

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
July 23, 2015

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**CALL TO ORDER:**

Mayor Higgins called the meeting to order at 7:05 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	Absent
Council President Mullay	Present
Mayor Higgins	Present
Kristina P. Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Township Clerk	Present

**CONSENT:**

Mayor Higgins introduced the matter and read the items on the consent agenda.

MOTION was offered by Councilman Imbriaco to approve the consent agenda. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

Consent #1

Resolution #77-15 – Approving a Developer’s Agreement for Hanna Memorial Cancer Clinic

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**BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Township is authorized to enter into a developer's agreement with Hanna Memorial Cancer Clinic, Inc., regarding the proposed development on property located at the intersection of State Route 22 and Petticoat Lane, and also having frontage on Interstate Route 78 and designated as Block 47.02, Lot 1 (Clinton Township Tax Map 2003) in the Township of Clinton, County of Hunterdon, State of New Jersey; and

**FURTHER, BE IT RESOLVED**, that the Mayor and Clerk are authorized and directed to execute the same once all conditions precedent to execution are satisfied.

**PUBLIC COMMENT:**

Deborah Lipman from Cokesbury Califon Road stated that the Judge did say Apgar Lane was a public road that went all the way through. Ms. Lipman questioned whether the Township would widen the road. Mayor Higgins stated the Fire Department is fine with the road as is for emergency vehicles. Ms. Lipman questioned if she would lose her access to the western end of Cokesbury Road. Mayor Higgins stated she would have to work with her neighbor regarding that issue. Ms. Lipman questioned if the Township will plow the road. Administrator Joss stated the Township will only do general maintenance on the road like it has done for the past number of years.

Robert Hellander from Cokesbury Califon Rd said he believes that this is a private driveway and should not be named. Attorney Hadinger stated that a judge found this to be a public road and needs to be named for emergency services purposes.

**NEW BUSINESS:**

Mayor Higgins stated Patricia Buriak is being appointed to a partially expired term on the Environmental Commission, Alt. 2, the term expires 12/31/16. Mayor Higgins stated every position on every board is filled.

**REPORTS:**

Councilwoman Switlyk:

Councilwoman Switlyk reported that the next School Board meeting is scheduled for July 27.

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Councilman Imbriaco:

No report

Mayor Higgins:

No report

Council President Mullay:

Council President Mullay reported the Planning Board approved a waiver of site plan for replacement of tennis courts at Beaver Brook. Council President Mullay stated the Planning Board instructed Clarke Caton and Hintz to begin work on the Master Plan re-examination which will be done the latter half of 2015. Council President Mullay, Administrator Joss, Mayor Higgins and the Township Engineer, Cathy Marcelli met yesterday to discuss some issues regarding traffic in the village of Annandale. These issues will be addressed via the Highlands master plan center designation process we will be undertaking shortly.

Marvin Joss:

Administrator Joss reported he met with the Police Department today regarding a plan it will implement regarding traffic in Annandale. Administrator Joss reported that the Township is getting numerous complaints about garbage haulers starting before the allowable 6:00am start time under our applicable ordinance. Administrator Joss sent letters out to the garbage haulers reminding them of the Ordinance. If they do not obey the ordinance the Township will start fining them. Administrator Joss stated he talked to the CFO and they agreed to do an RFP for banking services. Administrator Joss stated the wash bay RFP is due July 27.

**ACTION:**

**INTRODUCTION OF ORDINANCE:**

1068-15 - AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE I "TOWNSHIP COUNCIL," §4-3 "MEETINGS," OF THE CODE OF THE TOWNSHIP OF CLINTON, NEW JERSEY

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to introduce the ordinance on first reading and schedule the public hearing for August 12, 2015. Seconded by Councilman Imbriaco. There being no further discussion the roll was called. Motion carried.

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Roll Call:

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

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

**Section 1. §4-3 Meetings of Code Amended.** §4-3 “Meetings” of the Code of the Township of Clinton is amended in its entirety to read as follows:

**§ 4-3. Meetings.**

A. Regular meetings. The Council shall hold its reorganization meeting annually as set forth in §4-1B. The Council shall meet regularly thereafter on such days and at such times as the Council shall establish by resolution at the reorganization meeting. Except as permitted by *N.J.S.A. 10:4-6 et seq.*, all meetings of the Council shall be open to the public.

B. Special meetings.

(1) Special meetings may be called by the Mayor at any time or shall be called by the Mayor upon the written request of a majority of the Council members. Such a request shall be in writing and signed by a majority of the members of the Council, specifying the purpose for which such meeting is to be called. No business shall be transacted at any special meeting other than that specified in the request.

(2) Upon receipt of any such request, the Mayor shall promptly direct the Clerk to serve notice in writing of such special meeting upon each member of the Council at least 24 hours prior to the time for which the meeting is called. Upon written waiver of notice executed by all members of the Council, a special meeting may be held without prior notice notwithstanding the above provisions of this section. Notice of all meetings of the Council shall be given in compliance with the *N.J.S.A. 10:4-6 et seq.*

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- C. Emergency meetings. The Mayor may call an emergency meeting to deal with matters of urgency and importance as provided by *N.J.S.A.* 10:4-9.
- D. Executive session. Any member of the Council may move for adjournment to executive session, and upon vote of the Council an executive session shall be held from which the general public shall be excluded in accordance with *N.J.S.A.* 10:4-12.
- E. Ordinances and resolutions.
  - (1) Each ordinance or resolution shall be introduced in written form or, if not introduced in written form, shall be later memorialized in writing, and shall be read and considered as provided by state statute.
  - (2) All ordinances and resolutions shall be adopted and published in accordance with applicable law.
  - (3) Unless provided otherwise by law all ordinances shall take effect not less than twenty days after final passage by Township Council.
  - (4) The Municipal Clerk shall record all ordinances and resolutions adopted by the Council and, at the close of each year, shall bind, compile or codify all the ordinances and resolutions of the Township which then remain in effect. The Municipal Clerk shall also properly index the record books, compilation or codification of ordinances and resolutions, and update the Township website.
  - (5) An ordinance or resolution may be introduced by any member of the Council. The Clerk shall forthwith provide each member of the Council with a copy thereof and shall provide the Municipal Attorney with a copy.
- F. Rules and procedure.
  - (1) Order of business. Promptly at the hour designated, all regular and special meetings of the Council shall commence. Agenda for regular meetings may include the following items:
    - (a) Approval or correction of minutes.
    - (b) Consent agenda. "Consent agenda" is defined as those items of Council which are considered routine by the Township Council and

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the Municipal Clerk. Unless the Mayor or Council specifically requests an item on the consent agenda to be removed therefrom and Council action taken separately on said item, these items shall be approved, adopted, accepted, *etc.*, by one motion of Council and roll call vote.

- (c) Public comment.
  - (d) Reports.
  - (e) Resolutions.
  - (f) Ordinances, first reading.
  - (g) Ordinances, final reading.
  - (h) Old business.
  - (i) New business.
  - (j) Public comment.
  - (k) Adjournment.
- (2) Call to order. The Mayor shall call each meeting to order. In his/her absence, the President of the Council shall call the meeting to order and shall preside during the absence of the Mayor. The Mayor shall assume the Chair as soon as he/she is in attendance at any meeting which may have been called to order in his/her absence and the President of the Council shall thereupon relinquish the Chair.
- (3) Presiding officer. The presiding officer shall:
- (a) State the question. Rule on all questions of order, subject to appeal to Council.
  - (b) Sign the minutes of all meetings of the Council.
- (4) Quorum call. At the opening of each meeting of the Council, the Clerk shall call the roll and the names of those present shall be recorded in the minutes. Three members of the Council shall constitute a quorum for the conduct of business, but no ordinance shall be adopted except by affirmative vote of three members of the Council. If a quorum is not present 1/2 hour after the appointed time for any meeting, the meeting shall be deemed adjourned.
- (5) Distribution and reading of minutes. The Clerk shall, insofar as is practicable,

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prepare and distribute to the Council the minutes of each meeting within fourteen days of the meeting. The minutes of any meeting may be approved without reading whenever they have been distributed at least 24 hours prior to the time of approval. The Clerk shall promptly post a copy of the approved minutes on the Township website and a paper copy in a public place in the Municipal Building and leave such paper copy posted for 30 days.

- (6) Committees. Special committees of Council for legislative purposes may be appointed by the Mayor.
- (7) Nominations and appointments to boards, commissions, authorities, and committees. Appointments made by the Mayor will be presented to Council at a regular meeting and/or at the annual reorganization meeting. With respect to appointments to be made by the Mayor with the advice and consent of the Council, any member of the Council may also nominate as many candidates as there are offices to be filled.
- (8) Rules of debate.
  - (a) Except as otherwise specifically provided in these rules, the proceedings of Council shall be governed by Robert's Rules of Order.
  - (b) The presiding officer shall have all the rights, powers and duties of a Council member, as elsewhere provided within this chapter, and in addition shall have the right to set a time limit for discussion of the subject and a time limit for individual comments.
  - (c) A member of the Council shall be entitled to the floor only upon recognition by the presiding officer. Once a member has been recognized and has taken the floor, he/she shall not be interrupted for any reason other than a call to order, and in such case the presiding officer shall promptly rule on the point of order and the speaker shall be allowed to continue if he/she is in order.
  - (d) Council members may dispense with rules of debate when appropriate to any issue, by a majority vote.
- (9) Addressing the Council.
  - (a) Persons other than Council members may be permitted to address the

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Council in the proper order of business. A person present may, upon recognition by the presiding officer, be heard during periods devoted to public comment. A person present may, upon recognition by the presiding officer and with the consent of a majority of the Council members present, be heard at any other time. No person shall address any remark or question to any specific member of Council, nor to any other person present except by permission of the presiding officer. A member of the Council may, with the approval of the presiding officer, respond to any communication or address received pursuant to this section.

- (b) Except upon consent of the presiding officer, each person addressing the Council pursuant to this section shall be required to limit his/her remarks to five minutes. The presiding officer shall call any speaker to order who violates any provision of this rule.

(10) Decorum.

- (a) Each member of the Council shall cooperate with the presiding officer in preserving order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Council nor disturb any member while speaking or fail to abide by the orders of the Council or its presiding officer.
- (b) The Police Department shall designate a member of the Department to serve as Sergeant at Arms at Council meetings. The Sergeant at Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at such meetings. The Sergeant at Arms shall not be required to be in attendance at the meeting, unless requested by the Mayor or Clerk.

(11) Filing of reports, petitions and resolutions. All reports to the Council and all resolutions and all petitions shall be filed with the Clerk and referenced in the minutes of the Council.

(12) Adjournment. A motion to adjourn shall always be in order and shall be decided without debate.

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**Section 2. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**Section 3. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts 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 valid and enforceable.

**Section 4. Effective Date.** This ordinance shall take effect upon passage, publication and in accordance *N.J.S.A.* 40:69A-181.

1069-15 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY ADOPTING, PURSUANT TO N.J.S.A. 40A:12A-7, A REDEVELOPMENT PLAN FOR THE OLD MUNICIPAL BUILDING SITE (SOMETIMES REFERRED TO AS THE "FOX SEALS" SITE), IN THE VILLAGE OF ANNANDALE, BEING BLOCK 53, LOT 3 ON THE CLINTON TOWNSHIP TAX MAPS

Mayor Higgins introduced the matter.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for August 12, 2015. Seconded by Council President Mulla. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

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

**Section 1. Findings.** The Mayor and Council of the Township of Clinton make the following findings:

a. By Resolution No. 120-14 adopted December 10, 2014, the Mayor and Council directed the Clinton Township Planning Board ("Planning Board") to conduct an investigation into whether the old Municipal Building site, sometimes referred to as the "Fox Seals" site, located on West Street in the Village of Annandale, and being identified as Block 53, Lot 3 on the Clinton Township Tax Maps (the "Property") constitutes and shall be established by the Township as a non-

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condemnation area in need of redevelopment under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:-12A-1 et seq.*

b. The Planning Board completed its investigation of the Property, received and reviewed the report of its expert Joseph H. Burgis, PP, AICP titled "Area in Need of Redevelopment Study, former Municipal Building Site, Block 53, Lot 3, Clinton Township, Hunterdon County, New Jersey" (the "Report"), and, following a public hearing on March 16, 2015, acted to recommend that the Property be declared a non-condemnation area in need of redevelopment, said action being memorialized by resolution of April 6, 2015.

c. By Resolution No. 51-15 adopted April 22, 2015, the Mayor and Council accepted the Planning Board's findings and the Report, and determined the Property to be a non-condemnation area in need of redevelopment and, pursuant to *N.J.S.A. 40A:12A-7*, directed the Planning Board to prepare a redevelopment plan.

d. By letter dated May 22, 2015, the New Jersey Department of Community Affairs confirmed the Township's designation of the Property as a non-condemnation area in need of redevelopment.

e. Working with its expert, Joseph Burgis, PP, AICP, the Planning Board prepared a redevelopment plan for the Property entitled "Former Municipal Building Non-Condensation Redevelopment Plan," dated May 7, 2015 (the "Redevelopment Plan").

f. On June 1, 2015, the Planning Board approved the Redevelopment Plan and referred it to the Mayor and Council.

g. The Mayor and Council have reviewed the Redevelopment Plan, hereby determine that it has been designed to effectuate the Township's Master Plan, and should be adopted.

**Section 2. Adoption of Redevelopment Plan.** The plan entitled "Former Municipal Building Non-Condensation Redevelopment Plan" for Block 53, Lot 3, Clinton Township, dated May 7, 2015, and prepared by Joseph H. Burgis, PP, AICP is hereby adopted as the redevelopment plan for the Property pursuant to *N.J.S.A. 40A:12A-7*.

**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 apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

**Section 5. Effective Date.** This ordinance shall take effect upon passage, publication and in accordance *N.J.S.A. 40:69A-181*.

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1070-15 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN  
HUNTERDON COUNTY, NEW JERSEY TO ABANDON, VACATE,  
RELEASE AND EXTINGUISH THE PUBLIC RIGHTS IN A PORTION  
OF CENTER STREET

Mayor Higgins introduced the matter.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for August 12, 2015. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

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

Section 1. Findings. Portion of Center Street Not Needed for Public Use. The Mayor and Council hereby determine that a portion of Center Street, said portion of Center Street being more particularly described in Schedule "A" attached hereto and made a part hereof, is not needed for public travel and that the public interest is served by releasing and vacating any public rights with respect to said portion of Center Street.

Section 2. Vacation of Portion of Center Street. The portion of Center Street as more particularly described in Schedule "A" is abandoned and vacated, and, except as provided in Section 4 below, and any and all public rights and easements therein are hereby released, extinguished, discharged and closed to the public.

Section 3. Description of Portion of Center Street Vacated. The portion of Center Street vacated herein is identified and set forth in Schedule "A" attached hereto and made a part hereof.

Section 4. Reservation of Any Existing Rights and Privileges of Public Utility and Cable Television Companies, and Reservation

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Easement for Township of Clinton. The lands and premises herein vacated shall remain subject to any stormwater rights-of-way crossing the premises, and privileges currently possessed by any public utilities and/or cable television companies to maintain, repair and replace existing facilities in, adjacent to, and over or under the portion of the street herein vacated. The land and premises herein vacated shall also remain subject to the right of the Township of Clinton to use the vacated area for the purpose of maintenance, improvement, construction, Cleaning, snow-plowing, staging of equipment and personnel, on Center Street.

Section 5. Future Rededication of Vacated Portion of Center Street. In the event, the owner of the property known and identified on the Clinton Township tax maps as Block 76, Lot 2 shall, at any time, remove the portion of the existing one-story restaurant structure that is currently located within the area encompassed by Schedule "A," said owner of the property, together with its heirs, successors and assigns shall rededicate the premises described in Schedule "A" to the Township of Clinton.

Section 6. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 7. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts 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 valid and enforceable.

Section 6. Effective Date. This ordinance shall take effect upon final passage, publication and as provided for by law.



SCHEDULE A

Deed Description  
Right-of-Way Vacation-Center Street  
Lot 2 – Block 76  
Township of Clinton - County of Hunterdon  
State of New Jersey  
LRC, LLC. Job No. 15-1626J

All that certain tract or parcel of land located along 190 Center Street, Township of Clinton, County of Hunterdon, State of New Jersey, and being more particularly bound and described as follows:

Beginning at a Point of Commencement, said point being at/or near the southerly sideline of Center Street (66' ROW per tax map) and the most northeasterly corner of Lot 2, Block 76 and being the beginning point as cited in Deed Book 2205, Page 022, thence running southerly along the easterly line of Lot 2 South  $14^{\circ} - 37' - 26''$  East, 1.11' to the true Point and Place of Beginning, thence

1. Along said easterly line of Lot 2 South  $14^{\circ} - 37' - 26''$  East a distance of 10.64' to a point, thence
2. Leaving said line and running westerly along the existing southerly sideline of Center Street North  $84^{\circ} - 07' - 39''$  West a distance of 268.00', to the westerly line of Lot 2, thence
3. Along said line of Lot 2, North  $03^{\circ} - 34' - 26''$  West a distance of 4.69', from a point, thence
4. Leaving said lot line running in a easterly direction along the new southerly sideline of Center Street South  $86^{\circ} - 10' - 22''$  East a distance of 127.64', to an angle point, thence

LRC Engineering & Surveying, D.P.C  
LRC Engineering and Surveying, LLC  
LRC Environmental Services, Inc.  
Land Resource Consultants, Inc.

90 Beaver Avenue, Suite 5  
Clinton, NJ 08809  
Tel: 908.603.5730

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SCHEDULE A

- 5. Still with said New sideline South 84° – 27' – 13" East a distance of 137.43', to the point and place of beginning.

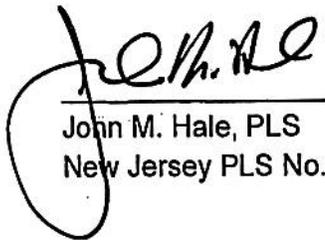
It is the intent of this Vacation to establish the new southerly ROW line of Center Street in coincidence with the existing utility pole location (this date) and to vacate that portion of ROW south of said pole line to the current southerly ROW line of Center Street

Existing ROW area	2,935.41 sq. ft.	0.067 acres +/-
<u>(Minus) ROW Vacation area</u>	<u>1,949.55 sq. ft.</u>	<u>0.045 acres +/-</u>
Remaining ROW area	985.86 sq. ft.	0.022 acres +/-

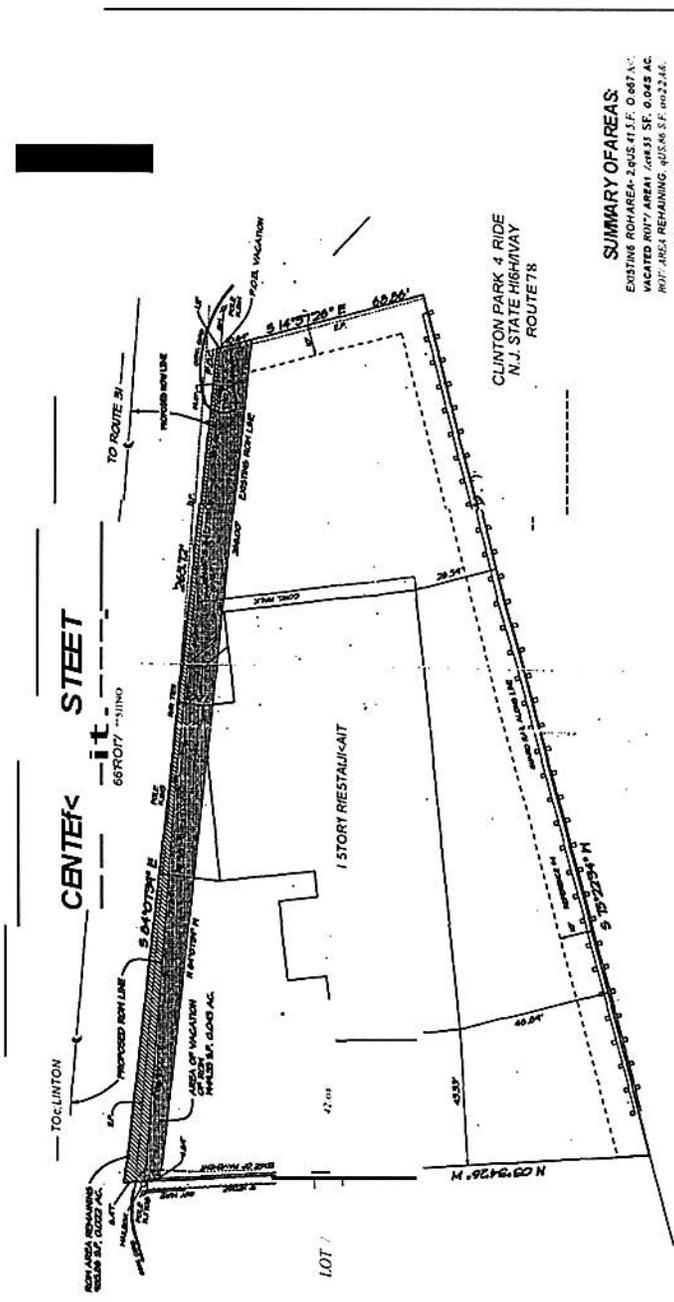
Being a portion of those lands of Lot 2, Block 76 as recorded in a deed from Chen Ho Investments, Inc. to Clinton Point, LLC, as recorded in Deed Book 2205, Page 022.

The above description was written pursuant to a "Center Street Right-of-Way Vacation Map" Block 76, Lot 2, on the municipal tax map of the Township of Clinton, County of Hunterdon, State of New Jersey. Said survey was prepared by LRC Engineering & Surveying, 90 Beaver Ave. Suite 5, Clinton, NJ 08809. Dated 4/08/2015, last revised 5/8/2015 and is marked as file No. 15-1626J.

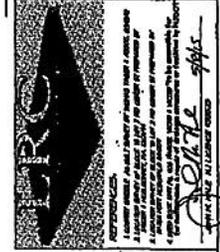
A reduced copy of said plan is attached hereto and made a part hereof.



John M. Hale, PLS  
New Jersey PLS No. 33525



**SUMMARY OF AREAS:**  
 EXISTING ROW AREA - 2,055.41 S.F. 0.047 AC.  
 VACATED ROW AREA - 7,048.55 S.F. 0.161 AC.  
 ROW AREA REMAINING - 4,006.86 S.F. 0.092 AC.



**NOTES:**  
 THE INTENT OF THIS SURVEY IS TO SHOW THE EXISTING AND PROPOSED ROW LINES. THE AREA ABOVE AND BELOW THESE LINES IS NOT TO BE CONSIDERED AS A PART OF THE SURVEY. THIS SURVEY IS BASED ON THE DATA PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD CHECK OF THE DATA. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED A VISUAL CHECK OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD CHECK OF THE DATA. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED A VISUAL CHECK OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD CHECK OF THE DATA. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.

**GRAPHIC SCALE**  
 1" = 20 FT.

**100 CENTER STREET**  
**RIGHT OF WAY VACATION**

LAND SURVEYING, CHALLENGERS  
 ENVIRONMENTAL SERVICES  
 LAND DEVELOPMENT & CONSTRUCTION  
 100 CENTER STREET, CLINTON, NJ 08801

DATE: 11/11/11  
 BY: J. W. J.

UNDEVELOPED UTILITIES: SEE ENCL. 1111111111  
 PART OF THIS SURVEY

TO CLINTON  
 TO ROUTE 31  
 TO ROUTE 78  
 CLINTON PARK 4 RIDE  
 N.J. STATE HIGHWAY  
 ROUTE 78

LOT 1  
 1 STORY RIESTALJ-CAT

AREA OF VACATION  
 7,048.55 S.F. 0.161 AC.

PROPOSED ROW LINE  
 8.64 VOTRY E

EXISTING ROW LINE  
 8.64 VOTRY E

TO ROUTE 31  
 TO ROUTE 78

CLINTON PARK 4 RIDE  
 N.J. STATE HIGHWAY  
 ROUTE 78

TOWNSHIP OF CLINTON  
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1071-15 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY TO ABANDON, VACATE, RELEASE AND EXTINGUISH THE PUBLIC RIGHTS IN A PORTION OF AN OLD ROAD THAT INTERSECTS WITH COKESBURY- CALIFON ROAD

Mayor Higgins introduced the matter. Attorney Hadinger stated the Township will add an excerpt of the tax map as Exhibit B and will have an additional sentence added in subparagraph b.

MOTION was made by Councilman Imbriaco to introduce the ordinance on first reading and schedule the public hearing for August 12, 2015. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

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

**Section 1. Findings, Portion of Unnamed, Old Road That Intersects with Cokes-bury Califon Road Not Needed for Public Use.** The Mayor and Council make the following findings:

a. In an unpublished opinion entered December 14, 2014 in the matter entitled Francis R. Synder a/k/a Frank Snyder v. Estate of Robert Benson, et als., in the Superior Court of New Jersey, Law Division, Special Civil Part, Hunterdon County, Docket No: HNT-DC-2003-13 (the “Court Decision”), the court determined that an old road that runs in a southwesterly direction from Cokesbury Califon Road to a grass strip that must be crossed to get to Highbridge-Cokesbury Road, and that has been referred to as “old Cokesbury-Califon Road or old Highbridge-Cokesbury Road and at the northeastern end as Apgar Lane” [Court Decision, p. 3] (the “Old Road”) is a public road. The court further found that the Old Road dates back to the 1800’s; that there is no record of the Old Road being dedicated to the Township, it having been established prior to the Township being founded; and that the Old Road has never been vacated.

b. The Township of Clinton was not a party in the litigation leading to the Court Decision.

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c. The Mayor and Council hereby determine that a portion of said Old Road, said portion of the Old Road beginning at the common property corners of Lots 3, 4, 5 and 7 in Block 11 on the Clinton Township Tax Maps (conditions rev. as of 2015) (“Tax Maps”) approximately 1,269 feet from Cokesbury Califon Road and running in a southwesterly direction to the Old Road’s terminus, is not needed for public travel and that the public interest is served by releasing and vacating any public rights with respect to said portion of the Old Road. The beginning point of the vacation is marked on Exhibit A, attached herewith and made part hereof, as “Common Property Corners of Block 11, Lots 3, 4, 5 & 7.” Said beginning point of the vacation is also marked on the excerpt from the Tax Maps attached herewith and made part hereof as Exhibit B as the “Common Property Corners of Block 11, Lots 3, 4, 5 & 7.”

d. According to the records of the Township’s Tax Assessor, the lots referred to in subparagraph c. above are currently held by the following:

- Block 11, Lot 3: William Keller
- Block 11, Lot 4: Sharon A. and James H. Schutts
- Block 11, Lot 5: Robert and Linda Hellander
- Block 11, Lot 7: Robert P. Benson

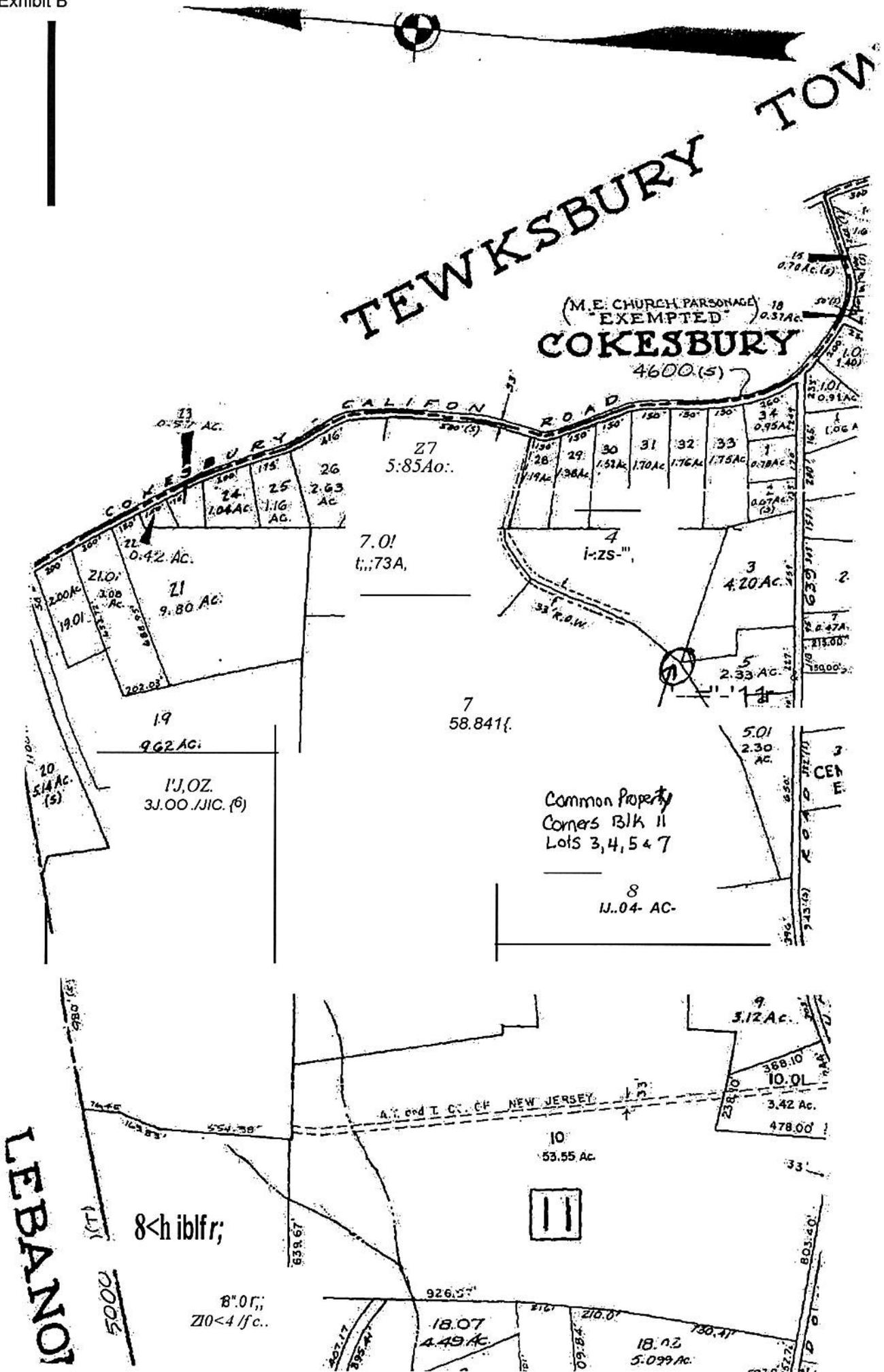
**Section 2. Vacation of Portion of the Old Road.** The portion of the Old Road described in Section 1.c. above and also as may be shown on Exhibits “A” and “B” is abandoned and vacated, and, except as provided in Section 4 below, any and all public rights and easements therein are hereby released, extinguished, discharged and closed to the public.

**Section 3. Reservation of Any Existing Rights and Privileges of Public Utility and Cable Television Companies, and Reservation Easement for Township of Clinton.** The lands and premises herein vacated shall remain subject to any stormwater rights-of-way crossing the premises, and privileges currently possessed by public utilities and/or cable television companies, if any, to maintain, repair and replace existing facilities in, adjacent to, and over or under the portion of the Old Road herein vacated.

**Section 4. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**Section 5. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication





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shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

**Section 6. Effective Date.** This ordinance shall take effect upon finally passage, publication and as provided for by law.

**RESOLUTIONS:**

**Action Item #1**

Resolution #78-15 – Approving liquor license renewals

Mayor Higgins introduced the matter. MOTION was offered by Councilman Imbriaco to approve the resolution. Seconded by Council President Mullyay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman President Mullyay	Yes
Mayor Higgins	Yes

**WHEREAS**, the Clinton Township Police Department has conducted a thorough investigation of each retail licensee to insure that criminally disqualified and other unfit persons do not acquire or hold direct interests in the retail alcoholic beverage industry; and,

**WHEREAS**, Acting Township Clerk, Carla Conner, has certified that each license holder has submitted the appropriate and complete renewal application, and each has been granted a New Jersey State Tax Clearance Certificate as required by law; and

**WHEREAS**, as a result of the aforementioned investigations, a report has been submitted confirming that the applicants are not subject to any of the disabilities set forth in Title 33 New Jersey Statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton that Plenary Retail Consumption Licenses are hereby renewed to the following license holders for the year 2015-2016, effective July 23, 2015:

Name	License Number
American Golf Corporation t/a Beaver Brook Country Club (Route 31S) 6080 Center Drive, Ste #500 Los Angeles, CA 90045	#1006-33-001-010

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LeCram II Corp. #1006-33-002-004  
t/a Round Valley Inn  
1090 Rte 22 West  
Lebanon, NJ 08833

Cryans of Clinton LLC #1006-33-006-005  
t/a Cryans Tavern  
2 Beaver Avenue  
Annandale, NJ 08801

Grayrock Inn, Inc. #1006-33-009-005  
t/a Finnagels  
1531 Route 31S  
Clinton, NJ 08809

Lamington Pub Inc. #1006-33-003-005  
1051 Rt. 22 East  
P. O. Box 686  
Lebanon, NJ 08833

Spruce Run Restaurants, LLC #1006-33-008-005  
t/a Riley & Jakes  
1831 Route 31  
P.O. Box 5362  
Clinton, NJ 08809

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Township of Clinton that Plenary Retail Distribution Licenses are hereby renewed to the following license holders for the year 2015-2016, effective July 23, 2015:

Rock U, LLC #1006-44-005-008  
t/a Bourbon Street Liquors  
1708 Route 31 NJ  
Clinton, NJ 08809

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**VOUCHERS:**

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Imbriaco to approve the check control registers dated July 15, 2015 totaling \$1,217,888.54. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

**PUBLIC COMMENT:**

Sharon Schutts from Cokesbury Road questioned what are her options were on fighting Ordinance 1071-15. Attorney Hadinger stated she can make comments at the public hearing on August 12. Attorney Hadinger stated if the Council adopts the Ordinance, Ms. Schutts can challenge it. Ms. Schutts questioned where she can find the engineer and fire department reports. Administrator Joss stated she can come to the Clerk's office and fill out an OPRA request.

William Apgar from Cokesbury Road stated when he first met with the Mayor and Administrator Joss a few years ago they stated the Township would plow the road. Mr. Apgar questioned what is the liability of the person plowing the road if they were in an accident. Attorney Hadinger stated nothing has changed in that regard.

Robert Hellander questioned if there will be a more detailed drawing from the Engineer. Attorney Hadinger stated the report is to identify the point at which the road ends but a copy of the tax map sheet will be attached to the ordinance as well.

**EXECUTIVE SESSION:**

Resolution #79-15

MOTION was made by Councilman Imbriaco to go into executive session. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

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**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 Township Council will now convene in closed session which will be limited only to consideration of items from which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject matter to be discussed is as follows:
  - Advice of Counsel with respect to affordable housing matters, pending affordable housing litigation and litigation strategy.
3. It is unknown precisely when, if ever, the matters discussed in this closed session may be released to the public.
4. No action shall be taken in closed session.
5. Matters concerning litigation may be announced upon the conclusion of any trial or settlement of that litigation.

**RETURN FROM EXECUTIVE SESSION:**

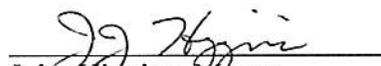
MOTION was made by Council President Mullay to return from executive session. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

**MOTION TO ADJOURN:**

MOTION was offered by Councilwoman Switlyk to adjourn at 8:20p.m. Seconded by Council President Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:

  
Carla Conner, Acting Township Clerk

  
John Higgins, Mayor

Adopted: October 14, 2015