

TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
August 12, 2015

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Roll Call:

Councilwoman Switlyk	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

Consent #1

Resolution #80-15 – Approval of Municipal Alliance Subgrant Agreement

**WHEREAS**, The Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

**WHEREAS**, the Mayor and Council, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Mayor and Council supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby support the submission of an application for the North Hunterdon Municipal Alliance grant for calendar year 2016 in the amount of \$181,380.00.
2. As Lead Municipality for the North Hunterdon Municipal Alliance, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

Consent #2

Resolution #81-15 – Approval - Fireworks for Bundt Farm at 21 Red Schoolhouse Road

**WHEREAS**, Bundt Farm at 21 Red Schoolhouse Road wishes to present a fireworks display; and the specific date of such display is September 12, 2015, and

**WHEREAS**, Fire Chief Dave Lunger of the Annandale Hose Company No. 1 has assured there will be coverage at the event as required by law.

**BE IT RESOLVED**, that approval is given by the Mayor and Council of the Township of Clinton for the display of fireworks at Bundt Farm, 21 Red Schoolhouse Road.

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**BE IT FURTHER RESOLVED**, that approval is subject to all required permits and insurance.

Consent #3

Resolution #82-15 – Authorizing Refund of Taxes Due to Successful Tax Appeal

**WHEREAS**, an overpayment has been created on Block 58 Lot 10 due to a successful 2012 Tax Appeal, and

**WHEREAS**, the taxes have already been paid in full for the year 2012, and the assessment has since been lowered due to State Tax Appeal;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to refund overpaid taxes in the amount specified on the listing below.

VENDOR	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
Berger & Bornstein, LLC	58	10	321 Old Allerton Rd	12/4	\$ 5491.84
PO Box 2049					
Morristown, NJ 07962-2049					
<b>TOTAL REFUND</b>					<b>\$ 5,491.84</b>

Consent #4

Resolution #83-15 – Tax Premium Refund Block 61 Lot 2

**WHEREAS**, liens on properties located in the Township of Clinton have been redeemed;  
 and

**WHEREAS**, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

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

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1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

<u>Block</u>	<u>Lot</u>	<u>Certificate</u>	<u>Vendor</u>	<u>Premium</u>
61	2	2014-006	US BANK CUST FOR BLUE VIRGO CAPITAL MANAGEMENT ATTN TAX LIEN SERVICES GROUP 2 LIBERTY PLACE 50 SOUTH 16 <sup>TH</sup> STREET SUITE 1950 PHILADELPHIA, PA 19102	100.00
			<b>TOTAL</b>	<b>100.00</b>

Consent #5  
Resolution #84-15 – Release of Escrow

**BE IT RESOLVED** that certain performance guarantees and escrows have been recommended by the Planning Board and Township Engineer to be reduced,

**NOW, THEREFORE BE IT RESOLVED** that the following refunds be issued:

Amount	Block / Lot	Street Address	Applicant	Type of Permit
\$ 999.62	13/9,10,11,11.01	111 Cokesbury Rd	Woodmont Industrial	Escrow
\$48,450.19	Williams Pipeline	Various	Transcontinental Gas Pipeline	Perf.Guar.
\$2,000.00	1.03/36	9 Glory Rd	Marion Scharnikow	Perf.Guar.

**PUBLIC COMMENT:**

Sharon Schutts from Cokesbury Califon Road stated last Tuesday she had downed wires on her road for six hours. Ms. Schutts stated that she could not exit her driveway during this time and therefore feels that she should always have a second exit through the vacated portion of the old roadway. Ms.

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Schutts questioned if the Township Engineer surveyed the portion of the road the Township will be vacating to see if it was feasible to leave it open. Administrator Joss stated the Township Engineer was only charged by Council with finding an appropriate end point for the remaining portion of the road, and it was felt by Council that there was no need to survey the entire road, as it pre-dates the incorporation of the Township, and official maps of the roads creation do not exist. Ms. Schutts stated her main concern with the road being vacated is she will land-locked if there is an emergency and can't get out through the northern end. Mayor Higgins stated this is the best course for the Township to pursue as there is not a general public purpose for the southern end to be a public road.

Steve Keefe from Bethlehem Township stated he will be having fireworks at his daughter's wedding at the Bundt Farm and he would like them to go off at 11:00pm but knows the Township's noise ordinance states 10:00pm as an ending time. He questioned why Immaculate Conception Church can have their fireworks going off at 11:00pm. Administrative Joss stated the Township did not grant specific permission to the Church for their fireworks to go past 11pm, and can look into that for next year. Administrator Joss stated Mr. Keefe should use his best judgment when starting the fireworks display and be careful not to exceed the 10pm limit by much if he does at all.

Joanne Filus from Circle Drive stated she would like to request the Council consider adopting an ordinance regarding target shooting on private property. Ms. Filus stated several incidents of target shooting by her neighbor prompted her to pursue the issue. Ms. Filus stated after reaching out to Councilwoman Switlyk she was disturbed to find out that regulations regarding the discharging of firearms for purposes other than hunting in Clinton Township do not exist. Ms. Filus stated if a person is on five or more acres, he/she may fire a gun. Ms. Filus stated that someone can fire a gun on the edge of their five acre lot towards someone else's house. Councilwoman Switlyk stated she reached out to Mayor Higgins, Administrator Joss and Officer in Charge Higgins to review ordinances from the surrounding towns.

Randy Dembo from Deer Path Road stated he called the Police Department when the residents were discharging their firearms. Mr. Dembo wanted to reiterate what Ms. Filus said regarding the need to have an ordinance.

Caroline Hann from Deer Path Road stated she and her husband, Randy Dembo have tried to reach out to their neighbor regarding this firearms issue but nothing has changed.

Robert Hellander from Cokesbury Rd asked relative to the width of the remaining portion of Apgar Lane and, are there going to be permanent markings or pins on the road showing where the legal road is. Attorney Hadinger stated that through the Planning Board process for a previous subdivision, the far eastern part of the road the width was defined. Administrator Joss stated the road was never surveyed and won't be by the Township

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**OLD BUSINESS:**

**NEW BUSINESS:**

**REPORTS:**

Mayor Higgins:

Mayor Higgins reported there is a State grant for 2.5 million dollars to provide body cameras to police departments. The Police Department will be trying them out to see how they work and come back with a recommendation whether to apply. Mayor Higgins reported the YMCA will be approaching the Planning Board for an informal concept review of a commuter parking lot which would include 200 to 250 parking spaces, ball fields and additional buildings.

Councilwoman Switlyk:

Councilwoman Switlyk reported that the School Board met on July 27. Ms. Joanne Hinkle was hired as the Supervisor of Instruction. Ms. Hinkle is currently the Vice-President of Round Valley School and will remain at that facility. The School Board renewed a transportation contract with the same provider as last year. Councilwoman Switlyk reported the teacher's contract is moving along. Discussions are now focusing on salary guidelines. Councilwoman Switlyk reported the School Closing Adhoc committee met. They are evaluating the capacity of each school by full class size including specialized rooms and also considering consolidating schools. Councilwoman Switlyk reported the issues to close include cost savings, the impact of community programs such as recreation and overall less space. Councilwoman Switlyk reported the next School Board meeting is Monday, August 24.

Councilman Marra:

No report

Council President Mullay:

Council President Mullay reported the Sewerage Authority met last week and had a couple of inquiries and requests for reservations regarding a contract on the PNC Bank lot on Beaver Avenue. Council President Mullay stated the Sewerage Authority will be purchasing a meter for the Beaver Brook pump station. Council President Mullay, Administrator Joss, Mayor Higgins and Township Engineer, Cathy Marcelli met and discussed the best way to approach the traffic in Annandale and agreed the best way is to discuss it with the County as part of the Highlands Center planning.

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Marvin Joss:

Administrator Joss reported on Monday, August 17, JCP&L will have a helicopter flying around the Township for at least 3 days inspecting all their power lines. Administrator Joss stated Clinton Township was ranked #8 in the State on the Safewise Safest Communities list.

**ACTION:**

**INTRODUCTION OF ORDINANCE:**

1072-15 - ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN  
CONFORMANCE FOR THE PLANNING AREA

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 September 9, 2015. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	Yes
Councilman President Mullay	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. Purpose.** The Township of Clinton is located partially within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see, Section 4 Definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council ("Highlands Council") for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Mayor and Council of the Township of Clinton establish that the Township shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the Township, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the Township's Petition for Plan Conformance, which was submitted to the Highlands Council by Resolution adopted by the Mayor and Council on December 2, 2009, and which the Highlands Council

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approved with certain conditions by Highlands Council Resolution No. 2015-13 adopted on June 18, 2015. Further, this Ordinance specifically reserves the rights of the Township as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

**Section 2. Basis and Background.** The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Township of Clinton, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 8, 2009, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On June 18, 2015, the Highlands Council adopted Resolution No. 2015-13 approving the Township of Clinton's Petition for Plan Conformance. The approval was conditioned upon the Township of Clinton's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

**Section 3. Applicability.** This Ordinance applies to the development and use of land located in the Planning Area of the Township of Clinton, as defined by Section 7 of the Highlands Act.

**Section 4. Definitions.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.

**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

**Highlands Region** means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

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**Planning Area** - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**Regional Master Plan**– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**Section 5. Petition for Plan Conformance.** The Township of Clinton hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2015-13, adopted on June 18, 2015.

**Section 6. Reserved Right of Withdrawal for Planning Area.** At any time, the Township of Clinton may withdraw that portion of its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2015-13, will not be binding upon the Township of Clinton. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

**Section 7. Planning Grants and Technical Assistance.** Upon application of the Township of Clinton, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township of Clinton for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, the Township of Clinton retains the right to withdraw that portion of the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

**Section 8. 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 9. Effective Date.** This ordinance shall take effect upon passage, publication and in accordance N.J.S.A. 40:69A-181.

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**ORDINANCE ADOPTION/PUBLIC HEARING:**

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 and opened the public hearing.

There being no public comments, Mayor Higgins closed the public hearing.

MOTION was made by Councilman Marra to adopt the ordinance. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	Yes
Councilman President Mullay	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. §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

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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.*

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.

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- (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 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:

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- (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, 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.

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- (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 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

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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.

**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 and opened the public hearing.

Marianne Brosnan from West Street questioned was there a specific requirement for 14 units to be developed. Council President Mullay stated our COAH Planner, Joe Burgis arrived at that number based on a density that would be able to developed that would entice a developer to come in and take on the project given the restrictions on the site. Ms. Brosnan questioned if there was any reason it cannot be a smaller number of units. Mayor Higgins stated there will be a final plan for the residents to see so there might be fewer units.

Mayor Higgins closed the public hearing.

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MOTION was made by Councilman Marra to adopt the ordinance. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	Yes
Councilman President Mullay	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-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”).

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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*.

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 and opened the public hearing.

There being no public comments, Mayor Higgins closed the public hearing.

MOTION was made by Council President Mulla to adopt the ordinance. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

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**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 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

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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.

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 and opened the public hearing.

There being no public comments, Mayor Higgins closed the public hearing.

MOTION was made by Council President Mullay to adopt the ordinance. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	Yes
Councilman President Mullay	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:

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**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.

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

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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 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 #85-15 – Granting Stipends to Summer Rec. counselors

Mayor Higgins introduced the matter. MOTION was offered by Councilman Marra to approve the resolution. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Marra	Yes

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Councilman President Mulla      Yes  
Mayor Higgins                      Yes

**WHEREAS**, the Recreation Advisory Committee wishes to pay a stipend to Counselors and Coordinators of the Summer Recreation Program for above average attendance; and

**WHEREAS**, the individuals named below qualify for the stated stipend.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the following individuals be remunerated in the amount of \$100, as they missed no days of work.

Last Name	First Name	Bonus
Acocella	Evan	100
Alpaugh	Dan	100
Andreas	David	100
Andreas	Madeline	100
Baker	Hannah	100
Bredael	Samantha	100
Burnejko	Dana	100
Campbell	Lauren	100
Castrogiovanni	Alycia	100
Chauvette	Alina	100
Cimei	Katerine	100
Ciszewski	Grace	100
Conner	Matthew	100
Danson	Haley	100
Dehkes	Erik	100
Faust	Stephanie	100
Ferenci	Hannah	100
Filus	Emily	100
Finer	Michael	100
Finn	Liam	100
Fitzpatrick	Olivia	100
Frederickson	Moir	100
Fuhrman	Faith	100
Gladdis	Jacob	100
Haversat	Robert	100
Kish	Maria	100
Krummenacker	Michael	100
Lindabery	Faith	100
Manning	Heather	100

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Miller	Tina	100
Obiedzinski	Amanda	100
Panzarino	Zachary	100
Parfitt	David	100
Pecoraro	Keira	100
Rackley II	Otis	100
Radican	Kathleen	100
Reed	Joseph	100
Rooney	Andrew	100
Rosenberg	Samuel	100
Rotolo	Matthew	100
Smith	Dylan	100
Spann	Alexander	100
Spann	Ivan	100
Spann	Max	100
Spaven	Brendan	100
Teets	Ashley	100
Tracey	Elizabeth	100
Tracey	Samantha	100
Ventre	Christopher	100
Waldmann	Brianna	100
Wallace	Kelley	100
Weiss	Lisamarie	100
Zengel	Luke	100

**BE IT FURTHER RESOLVED**, that the following individuals be remunerated in the amount of \$80, as they missed only one day of work.

Macce	John	80
Oldakowski	Connor	80

**BE IT FURTHER RESOLVED**, that the following individuals be remunerated in the amount of \$60, as they missed only two days of work.

Decowski	Noelle	60
Pecoraro	Devan	60

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Action Item #2

Resolution #86-15 – Approving liquor license renewal – Country Griddle

Mayor Higgins introduced the matter. MOTION was offered by Councilman Marra to approve the resolution. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

**VOUCHERS:**

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Marra to approve the check control registers dated August 12, 2015 totaling \$8,177,444.40. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

**PUBLIC COMMENT:**

No public comment

**EXECUTIVE SESSION:**

Resolution #87-15

MOTION was made by Councilman Marra 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 Marra	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:
  - Pending affordable housing litigation and matters related thereto, falling within the attorney client privilege.
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. Upon the conclusion of any trial or settlement of the litigation, the matter may be disclosed to the public.

**RETURN FROM EXECUTIVE SESSION:**

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

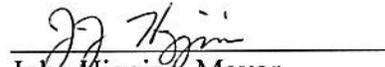
**MOTION TO ADJOURN:**

MOTION was offered by Councilwoman Switlyk to adjourn at 9:10p.m. Seconded by Council President Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

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ATTEST:

  
Carla Conner, Acting Township Clerk

  
John Higgins, Mayor

Adopted: October 28, 2015