

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
February 25, 2015

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:32 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Higgins gave the statement of adequate notice. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:

Councilwoman Switlyk	Present
Councilman Imbriaco	Present
Councilman Marra	Present
Council President Mullay	Present
Mayor Higgins	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

APPROVAL OF MINUTES:

Executive Session January 21, 2015

Mayor Higgins introduced the matter.

Approval of the executive session minutes for January 25, 2015 was tabled until the March 11, 2015 Council meeting.

Regular Session January 21, 2015

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to approve the above-referenced minutes. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Abstain
Councilman Imbriaco	Abstain

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Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

John Anderson from JCP&L reported that JCP&L is working on a reliability improvement project out of the Lebanon substation.

NEW BUSINESS:

1. Code updates regarding Departmental organization, reorganization meeting and agenda

Mayor Higgins explained that he and Administrator Joss are undertaking a review of the Township's ordinances. Some portions of the Code are out of date and contradictory. Administrator Joss explained that looking through the Code there are sections that are outdated, sections that don't reflect the Township's routine business practices, and others that been followed, but don't represent the best way to do business. Mayor Higgins and Administrator Joss will go through the Code section by section and recommend updated ordinances for introduction and adoption during 2015.

OLD BUSINESS:

COAH Update

Mayor Higgins explained that Affordable Housing Planner Joe Burgis has been working on a new affordable housing plan. The Township's legal papers are nearly complete and ready to be filed with the court, if need be. If the Township files, it should also address or include (1) its fair share number of affordable units and 2) a housing plan element and fair share compliance plan. The Planning Board and Township Council will have a joint meeting on March 2 with regard to a proposed draft housing plan element and fair share compliance plan. The Planning Board will have a regular meeting on March 16 with a public hearing on the new housing plan element and fair share compliance plan, and the Fox Seals redevelopment area.

Mayor Higgins and Council President Mullay met with the members of the Annandale Reformed Church regarding parking concerns at the old Municipal Building (Fox Seals site) on West St. and its redevelopment. A component of any redevelopment plan for the Old Municipal Building/Fox Seals site will be affordable housing. There will be a community meeting regarding redevelopment of the site on February 21 at 10:00am at the Annandale Reformed Church.

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Apgar Lane Discussion

Mayor Higgins explained that this is a property dispute that has been going on for a period of time in terms of where the road actually is and who owns it. The parties are disputing if it is a public road, public access or does it violate someone's property rights. The Township received a court opinion back in December stating that the area in question is a public road. Township officials spoke with residents about a possible compromise, but not all residents are interested in the possible compromise.

PUBLIC COMMENT:

William Apgar who lives on Apgar Lane on Lot 7.01 stated he has been in his house for over 78 years and does not want the lane vacated.

Deborah Lipman from Cokesbury Califon Road showed pictures of the lane as being dirt until 2011 when Mr. Benson started to maintain it so he could get his tractors and other farm vehicles out through the western end. Residents at the western portion of the lane have blocked the lane with trailers and fences so other residents from the eastern portion cannot use the lane. Ms. Lipman states she needs both sides of the roads to be open to access Cokesbury High Bridge Road.

Bill Keller from Cokesbury Road stated he takes issue that it was said the Township never maintained the road on the western portion of the road. He stated the DPW picked up brush once or twice a year until a vehicle got stuck, had to back up and go out the eastern portion of the road.

Jim Pauze from Cokesbury Califon Road stated he has a copy of the Judge's opinion. Mr. Pauze stated much of the testimony was outright lies. Attorney Hadinger stated the Township wasn't a party to and did not participate in the case. Mr. Pauze stated he believes it is a private road.

REPORTS:

Councilwoman Switlyk:

Councilwoman Switlyk stated the Board of Education meeting was held on Monday, February 23. Councilwoman Switlyk stated she did not attend the meeting due to the parking situation at the Middle School. There was more public comment on the Jewish holidays. Rosh Hashanah is still off the calendar because it is not in the teachers' contract. The Board of Education does not follow the North Hunterdon-Voorhees school calendar due to demographics. Kathleen Connors spoke on behalf of forty teachers who attended the meeting on the subject of the walk out. Negotiations were not finished and no one had permission to leave. The State will investigate the Board's complaint on March 25. The Board has documentation proving negotiations were not complete on its scheduled meeting night. The preliminary budget will be presented on March 16 and will be submitted to the County on March 20 with a final vote will be on April 27. Relay for Life raised \$38,000 and over the past five years raised \$154,000.

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Administrator Joss:

The finance committee has started working on the 2015 budget. The final budget will be below the 2010 adopted budget, but above last year's budget. Mr. Joss said it was impossible to have reduced budgets every year, and this year a small increase will be necessary. The Planning Board/Board of Adjustment Administrator is retiring at the end of April. He recommends having an existing employee who works in the Recreation Department who will split her time between her current position, and the Planning Board position to save money. Administrator Joss wanted to thank the DPW Supervisor, Jay Meixsell for during a great job during the winter storms. Mr. Meixsell managed the Township's salt supply so the Township did not run out.

Councilman Marra:

Councilman Marra stated the Recreation Committee is working on summer camps.

Councilman Imbriaco:

No report

Council President Mullay:

No report

ACTION:

ORDINANCE INTRODUCTION:

Ordinance #1061-15 ORDINANCE AMENDING SECTION 97-3, UNIFORM CONSTRUCTION CODE FEE SCHEDULE, OF THE CODE OF THE TOWNSHIP OF CLINTON, NEW JERSEY

Mayor Higgins introduced the matter. Administrator Joss and the Construction Official, Mike Wright explained the ordinance.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for March 12, 2014. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call: Councilwoman Switlyk Yes

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Councilman Imbriaco	Yes
Councilman Marra	Yes
Council President Mulla	Yes
Mayor Higgins	Yes

AN ORDINANCE AMENDING SECTION 97-3, UNIFORM CONSTRUCTION CODE FEE SCHEDULE, OF THE CODE OF THE TOWNSHIP OF CLINTON, NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey as follows:

Section 1. Section 97-3, Uniform Construction Code Fee Schedule, Amended.

Section 97-3, Uniform Construction Code Fee Schedule, of the Code of the Township of Clinton, New Jersey, is amended to read as follows (additions to text are indicated by underlining and deletions by [brackets]):

- I. Subsection A, "Administrative and certificate fees," of Section 97-3 of the Code is amended as follows:
 - A. Administrative and certificate fees.
 - (1) Certificate of occupancy:
 - (a) Schedule 1: 10% of permit fee. Minimum Fee: \$50.
 - (b) Schedule 2: 10% of permit fee. Minimum Fee: \$50.
 - (c) Asbestos hazard abatement: \$14.
 - (d) Lead hazard abatement: \$28.
 - (2) Certificate of continued occupancy: \$[200] 250
 - (3) Certificate of occupancy pursuant to a change of use: \$250.
 - (4) **Temporary certificate of occupancy: \$40. The fee shall be waived for the first issuance of a temporary certificate of occupancy provided a fee for a certificate of occupancy is paid at that time.**
 - (5) Certificate of approval: no charge.
 - (6) **Certificate of compliance (includes electrical certificate of compliance for commercial pools, spas, or hot tubs): no charge.**
 - (7) Variations.
 - (a) Residential (R-3, R-5), single item: \$100.
 - (b) Residential (R-3, R-5), multiple within one unit or prototype to development: \$250.
 - (c) All other use groups: \$400.

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- (8) [Plan review portion of total permit fee: 5%] . Plan review fee shall be 5% of the amount charged for the permit for all prototype releases. The fee shall be 20 % for all other reviews. The fee shall be paid before the plans are reviewed. [Plan review fee to be paid at the time of granting/denying the permit.] Plan review fees are not refundable.
- (9) Minimum fee per subcode applied for: [~~\$50~~] \$ 75 for Building and \$ 60 for Electric, Plumbing, Mechanical and Fire.
- (10) State of New Jersey training fees: per N.J.A.C. 5:23-4.19(b).
- (11) Annual permit: state fee schedule (consistent with requirements as set forth in N.J.A.C. 5:23-4.20(c)5).
- (12) Off-Hour Inspection: \$75 per hour plus permit fee. (Off-hour inspections includes inspections occurring before 8:00 a.m., after 4:00 p.m., and on Saturday or Sunday).
- (13) Plan review fee of an amended plan once a permit has been issued shall be charged at a rate of \$70 per hour, with a minimum charge of \$35.

II. Subsection C, “Electrical subcode fees,” of Section 97-3 is amended as follows:

C. Electrical subcode fees.

Item	Based on	Cost
Devices		
Includes total of lighting fixtures, receptacles, switches, detectors, light poles, motors - fractional HP, emergency and exit lights, communication points and alarm devices/fire alarm control panel(s)	First 10 items	[\$40] <u>\$50</u>
	Each additional 25 or portion of 25 items	\$25
Pools		
Pool permit/with underwater light(s)	Flat fee	\$125 each
Storable pool, spa, hot tub	Flat fee	[\$75] <u>\$100</u> each
Annual inspection of commercial pools, spas, or hot tubs (per N.J.A.C. 5:23-4.18(1))	Flat fee	\$100 each
Motors and apparatus rated in/by horsepower		
Includes, but not limited to	Equal to or greater than:	Equal to or greater than:

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Garbage disposal, space heater/air handler, motors, all other, 1 HP and over	1 HP up to 5 HP 5 HP up to 50 HP 50 HP up to 100 HP 100 HP	[\$18] \$25 each [\$50] \$65 each \$200 each \$600 each
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Transformers and app. rated in/by kilowatt

Includes, but not limited to electric range/receptacle, oven/surface unit, electric water heater, electric dryer/receptacle, dishwasher, central A/C unit, space heater/air handler, baseboard heat, transformers/generators, electric sign/outline lighting	Equal to or greater than: 1 KW up to 5 KW	Equal to or greater than [\$18] \$25 each
	5 KW up to 50 KW	[\$50] \$60 each
	50 KW up to 100 KW	\$200 each
	100 KW	\$600 each

Service panels, panels and MCCs rated in amperes

Includes, but <u>is</u> not limited to, service, subpanels, motor control center	Equal to or less than 200 amperes	\$75 each
	Greater than 200, equal to or less than 600 amperes	\$250 each
	Greater than 600 amperes	\$800 each

III. Subsection D, "Elevator subcode fees," of Section 97-3 is deleted in its entirety and replaced with the follows:

D. Elevator subcode fees. Permit fees for elevator inspections shall be charged at the rate established by N.J.A.C. 5:23-12.6.

IV. Subsection E. "Fire protection subcode fees," of Section 97-3 is amended as follows:

E. Fire protection subcode fees.

Tanks (installation)

Residential, R-3, R-4, R-5	Each	\$40
All other, up to 999 gallons	Each	\$100
All other, 1,000 gallons and over	Each	\$200

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Alarm, signal and supervis. devices	First 12 items	\$50
Includes, but not limited to, total of smoke/heat detectors, pull stations, water flow switches, horns, strobes, bells tamper switches, and low/high air switches	Each additional 10 or portion of 10 items	\$25
Suppression system devices		
Dry pipe/alarm valve	Each	\$75
Preaction valve	Each	\$75
FDC connection	Each	\$100
Fire pump	Each	[\$125] \$250
Underground Fire Main	Each	2% of cost of work, \$75 minimum
Sprinkler Heads (wet and dry)		
	1 to 9	\$85
	10 to 49	\$175
	50 to 99	\$300
	100 to 199	\$600
	200 to 299	\$900
	300 and over	\$1,200
Standpipes	Each	\$325
Pre-engineered Systems		
Wet chemical	Each	\$220
Dry chemical	Each	\$220
CO2 Suppression	Each	\$220
Foam Suppression	Each	\$220
Halon Suppression	Each	\$220
Smoke control system	Each	\$300
Kitchen hood system	Each	\$220
Commercial gas or oil fired systems	Each	\$75
Commercial Spray Booth	Each	\$100
Appliances, other:		
Wood burning fireplace or stove	Each	\$75
Chimney Liners	Each	\$60
Metal Chimney	Each	\$75
Incinerator	Each	\$1,000
Crematorium	Each	\$1,000
Commercial gas or oil appliance	Each	\$100
Residential appliance (R-3, R-5)	Each	\$40

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V. Subsection F. "Mechanical subcode fees," of Section 97-3 is amended as follows:

F. Mechanical subcode fees ([applicable to replacement] in R-3, R-4 and R-5 Use Groups only).

Fixture / Equipment	Based on	Cost
Water heater ^{a,b,d}	Flat fee for each item	[\$30] \$50
Fuel oil piping ^c	Each additional item	\$25
Gas piping ^c		
Steam boiler ^{a,b,d}		
Hot water boiler ^{a,b,d}		
Hot air furnace ^{a,d}		
Oil tanks		\$100
LP tanks		\$30
New Gas Piping & Fuel Oil Piping		Per Plumbing Subcode Fee Schedule
New Duct Work		\$150
Chimney Liner	Flat Fee	\$75

NOTES:

^a If new electrical work is required in the installation of fixture/equipment a properly filed Electrical Subcode Technical Section Form F-120 must be filed with the application for permit and certified as required by the Electrical Contractors Licensing Act, N.J.S.A.

45:5A-1 et seq. N.J.S.A. 45:1-14 et seq. and N.J.A.C. 13:31.

^b If replacement of fixture/equipment will encompass backflow or cross connection work a separate Plumbing Subcode Technical Section Form F-130B must be filed with the application for permit and certified as required by the Master Plumbers Licensing Act,

N.J.S.A. 45:14C-7 et seq., N.J.S.A. 45:1-3.2 et seq. and N.J.A.C. 13:32-1.

^c If replacement of fixture/equipment will include fuel[,] or gas [or hydronic] piping as part of the proposed work, fee(s) are based on the fixture/equipment only.

^d A chimney certification for replacement of fuel-fired equipment may be accepted per N.J.A.C. 5:23-2.20(c).

VI. Subsection G, "Plumbing subcode fees," of Section 97-3 is amended as follows:

G. Plumbing subcode fees.

Fixture/Equipment	Based on	Cost
Water closet	Each	[\$18] <u>\$20</u>
Urinal/bidet	Each	[\$18] <u>\$20</u>

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Bathtub	Each	[\$18] <u>\$20</u>
Lavatory	Each	[\$18] <u>\$20</u>
Shower	Each	[\$18] <u>\$20</u>
Floor drain	Each	[\$18] <u>\$20</u>
Sink	Each	[\$18] <u>\$20</u>
Dishwasher	Each	[\$18] <u>\$20</u>
Drinking fountain	Each	\$50
Washing machine	Each	[\$18] <u>\$20</u>
Hose bib	Each	[\$18] <u>\$20</u>
Water heater	Each	[\$25] <u>\$50</u>
Fuel oil piping	Flat fee	\$75 <u>for the first 4</u> <u>appliances and \$20 for each additional appliance</u>
Gas piping	Flat fee	\$75 <u>for the first 4</u> <u>appliances and \$20 for each additional appliance</u>
Steam boiler	Each	\$200
Hot water boiler	Each	\$200
Sewer pump	Each	\$50
Interceptor/separator	Each	\$200
Backflow preventer (lawn sprinkler)	Each	\$75
Grease trap	Each	\$200
Sewer connection	Each	\$75
Water service connection	Each	\$75
Stacks	Each	[\$15] <u>\$20</u>
Other:		
Active solar systems	Each	\$300
Commercial heating and equipment	Each	\$75
Roof drains	Each	\$25
Water cooled AC or refer. units	Each	\$300
Cross-connections and backflow	Flat Fee	\$100

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preventers subject to testing and
requiring reinspection or annual testing

LP tanks	Flat Fee	\$30
Hydronic piping	Flat Fee	\$30

Section 2. **Section 97-3, Table of Building Subcode Fees, Amended.** Subsection B, “Building Subcode Fees,” of Section 97-3 is hereby amended by replacing the “Building Subcode Fees” table in its entirety with the table attached hereto as Exhibit A.

Section 3. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. **Severability.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and enforceable.

Section 5. **Effective date.** This Ordinance shall take effect upon final passage and publication in accordance with law.

RESOLUTIONS:

Action Item #1

Resolution #30-15 – Approving a Person to Person Transfer – Kaup Restaurant Group to The Food Cure, LLC

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Marra to approve the resolution. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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WHEREAS, The Food Cure, LLC, has filed an application for a person to person transfer of Alcoholic Beverage License #1006-33-013-009 heretofore issued to Steven Mitnick assigned to Kaup Restaurant Group LLC known as Tiffany's,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to the standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, proof of publication of notice of transfer has been received for the April 3 and April 10, 2014 editions of the Hunterdon County Democrat; and

WHEREAS, no objectors have filed a protest to this transfer; and

WHEREAS, a thorough investigation has been conducted pursuant to NJAC 13:2-7.7a including a criminal background check and review of financial disclosure documentation; and

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

- 1) The person to person transfer of the License #1006-33-013-009; to The Food Cure, LLC is approved nunc pro tunc April 23, 2014.

Action Item #2

Resolution #31-15 – Amending Temporary Budget

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the resolution. Seconded by Councilman Marra. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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WHEREAS; N.J.S.A. 40A:4-20 permits the governing bodies of New Jersey municipalities to approve and authorize temporary emergency appropriations prior to the adoption of the municipal budget by a confirming vote of two-thirds of the full governing body; and:

WHEREAS; The Township of Clinton requires additional appropriations to maintain operations until such time the township budget is put in place; and:

NOW THEREFORE BE IT RESOLVED; confirmation of 2/3 of the full Governing Body; that the following emergency appropriations are authorized:

<u>Department</u>		<u>Amount</u>
General Insurance	OE	\$ 80,000.00
Group Insurance	OE	\$200,000.00
Police Department	SW	\$200,000.00
Road Repairs and Maintenance	OE	\$ 80,000.00
Health Department	SW	\$ 1,000.00

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Marra to approve the check control registers dated February 25, 2015 totaling \$2,477,178.79. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

Sharon Schutts from Cokesbury Califon Road questioned Attorney Hadinger for stating that the Township does not know where exactly the road is. Attorney Hadinger stated the Township does not have a marked stake out of Apgar Lane or a survey, since it was never formally dedicated to Clinton Township as its existence goes back to before the Township was incorporated

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EXECUTIVE SESSION:
Resolution #32-15

MOTION was made by Councilwoman Switlyk to go into executive session. Seconded by Mayor Higgins. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman Marra	Yes
Council President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, Section 8 of the Open Public Meetings Act (NJSA 10:4-12 (b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, the Township Council is of the opinion that circumstances exist, and

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

1. The Mayor and Council will now convene in a closed session that will be limited to discussion of items to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act. The general nature of the subject matter to be discussed is as follows:
 - Advice of Counsel with respect to Affordable Housing, litigation and COAH matters.
2. It is unknown precisely when, if ever, the matters discussed in this closed session may be disclosed to the public.
3. Matters involving the issue may be announced upon the conclusion of any trial or settlement of the litigation.
4. No action will be taken in closed session

RETURN FROM EXECUTIVE SESSION:

MOTION was made by Mayor Higgins to return from executive session. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

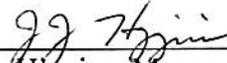
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MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 9:49p.m. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:


Carla Conner, Acting Township Clerk


John Higgins, Mayor

Adopted: April 11, 2015