~ replaced.

SECTION 2. Section 122-37 of the Code of the Town of Clinton entitled "Maintenance" is hereby deleted and replaced in its entirety with the following:

A. It shall be the duty of any owner and occupant of lands within the Town to keep the sidewalk and curbing abutting such lands maintained and properly repaired so as to minimize any endangerment to the public health, safety and welfare of any individual using the sidewalks. Except where the Town elects to install new sidewalks in accordance with §122-33 or replace existing sidewalks in accordance with §122-34, the owner or occupant of the property in front of which a sidewalk passes shall be responsible for all repair, maintenance and replacement of the sidewalk in front of the property. Additionally, such owners and occupants shall be responsible for the maintenance of trees and shrubs located adjacent to sidewalks in accordance with Section 130-7 herein.

B. Maintenance shall include, but not be limited to, keeping the sidewalks free of grass, weeds, snow, ice, rubbish, obstructions, defects and nuisances.

C. For purposes of this section, the standard for repair and replacement of defective sidewalks is as set forth in the most recent edition of the International Property Maintenance Code and shall specifically include the standards set forth below. The repair and replacement of defective sidewalks shall also be in accordance with the 2010 ADA Standards for Accessible Design as amended by the Department of Justice.

1. Sidewalks shall be stable, planer, flush and even to the maximum extent feasible.
2. Walkway surfaces for pedestrians shall be capable of safely sustaining intended loads.
3. Walkway surfaces shall be slip-resistant under expected environmental conditions and use. Painted walkways shall contain an abrasive adhesive, cross-cut grooving, texturing or other appropriate means to render the surface slip-resistant where wet conditions may be reasonably foreseeable.
4. Interior walkways that are not slip-resistant when wet shall be maintained dry during periods of pedestrian use.

5. Walkway surfaces shall have a cross slope that shall not exceed 1:50 and shall transition to meet adjoining walkway surfaces at the existing cross slope. The adjoining walkway surfaces shall be made flush and fair, whenever possible.

6. Changes in level of 1/4 inch (6.4 mm) high maximum shall be permitted to be vertical.

7. Changes in levels between 1/4 inch (6.4 mm) high minimum and 1/2 inch (13 mm) high maximum is permitted to be 1/4 inch (6.4 mm) beveled with a slope not greater than 1:2 (rise:run) plus 1/4 inch (6.4 mm) vertical. However, in no case may the combined change in level exceed 1/2 inch (13 mm).

8. Changes in level exceeding 1/2 inch (13 mm) must comply with Section 405 (Ramps) or Section 406 (Curb Ramps) of the 2010 ADA Standards for Accessible Design as amended by the Department of Justice. For the purposes of this section, all ramps or stairways must be a minimum of four (4) inches thick of continuous pour.

9. All reconstruction, repair or replacement of sidewalks shall be done in a manner requiring the installation of a "like-kind" sidewalk to that being repaired or replaced. This section shall not apply to any sidewalk or curb during the period it is covered by a performance or maintenance bond or any curb or sidewalk which was installed incorrectly by a developer or a contractor over which the Town has or had control.

10. The Town recognizes that various environmental conditions, such as humidity and temperature, can affect the difference in height of adjacent slabs of concrete. Accordingly, for purposes of enforcement only, the Town shall use 3/4 inch as the measurement that shall determine noncompliance with respect to the height of a "lip" with regard to a sidewalk concrete slab.

D. Property owners making repairs, whether doing so on their own or as required by the Town, shall conform to all aspects of this section of the Code and the referenced regulations.

SECTION 3. Section 122-40 entitled "Failure to maintain or repair," shall be added to the Code of the Town of Clinton as follows:

A. Notice. Whenever an owner or occupant of such lands fails to maintain and repair the sidewalk and curb abutting said owner's or occupant's lands, or permits them to deteriorate into such condition that the safety of the public is impaired, written notice shall be given to the owner or occupant directing said owner or occupant to perform maintenance or repairs within 30 days from the date of service of the notice, with reasonable extensions to be granted upon request in writing to the Town Administrator due to weather-related circumstances. Whenever any lands are unoccupied and the owner cannot be found within the Town, or in case such owner is a nonresident of the Town or his or her post office address cannot be ascertained, then notice shall be given as specified in N.J.S.A. 40:65-14.

B. Procedure when Owner Fails to Act. If the owner or occupant does not comply with the requirements of the notice described in §122-40(A), the Public Works Department of the Town may, upon filing due proof of service of publication of the aforesaid notice with the appropriate department of the Town, cause the required work to be done, and paid for out of the Town funds available for that purpose.

5068

1. The cost of such work shall be certified by the Public Works Department to the Tax Collector of the Town.
2. Upon filing of the certificate, the amount of the cost of such work shall be and become a lien upon the abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens in the Town, and shall be collected in the manner provided by law for the collection of such other assessments, and shall bear interest at the same rate.
3. In addition thereto, the Town may have an action to recover the same amount against the owner of the lands, in any court having competent jurisdiction thereof.

SECTION 4. Section 130-7 entitled, "Trees and shrubs near roadways" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Trees and shrubs near roadways ***and in the public right-of-way.***

A. All trees and shrubs along any public highway, public sidewalk, public right-of-way, public structure or any easement dedicated to the Town of Clinton for sight visibility or other public purposes, shall be maintained by the owner of the property on which the trees or shrubs are located; provided, however, that the Town may cause such trees and shrubs to be trimmed or removed as part of any on-going program of tree and shrub maintenance in any area of the Town where such program is being conducted for the health, safety, economy or general welfare of the Town.

B. Removal required; notice. If any tree or shrub or part thereof along any public highway, public sidewalk, public right-of-way, public structure or any easement dedicated to the Town of Clinton for sight visibility or other public purposes becomes dangerous to the public safety or interferes with the public right-of-way, the owner of the property in front of which such tree or shrub is located shall remove it or the required part thereof forthwith upon service of written directive to that effect from the Public Works/Business Administrator or designee. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.

C. Standard established. The owner or tenant of any lands lying within the town shall keep all brush, hedges and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet. This shall not require the cutting down of any trees where there is vision through the trees at a height of between 2 1/2 feet and eight feet from the ground.

D. Removal by town. If the owner fails to remove the tree or shrub or portion thereof within two weeks after service of written notice to do so, the work shall be performed by the town under the supervision of the Public Works/Business Administrator, who shall certify the cost thereof to the Council.

E. Costs charged against land; lien established. Upon receipt of the certified costs, the Council shall examine same and, if found to be correct, shall cause the costs to be charged against the lands, or if the Council deems the costs to be excessive, shall cause the reasonable cost thereof to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest

at the same rate as other taxes and be connected and enforced by the same officer and in the same manner as taxes.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 6. 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 7. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A copy of the ordinance will be published in the Hunterdon Review on March 20, 2019. A public hearing will be held April 9, 2019.

RESOLUTION #51-19 – TRANSFER OF FUNDS

A motion was made by Ms. Karsh, seconded by Mr. Humphrey, to adopt Resolution #51-19 as submitted:

RESOLUTION # 51-19

WHEREAS, various 2018 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2018 Budget Appropriation Reserve in the last two months of 2018; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$8,000.00 be made between the 2018 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Tax Assessment		
Other Expenses	\$3,000.00	
Engineering		
Other Expenses		\$3,000.00
Sewer Utility		
Salary & Wages	\$5,000.00	

5070
Sewer Utility
Other Expenses \$5,000.00

TOTALS \$8,000.00 \$8,000.00

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

Vote all ayes
Motion carried

RESOLUTION #52-19 – PROMOTIONS

A motion was made by Mr. Smith, seconded by Ms. Dineen, to adopt Resolution #52-19 as submitted:

RESOLUTION #52-19

WHEREAS, the Sewer Superintendent of the Town of Clinton Sewer Utility will be retiring effective April 1, 2019, the Sewer Committee is recommending that Robert Niezgoda be promoted to the position of Sewer Superintendent at the salary of \$92,221.72 annually, commencing April 1, 2019 and;

WHEREAS, the position of Foreman of the Town of Clinton Sewer Utility will be vacated by Robert Niezgoda, the Sewer Committee is recommending that David Mess be promoted to the position of Foreman at the salary of \$46,945.81 annually, commencing April 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton approve the open positions at the Town of Clinton Sewer Utility as stated above.

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

Vote all ayes
Motion carried

RESOLUTION #53-19- OVERPAYMENT OF TAXES

A motion was made by Ms. Karsh, seconded by Ms. Johnson, to adopt Resolution #53-19 as submitted:

RESOLUTION # 53-19

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to closing,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Centralized Refunds, P.O. Box 9202, Coppell, Texas, 75019-9978, for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31.01	7.01 C2616	Bonaguidi, Alan	\$2,375.50

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 1st quarter 2019.

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

Vote all ayes
Motion carried

RESOLUTION #54-19 – APPROVING RIGHT-OF-WAY USE

A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to adopt Resolution #54-19 as submitted:

**RESOLUTION # 54-19
RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER**

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Town for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Town of Clinton for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may . impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is the in the best interests of the Town of Clinton and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Clinton Town Council of the Town of Clinton, that the Town of Clinton is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

Vote all ayes
Motion carried

5072

CLINTON FIRE DEPARTMENT – SEEKING REIMBURSEMENT

Following up on previous discussions regarding seeking reimbursement for costs incurred in providing certain emergency services for hazardous substances discharges and vehicle fires, the fire department supplied FEMA's schedule of equipment rates and the list of municipalities in New Jersey that are currently working with this third party company. Chief Matheis stated he uses the same FEMA schedule for reimbursement following weather incidents or loss. Mr. Smith said the money should be handled through the Town and Ms. Olsen, CFO, agreed and will get something in writing from the Auditor. An ordinance will be prepared for introduction at the March 26, 2019 meeting.

CORRESPONDENCE

1. Formal acceptance of Ordinance #18-08 granting renewal of municipal consent to Comcast of Central New Jersey II, LLC.
2. Shade Tree Commission is proposing Council consider a resolution "Opposing Senate Bill S2505 and Assembly Bill A2558 Known as the Vegetation Management Response Act." Shade Tree members Deena Roberts and John Kashwick will be invited to attend the next council meeting to elaborate on their request.
3. Hunterdon Land Trust is seeking donations. Mayor Kovach stated although we appreciate the work of the Hunterdon Land Trust, we are unable to make a donation at this time.

REPORTS FROM COUNCIL

Kathy Olsen, CFO

1. Since the Budget meeting last week, March 7, requests have come in from Clinton Township Sewerage Authority that Mr. Phelan and Ms. Olsen are working on. A meeting is scheduled for tomorrow, March 13, with High Bridge Administrator, Mr. Pappas and CFO, Bonnie Fleming.

Councilwoman Johnson

1. Board of Recreation – contract has come in for the firework display at the Town Picnic, June 8, 2019. The cost is \$5,500 and remains the same as in years past. Ms. Johnson was asking for Council approval to move forward. A motion was made by Ms. Intrabartola, seconded by Ms. Karsh to approve the request.

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

Vote all ayes
Motion carried

Ms. Johnson also commented that they will be doing a walk through the playground at the Community Center with Suburban Consulting to consider upgrades.

Attended a Hunterdon Partnership for Wellness, working with community providers and the hospital in creating a health assessment for the county. This is a process that will take place throughout the year. Information was received for a workshop to be held at the Hunterdon Medical Center, sponsored by The school's superintendent's department, drawing attention to "Conscious Discipline" in the schools and throughout the county. The workshop will be held March 20, 2019 9am to 3 pm and cost is \$75 pp.

Councilman Humphrey

1. Environmental Commission – April 13, 2019 is Raritan Headwaters river clean up, volunteers needed. DeMott Pond Park plan for springtime planting is targeted for May with more details to follow. A majority of the meeting was pertaining to issues related to I-78, specifically the potential of water runoff pollution, the increased level of noise pollution and the safety for pedestrians from flying highway debris. The commission is looking into professional assistance and would like to present their findings to council at a future meeting. Next meeting is Monday, April 8 at 7:30 p.m. The commission is also discussing an environmental map overlay which would go over the Town map and they are working with the Highlands to do so.
2. Clinton Fire Department – 36 calls in February, 69 total calls for 2019. A fit test will take place March 26 and April 5. A major drill will take place on Saturday, March 16, 2019. The department also addressed several OSHA violations.

Councilman Smith

1. Sewer Committee – the Treatment plant received a good report from the Department of Environmental Protection, Compliance and Enforcement following their inspection.
2. Rescue Squad reported 349 calls, 100 more than this time last year.
3. Roads Committee – met with the owners of the Clinton House, the Holts and the director of the Red Mill in anticipation of the West Main Street improvement project. Work to begin shortly.

Councilwoman Karsh

1. Economic Development Committee rescheduled their meeting to March 20 at 7:30 p.m.
2. Ms. Karsh reviewed the West Main Street Improvement Project with the Guild and everyone was excited to hear about the safety aspect and the aesthetics as the gateway to Main Street.
3. The United Methodist Church is once again having an egg hunt April 20 at the Community Center and this year is partnering with the Guild to have a scavenger hunt in the downtown area.
4. May 9 is Ladies Night, the Thursday before Mother's Day. Shops will be open late, games and appetizers will be part of the fun!

Councilwoman Dineen

1. Shade Tree – meeting of March 21 is cancelled and the next meeting will be April 25. Arbor Day is scheduled for April 26, plans are to replace the tree at the Community Center and will be discussed with Buildings and Grounds. This tree will be dedicated to Shade Tree members, past, present and future.

Councilwoman Intrabartola

1. Ms. Intrabartola spoke with a merchant at the St. Patrick's parade who questioned who is in charge of posting NO PARKING signs and in charge of removing them. Ms. Intrabartola spoke with Chief Matheis as to the process to which he explained the organizers post on Halstead Street and the police post on Main and East Main, Lower Center. Regarding removal, as soon as the last runner crosses the bridge the signs start coming down. The merchant who started taking the signs down was fine to do so, the police were taking them down in other areas. The problem that morning was the race did not start on time which caused a problem restricting business from opening on Main Street. It was agreed that organizers should be cognizant of start time.

5074

Another concern was snow removal on Main Street during an event. Proper planning must take place to have snow removed and sidewalks and inlets are the responsibility of the property owners.

Mayor Kovach

Mayor Kovach directed everyone to the bench in the hallway outside of the council room which was made from the Ash tree that was removed from the Community Center. Local woodworker, Dan Coleman, used the wood to make this beautiful bench and other items. His contact information will be provided for anyone interested in this piece of history. Mayor Kovach thanked Mr. Coleman for donating the bench to the Town.

STANDBY AND OVERTIME

A motion was made by Ms. Johnson, seconded by Mr. Humphrey to approve the standby and overtime submitted for the period of February 22 through March 7, 2019 attached to these minutes.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith, seconded by Ms. Karsh, to approve the bill list attached to these minutes

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Dineen seconded by Mr. Humphrey to adjourn the meeting at 8:24 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach