

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
December 9, 2015

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CALL TO ORDER:

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

Mayor Higgins called for a moment of silence for the victims of the recent shootings.

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 Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Clerk	Present

Resolution #121-15

Councilman Mullay proposed a Resolution honoring Councilman Marra for his years on Council. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

**HONORING COUNCILMAN/COUNCIL PRESIDENT PETER MARRA
FOR HIS EFFORTS ON BEHALF OF AND DEDICATION TO THE TOWNSHIP OF
CLINTON**

WHEREAS, as of December 31, 2015, Councilman Peter Marra will have completed his second full term as Councilman of Clinton Township, with one of those terms having been as Council President, having served with both honor and distinction, and;

WHEREAS, during the past seven years as Councilman and Council President, he has served as an active member of this body providing Council the benefits of his thoughtful collaborative approach and his legal background. Peter was a particularly active supporter and liaison to the Recreation Department and has devoted many hours to coaching, and;

WHEREAS, while serving as Council President, Peter provided his leadership on many occasions when the Mayor was unavailable, and;

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WHEREAS, Peter always provided an unemotional and level headed approach to issues and brought a valuable perspective to issues, and;

WHEREAS, prior to those two terms on Council, Councilman Marra successfully served the Township and the larger area as an elected member of the North Hunterdon -Voorhees School Board for six years; two of them as its president.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that Councilman Peter Marra is officially recognized and honored for his dedication and his passion over the past fifteen years, while working to make our community a better place to live for our families, friends and future residents, and;

Be it further resolved, that we wish Peter success and the best of health in his future endeavors.

This resolution is hereby presented to Councilman Marra at his last regularly scheduled Council meeting on December 9, 2015 and shall become part of the official minutes of said meeting.

Resolution #122-15

Councilman Mullay proposed a Resolution honoring Councilman Imbriaco for his years on Council. Seconded by Councilman Marra. There being no further discussion a voice vote was called. All ayes. Motion carried.

**HONORING COUNCILMAN JAMES IMBRIACO
FOR HIS EFFORTS ON BEHALF OF AND DEDICATION TO THE TOWNSHIP OF
CLINTON**

WHEREAS, as of December 31, 2015, Councilman James Imbriaco will have completed his second term as Councilman of Clinton Township, having served with both honor and distinction, and;

WHEREAS, during the past six years as Councilman, he has served as an active member of this body providing Council the benefits of his experiences with our land use boards and as an attorney, and;

WHEREAS, prior to those two terms, Councilman Imbriaco successfully served the Township as a Planning Board member for fifteen years; twelve of them as Chairman. During that period, he was instrumental in the passage of many ordinances limiting residential development and protecting the Township's environment.

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WHEREAS, in addition to the above, Councilman Imbriaco also served for 2 years on the Township's Board of Adjustment adding to the countless hours of his personal time given in his service to our Township.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that Councilman James Imbriaco is officially recognized and honored for his dedication and his passion over the past twenty plus years, while working to make our community a better place to live for our families, friends and future residents, and;

Be it further resolved, that we wish Jim success and the best of health in his future endeavors.

This resolution is hereby presented to Councilman Imbriaco at his last regularly scheduled Council meeting on December 9, 2015 and shall become part of the official minutes of said meeting.

APPROVAL OF MINUTES:

Regular Session	September 23, 2015
Executive Session	September 23, 2015

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the above referenced minutes. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. Motion carried.

CONSENT:

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

MOTION was offered by Councilman Marra to approve the consent agenda. Seconded by Councilwoman Switlyk. There being no further discussion a voice vote was called. All ayes. Motion carried.

Consent #1

Resolution #123-15 – Authorizing the Hunterdon County Planning Board to bank Clinton Township's 2015 allocation of the Open Space Trust Fund

WHEREAS, the County Open Space Trust has allocated funds to the Township for the year 2015; and

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WHEREAS, the funds can either be expended by the end of the year on an acquisition of property, to be followed by reimbursement by the County, or merely “banked” for use in the following year.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Clinton hereby requests of the County of Hunterdon that the aforementioned amount for 2015 be banked for use for a suitable project in 2016.

Consent #2

Resolution #124-15 – Premium Refund, Block 79.01 Lot 2.3004/C3004

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:

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>
79.01	2.3004/C3004	2014-013	US BANK CUST FOR PC4 FIRSTTRUST BANK	1,000.00
			2 LIBERTY PLACE	
			50 SOUTH 16 TH ST-SUITE 1950	
			PHILADELPHIA, PA 19102	
			TOTAL	1,000.00

Consent #3

Resolution #125-15 – Authorizing refund of taxes due to successful tax appeal – Block 13 Lot 11.01

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WHEREAS, an overpayment has been created on Block 13 Lot 11.01 due to a successful 2010 & 2011 State Tax Appeal, and

WHEREAS, the taxes have already been paid in full for the years 2010 & 2011, 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
RAYMOND A KOSKI, LLC TRUST ACCOUNT & HBG NEW JERSEY LLC 1275 15 th STREET, PO BOX 3365 FORT LEE, NJ 07024	13	11.01	111 COKESBURY RD	10/4	\$ 136,433.23
RAYMOND A KOSKI, LLC TRUST ACCOUNT & KBT NJ LLC 1275 15 th STREET, PO BOX 3365 FORT LEE, NJ 07024	13	11.01	111 COKESBURY RD		\$ 52,285.97
TOTAL REFUND					\$ 188,719.20

Consent #4

Resolution #126-15 – Approval of Municipal Alliance Subgrant Agreement

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

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 therefore has an established Municipal Alliance Committee; and,

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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 has applied for funding to the 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 authorize submission of a strategic plan for the North Hunterdon Municipal Alliance grant for fiscal year 2017 in the amount of:
- 2.

DEDR	<u>\$27,511.00</u>
Cash Match	<u>\$6,877.75</u>
In-Kind	<u>\$20,633.25</u>

3. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Consent #5

Resolution #127-15 – Chapter 159 – Drive sober or get pulled over year end crackdown

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2015 budget in the sum of \$5,000.00, which is now available from the State of New Jersey Law and Public Safety, Division of Highway Traffic Safety for Drive Sober or Get Pulled Over Grant Year End Crackdown.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption of Drive Sober or Get Pulled Over Year End Crackdown; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Law and Public Safety, Div. of Highway Traffic Safety.

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PUBLIC COMMENTS:

Kevin Cimei from Wellington Drive stated he would like to thank Councilman Marra and Councilman Imbriaco for their hard work during their time on Council.

Councilman Marra and Councilman Imbriaco thanked everyone who served with them during their time on Council.

John Anderson from JCP&L thanked Councilman Marra and Councilman Imbriaco for serving on Council. Mr. Anderson stated that JCP&L will be working on implementation of Vegetation Management practices in 2016. Mr. Anderson stated in early February JCP&L will be working at the Stanton substation.

NEW BUSINESS: Ratification of tentative terms of Police contract

Administrator Joss explained the proposed three year contract.

MOTION was offered by Councilman Imbriaco to approve the ratification of the proposed terms of the FOP contract. Seconded by Councilman Marra. There being no further discussion a voice vote was called. All ayes. Motion carried.

REPORTS:

Councilman Switlyk:

Councilwoman Switlyk reported the Board of Education met November 16 and the next School Board meeting is December 21. Councilwoman Switlyk stated she is working with the Republican County Committee media page and would like to start a Township media page in the future.

Councilman Imbriaco:

No report

Councilman Marra:

No report

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Mayor Higgins

Mayor Higgins reported the YMCA received a blanket exemption from the Highlands. Mayor Higgins reported he met with Highlands personnel prior to the Planning Board meeting to plan for a Center for economic development in the Township. Mayor Higgins reported that 10 Concord Road owners are handing in building plans by January 1. Mayor Higgins stated if the plans are not handed in the Township will have to look at alternative next steps. Mayor Higgins reported Robert LeCompte went before the Planning Board to replace a shed with a two car garage on his farm stand at the end of Allerton Road and Rt. 31. Mayor Higgins reported Verizon will add another 10 feet to its cell tower on Rt. 22. Mayor Higgins reported the Master Plan was formally approved at the Planning Board meeting.

Council President Mullay:

Council President Mullay reported that the Historic Committee met and discussed Beaver Brook Homestead and possible alterations and concerns. Council President Mullay reported the Sewerage Authority recommended assessing an additional sewage unit as well as a hook up fee to the washbay. Council President Mullay reported the biggest concern from the residents at the Annandale Town Hall meeting were the old municipal building on West Street and the proposed COAH project at the Beaver Brook Homestead. Council President Mullay reported the Township is waiting on the State Historic Preservation Office response to an application the Township filed to get the project authorization to make changes to the old municipal building. Council President Mullay stated once the Township receives the response the RFP can be finalized and issued.

Administrator Joss

Administrator Joss reported he wrote a letter to the DOT regarding performing a study at the corner of Country Club Road and Rt. 31 after a resident complained about traffic safety at that intersection. The DOT advised the Township the DOT would not do the study until the Township committed to pay the 25% of the cost of any project the DOT undertakes. Administrator Joss reported that, as a convenience for residents, the Township is working with a company which provides the Township software to purchase several modules which would allow residents to pay many fees as well as property taxes online.

ACTION:

ORDINANCE ADOPTION/PUBLIC HEARING:

1075-15 - AN ORDINANCE AMENDING §A290-6 OF THE CODE OF THE TOWNSHIP OF
CLINTON IN HUNTERDON COUNTY CONCERNING DOG LICENSE FEES

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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 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

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

Section 1. §A290-6 of Code Amended. §A290-6 of the Code of the Township of Clinton in Hunterdon County is amended in its entirety to read as follows:

§A290-6. Dog license fees.

A. For spayed and neutered dogs, the license fee shall be \$15.00 per year per dog. Included in said fee is a charge in the amount of \$1.20 per year, which amount shall be remitted by the Township to the State of New Jersey in accordance with applicable law.

B. For dogs that are neither spayed nor neutered, the license fee shall be \$18.00 per year per dog. Included in said fee is a charge in the amount of \$3.00 per year, which amount shall be remitted by the Township to the State of New Jersey in accordance with applicable law.

C. Delinquent fee. The delinquent fee shall be \$4.00 per month for every month that the license is delinquent, plus the regularly required license fee for the dog license, together with any other fines due to summonses issued that may be imposed for failure to obtain a dog license before January 31.

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.

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1076-15 – AN ORDINANCE AMENDING §138-7.A AND §A290-20.A OF THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY CONCERNING FEES FOR FOOD LICENSES

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

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

Section 1. §138-7.A of Code Amended. Paragraph A of §138-7 of the Code of the Township of Clinton, in Hunterdon County is amended to read as follows (additions to text are indicated by underlining, and deletions from text by ~~strikethrough~~):

A. The annual fee for a permanent food license for a retail food establishment, as defined in Chapter XII of the State Sanitary Code and this article, is hereby fixed at ~~\$225~~ \$250.

Section 2. §A290-20.A of Code Amended. Paragraph A of §A290-20 of the Code of the Township of Clinton, in Hunterdon County is amended to read as follows (additions to text are indicated by underlining, and deletions from text by ~~strikethrough~~):

A. Annual fee for permanent food license for a retail food establishment: ~~\$225~~ 250.

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.

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

1077-15 - AN ORDINANCE AMENDING §4-75 AND §A290-31 OF THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY CONCERNING FEES FOR LIMOUSINE AND TAXI CERTIFICATES

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 Imbriaco to adopt the ordinance. 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

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

Section 1. §4-75.A of Code Amended. Paragraph A §4-75 of the Code of the Township of Clinton, in Hunterdon County is amended to read as follows (additions to text are indicated by underlining, and deletions from text by ~~strikethrough~~):

A. Office of Municipal Clerk:

(1) Annual administrative fee for processing of limousine and taxi certificate: ~~\$50 per vehicle~~ \$50 per company, plus \$10 per vehicle. The fee shall be accompanied by a list of vehicles currently registered to the company.

Section 2. §A290-31 of Code Amended. §A290-31 of the Code of the Township of Clinton, in Hunterdon County is amended to read as follows (additions to text are indicated by underlining, and deletions from text by ~~strikethrough~~):

Annual administrative fee for processing of limousine and taxi certificate: ~~\$50 per vehicle~~ \$50 per company, plus \$10 per vehicle. The fee shall be accompanied by a list of vehicles currently registered to the company.

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

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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.

1078-15 - AN ORDINANCE AMENDING §4-72 OF THE CODE OF THE TOWNSHIP OF CLINTON, IN HUNTERDON COUNTY TO MODIFY THE COMPOSITION AND RESPONSIBILITIES OF THE CABLE ADVISORY COMMITTEE

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 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 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. §4-72 Cable Advisory Committee of Code Amended. §4-72 Cable Advisory Committee of the Code of the Township of Clinton, in Hunterdon County, is amended in its entirety to read as follows:

§4-72. Cable Advisory Committee.

A. Establishment, members, appointment, terms.

- (1) There is hereby established within the Township the Cable Advisory Committee which shall be comprised of five (5) members. All members shall serve for a terms of three (3) years.
- (2) The Cable Advisory Committee shall be constituted on an as-needed basis when a current cable television (“CATV”) franchise agreement is expiring.

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- (3) A member of Council shall be appointed by the Mayor at the annual reorganization meeting to serve as the Chairperson of the Cable Advisory Committee. The other four (4) members of the Cable Advisory Committee shall be appointed by the Mayor with the advice and consent of the Council. Vacancies, other than by the expiration of the terms, shall be filled in the manner prescribed herein, but only for the balance of the unexpired term.
- (4) The Cable Advisory Committee shall be disbanded within one (1) year of approval of a new or renewed cable franchise agreement. Upon disbanding, the Council may appoint one of its members or a Township employee to serve as the Township's liaison to the CATV franchise holder(s) and assume other relevant duties and responsibilities established under Paragraph C below.

B. Organization and meetings.

- (1) All members shall serve without compensation.
- (2) The Committee shall meet at such times as the Chairperson or a majority of its members direct.
- (3) A clerk or secretary may be appointed by the Committee, and such clerk or secretary need not be a member of the Committee.

C. Duties and responsibilities.

- (1) The Committee shall make recommendations to the Mayor and Council and to other Township committees, boards and bodies with respect to any matters relating to CATV, internet service and video facilities within the Township or County of Hunterdon. The Committee shall make annual reports of its activities with recommendations to the Mayor and Council, and, at such other times as the Mayor and Council shall request. Finally, the Committee shall act as liaison between the Township and other entities involved in municipal CATV, internet service and video facilities, in the Township, including the Township's cable franchise holder(s).
- (2) Review the municipal CATV franchise(s) in the Township and see to the compliance thereof by the franchise holder(s).
- (3) Encourage and promote the full utilization of the municipal CATV system resources by various public bodies, citizen organizations and the general public.
- (4) Encourage and coordinate the use of all available technical equipment and expertise needed by the public and private organizations and private individuals to produce municipal CATV programs.
- (5) Examine all possible means of contracting public and private funding which would enhance the public's opportunity to fully benefit from the use of the municipal CATV system.
- (6) Propose appropriate procedures for the municipal CATV franchise holder regarding the scheduling and programming of municipal government and educational channels. Any procedures should be so designated as to facilitate the free and open use of these channels and should not be in conflict with any

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- existing or future local, state or federal regulations regarding the public use of the municipal CATV system.
- (7) Serve as an advisory body to the Mayor and Council and to the municipal CATV system franchise holder(s) in resolving disputes and citizen complaints relating to the service of public access channels, municipal or educational channels of the municipal CATV system.
 - (8) Prepare an annual operation report to the Mayor and Council in cooperation with the franchise holder(s) as to the status and progress of the municipal CATV system(s) for the previous twelve (12) months.
 - (9) Recommend any changes and improvements in the system(s), provided that these changes are acceptable to the Mayor and Council as well as the franchise holder(s).
 - (10) Ascertain the opinions and desires of Township residents and subscribers on all aspects of the CATV system(s).
 - (11) Perform all duties, functions and responsibilities delegated to the Cable Advisory Committee in the Municipal Consent Ordinance (“MCO”) which was the basis for the approval of any franchise agreement including, but not limited to:
 - (a) Monitoring coverage in the primary service area and ensuring that the system extension occurs and line extension policy is enforced all as provided in the MCO.
 - (b) Monitoring the quality and timeliness of the system rebuild in accordance with the MCO
 - (c) Collaborating with the franchise holder(s) and the Clinton Township Board of Education regarding the development of access channels and the acquisition of equipment in accordance with the MCO.
 - (d) Development of curriculum for access channel training in accordance with the MCO.
 - (e) Development and selection of programs and events appropriate for production on the local origination channel in accordance with provision of the MCO.
 - (f) Collaborate with the franchise holder(s) in developing institutional networks in accordance with the MCO.
 - (g) Ensure quality customer service through quarterly meetings with the franchise holder(s), communication of consumer complaints and franchise holders(s) responses thereto, and receiving consumer reports of customer complaints maintained by Office of Cable Television in accordance with the MCO.
 - (h) Development of customer surveys in accordance with the MCO.
 - (i) Monitoring to ensure broad categories of programming in accordance with the MCO.
 - (j) Such other actions and activities reasonably implied from a reading of the MCO to ensure compliance by the franchise holder(s) and the receipt of all expected services by Clinton Township residents.
 - (12) Assist the Mayor and Council relative to the negotiation of any MCO’s.

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- (13) Furnish all other information, advise and take all other actions as requested by the Mayor and Council.

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.

1079-15 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON AMENDING THE CODE OF THE TOWNSHIP OF CLINTON, MORE SPECIFICALLY §133-8 CONCERNING FIRE CODE FEES, §155-8C TO ELIMINATE THE REQUIREMENT OF A CONTINUING COMPLIANCE CERTIFICATE AND ESTABLISH A CONSTRUCTION RECORDS CLEARANCE CERTIFICATE REQUIREMENT FOR RESIDENTIAL PROPERTIES, TO CHANGE THE TITLE OF CHAPTER 155, AND TO UPDATE §A290 FEES COMPILATION ACCORDINGLY

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 Imbriaco to adopt the ordinance. 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 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. §133-8 Required inspections and fees amended. §133-8 of the Code of the Township of Clinton is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikethroughs~~):

- A. The inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs are as follows:

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Type	Fee
Type A	\$7585
Type B	\$400
Type C	\$700900
Type D	\$1,0001,800

- B. The fees for certificate of smoke detector and carbon monoxide compliance required pursuant the New Jersey Uniform Fire Code, N.J.A.C. 5:70 before any residential property is sold, leased, or otherwise made subject to a change of occupancy are as follows:

<u>Type of Request</u>	<u>Fee</u>
<u>For requests made more than ten (10) business days prior to the change in occupancy</u>	<u>\$50</u>
<u>For requests made ten (10) or less business days prior to the change in occupancy; provided nothing herein shall be construed to guarantee that the Township can process the request within the requested timeframe</u>	<u>\$75</u>
<u>Re-inspection (if needed because property was determined to be non-compliant or property owner/agent was a no-show at appointed time of inspection)</u>	<u>\$35</u>

- C. Additional required inspections and fees for non-life hazard uses. In addition, each local enforcing agency may need to carry out Uniform Fire Code inspections and enforcement activity not mandated by the ~~state law~~ Uniform Fire Code, but required locally. The additional required inspection fee shall be set at \$25.

Section 2. Chapter 155 of Code Retitled. Chapter 155 of the Code of the Township of Clinton entitled "Housing Standards" is hereby re-titled "Housing and Other Building Standards."

Section 3. §155-8.C of Code amended and supplemented. §155-8C "Municipal continuing compliance certificates" of the Code is deleted in its entirety and replaced with the following:

- C. Certificate of construction records clearance required.

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- (1) There shall be no change in occupancy of a residential building or individual residential unit within a building prior to the issuance of a certificate of construction records clearance (“CRC”). A CRC shall be required prior to the conveyance of any residential building, or individual residential unit within a building.
- (2) Exceptions to the requirement for a CRC. Under the circumstances set forth below, a CRC shall not be required.

(a) Provided there is no change in occupancy, the following conveyances are exempt from the requirement to obtain a CRC:

- [1] Transfer of title to correct a previously recorded deed.
- [2] Title eligible to be recorded as an ancient deed pursuant to *N.J.S.A. 46:16-7*.
- [3] Transfer of title between spouses or civil union partners, whether or not relating to divorce or other formal severance; or between former spouses or civil union partners if the transfer is incident to an order or judgment from a court of competent jurisdiction.
- [4] Transfer of title relating to new construction for which a certificate of occupancy is required.
- [5] Transfer of title by or to an executor, administrator or court order which effects a distribution of a decedent’s estate in accordance with the provisions of the decedent’s will or intestacy laws of the state.
- [6] Transfer of title due to refinancing, home equity loans and/or additional mortgages.
- [7] Transfer of title by or to a receiver, trustee in bankruptcy or liquidation or assignee for the benefit of creditors.
- [8] Transfer between a parent and child.
- [9] Transfer releasing a right of reversion.
- [10] Transfer solely to provide a release or security for a debt or obligation.
- [11] Any other transfer of title that does not cause a change in occupancy.

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- (b) When the residential premises will be demolished and no occupancy of the premises will occur prior to demolition.
- (c) A buyer or tenant of residential premises may agree in writing to assume full responsibility for obtaining a CRC prior to taking occupancy of the premises, provided written notification thereof is provided to the Construction Official and that the buyer or tenant does not take occupancy until the CRC has been obtained.
- (3) Except as provided above, no owner shall permit the sale of a residential premises until the required CRC has been obtained. No purchaser or new tenant shall occupy any residential premises until the required CRC has been obtained. Owners and occupants shall be jointly and separately responsible for failure to obtain the CRC required hereunder. The owner or its authorized agent shall submit a written application on forms provided by the Township.
- (4) Prior to issuance of a CRC, the Construction Official (or his/her designee) shall conduct a records inspection to ensure that there are no open construction permits or pending, open, unabated violations for the subject premises. Should there be open permits or pending, open, unabated violations, all final inspections and prior approvals shall be obtained and all pending, open, unabated violations cured prior to issuance of the CRC.
- (5) Fees. The application fees to obtain a CRC are as follows:

Type of Request	Fee
For requests made more than ten (10) business days prior to the change in occupancy, it being acknowledged the Township shall process an application for a CRC within ten (10) business days	\$75
For requests made ten (10) or less business days prior to the change in occupancy; provided nothing herein shall be construed to guarantee that the Township can process the request within the requested timeframe	\$100
For each request to update a prior records inspection of a same premises within six (6) months of the issuance of a CRC as to that premises	\$35

- (6) Validity. A CRC shall be valid for a period of six (6) months from the date of its issuance, provided no change in occupancy has occurred during

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said six (6) months.

- (7) Violations. Any person who shall violate any provision of this section shall, upon conviction thereof, be liable to the penalty stated in §1-17.

Section 4. Chapter A290 Fees Compilation Amended. §A290-8 Fire Code fees and §A290-9 Housing Standards are amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikethroughs~~):

§A290-8 Fire Code fees.

- A. The inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs are as follows (§133-8A):

Type	Fee
Type A	\$ 75 <u>85</u>
Type B	\$400
Type C	\$ 700 <u>900</u>
Type D	\$ 1,000 <u>1,800</u>

- B. The fees for certificate of smoke detector and carbon monoxide compliance required pursuant the New Jersey Uniform Fire Code, N.J.A.C. 5:70 before any residential property is sold, leased, or otherwise made subject to a change of occupancy are as follows (§133-8B):

<u>Type of Request</u>	<u>Fee</u>
<u>For requests made more than ten (10) business days prior to the change in occupancy</u>	<u>\$50</u>
<u>For requests made ten (10) or less business days prior to the change in occupancy; provided nothing herein shall be construed to guarantee that the Township can process the request within the requested timeframe</u>	<u>\$75</u>
<u>Re-inspection (if needed because property was determined to be non-compliant or property owner/agent was a no-show at appointed time of inspection</u>	<u>\$35</u>

- C. Additional required inspections and fees for non-life hazard uses. In addition, each local enforcing agency may need to carry out Uniform Fire Code inspections and enforcement activity not mandated by the ~~state law~~ Uniform Fire Code, but required locally. The additional required inspection fee shall be set at \$25. (§133-8BC).

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D. Permit fees shall be those established by the Uniform Fire Code, and shall be as follows (§133-9):

Type	Fee
Type 1	\$25
Type 2	\$100
Type 3	\$200
Type 4	\$300
Type 5	\$1,000

§A290-9 Housing and other building standards.

A. Certificate of ~~continued occupancy~~ construction records clearance for residential structures: ~~\$100 payable prior to the issuance of the certificate (§155-8C)~~ properties (§155-8C):

<u>Type of Request</u>	<u>Fee</u>
<u>For requests made more than ten (10) business days prior to the change in occupancy</u>	<u>\$75</u>
<u>For requests made ten (10) or less business days prior to the change in occupancy; provided nothing herein shall be construed to guarantee that the Township can process the request within the requested timeframe</u>	<u>\$100</u>
<u>For each request to update a prior records inspection of a same premises within six (6) months of the issuance of a CRC as to that premises</u>	<u>\$35</u>

B. Continuing certificate of occupancy for nonresidential structures: \$100 payable prior to the issuance of the certificate. (§155-9C).

Section 5. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. 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.

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Section 7. Effective Date. This ordinance shall take effect upon passage, publication and in accordance with *N.J.S.A. 40:69A-181*.

RESOLUTIONS:

Action Item #1

Resolution #128-15 – Approving liquor license renewal – LMC Clinton, Inc.

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Imbriaco 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 Mulla	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 the license holder has submitted the appropriate and complete renewal application, and has been granted a New Jersey State Tax Clearance Certificate as required by law; and

WHEREAS, as a result of the aforementioned investigation, a report has been submitted confirming that the applicant is 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 the Plenary Retail Consumption License is hereby renewed to the following license holder for the year 2015-2016, effective December 9, 2015:

Name	License Number
LMG Clinton, Inc. 1316 Rt. 31 North Annandale, NJ 08801	#1006-33-010-009

Action Item #2

Resolution #129-15 – Approving Animal Control Contract with Animal Control Solutions, LLC

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Mayor Higgins introduced the matter. Administrator Joss explained the Resolution.

MOTION was offered by Councilman Imbriaco 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

WHEREAS, Clinton Township has a need to acquire animal control services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Animal Control Solutions LLC has submitted a proposal indicating they will provide animal control services with a certified and duly licensed animal control officer for the price of \$23,016 for the year of 2016; and

WHEREAS, Animal Control Solutions LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in Clinton Township in the previous one year, and that the contract will prohibit Animal Control Solutions LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Finance Officer has certified that funds will be available in 2016 for Animal Control Services.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, authorizes the Administrator to enter into a contract with Animal Control Solutions LLC as described herein; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Action Item #3

Resolution #130-15 – Approving the hire of Lauren Karpinski as part time clerical assistant

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Mayor Higgins introduced the matter. Administrator Joss explained the Resolution.

MOTION was offered by Councilman Imbriaco to approve the resolution. 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
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, there exists a need for a part time clerical employee, and;

WHEREAS, this employee will mainly be housed in the Recreation Department, but will be trained in other municipal departments, and;

WHEREAS, at the direction of the Township Administrator, this employee will “float” as needed and work in other municipal departments in a clerical role, and;

WHEREAS, this position will on average comprise a total of 28 hours a week on Tuesday through Friday, and;

WHEREAS, after advertising for the position and conducting interviews, the Township Administrator recommends that Lauren Karpinski be hired for this position at an hourly rate of \$13 per hour with no health benefits.

BE IT FURTHER RESOLVED, that her first day of work is expected to be on or about December 10, 2015.

Action Item #4

Resolution #131-15 – Authorizing the Beaver Brook Homestead site be a Non-Condemnation Redevelopment Area

Mayor Higgins introduced the matter. Administrator Joss explained the Resolution.

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

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Councilman Marra	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, the Mayor and Council, by adoption of Resolution No. 106-15, authorized and directed the Planning Board of the Township ("Board") to conduct a preliminary investigation to determine whether certain property, identified as Block 60.03, Lot 26, and known as the Beaver Brook Homestead site, or any portions thereof ("Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Board caused Joseph H. Burgis, P.P., AICP, and Thomas Behrens, Jr., P.P., AICP, the Board's Planners, to prepare a report dated November 2, 2015 titled "Area In Need of Redevelopment Study, Beaver Brook Homestead, Block 60.03, Lot 26, Clinton Township, Hunterdon County, New Jersey" (the "Report") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area; and

WHEREAS, in addition to the foregoing, Mr. Burgis and Mr. Behrens prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Board on November 16, 2015, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Board reviewed the Report, the map and associated documents, and heard testimony from Mr. Behrens and others; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearings on this matter, the Board concluded that there was sufficient evidence to support findings and satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area

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as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising said Property; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by way of Resolution dated November 16, 2015, the Board recommended to the Mayor and Council that Block 60.03, Lot 26 be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Mayor and Township Council considered the Board's recommendation at their regularly scheduled public meeting on December 9, 2015; and

WHEREAS, at the Township Council's public meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, the Mayor and Township Council took the action herein noted.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clinton, State of New Jersey, accept the recommendation from the Planning Board of the Township of Clinton and hereby designates Block 60.03, Lot 26 on the official tax map of the Township of Clinton as a Non-Condensation Redevelopment Area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of Block 60.03, Lot 26 as a Non-Condensation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of Clinton shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Mayor and Council's adoption of the within Resolution, the Clerk of the Township of Clinton shall serve notice of the Mayor and Council's determination and the within Resolution upon all record owners of property within the Non-Condensation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the Planning Board is directed to prepare a redevelopment plan for the Study Area.

VOUCHERS:

Mayor Higgins introduced the matter.

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MOTION was offered by Councilman Marra to approve the check control registers dated December 9, 2015 totaling \$5,424,653.28. 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:

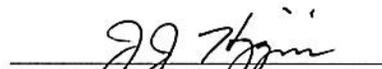
No public comment

MOTION TO ADJOURN:

MOTION was offered by Councilwoman Marra to adjourn at 8:26p.m. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:


Carla Conner, Township Clerk


John Higgins, Mayor

Adopted: February 10, 2016