

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
November 12, 2015

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:33 PM.

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

ROLL CALL:

Councilwoman Switlyk	Present
Councilman Imbriaco	Present
Councilman Marra	Present (arrived at 7:36)
Council President Mullay	Present
Mayor Higgins	Present
Victoria Britton, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Acting Clerk	Present

CONSENT:

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

MOTION was offered by Council President Mullay to approve the consent agenda. Seconded by Councilman Imbriaco. There being no further discussion a voice vote was called. All ayes. Motion carried.

Consent #1

Resolution #115-15 – Authorizing refund of taxes due to successful tax appeal – Block 82.13 Lot 61

WHEREAS, an overpayment has been created on Block 82.13 Lot 61 due to a successful 2015 Tax Appeal, and

WHEREAS, the taxes have been paid for 2015, and the assessment has since been lowered due to State Tax Appeal Docket No 003393-2015;

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.

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VENDOR	BLOCK	LOT	LOCATION	YR/QTR	AMOUNT
Archer & Greiner PC as Trustee	82.13	61	504 River Road	15/4	\$ 3,128.85
For David A & Joanne C Wintermute					
Annandale, NJ 08801					
TOTAL REFUND					\$ 3,128.85

Consent #2

Resolution #116-15 – Authorizing canceling of unspent grant balances

WHEREAS, Grants appear on the Grant Balance Sheet of the Township of Clinton with balances remaining, either funded or unfunded, for projects that are deemed to have been completed, and;

WHEREAS, these grants are able and eligible to be cancelled as outlined in the schedule below.

Now, Therefore, Be It Resolved that the grants receivable and appropriated grants listed below are hereby cancelled by a 2/3 vote of the full Governing Body

Grant Year	Description	Grants Receivable	Appropriated Grants
2011	Federal Vest Partnership	\$ 2,028.00	\$ 2,028.00
2012	Recycle Tonnage Grant	\$.42	\$.42
2014	Drive Sober or Get Pulled Over	\$ 150.00	\$ 150.00

Consent #3

Resolution #117-15 – Chapter 159 – Click it or Ticket

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

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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 \$3,904.30, which is now available from the State of New Jersey Law and Public Safety, Division of Highway Patrol.

BE IT FURTHER RESOLVED, that the like sum of \$3,904.30 is hereby appropriated under the caption Click it or Ticket; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Division of Criminal Justice for Click it or Ticket.

Consent #4

Resolution #118-15 – Chapter 159 – Drive sober or get pulled over

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 \$4,700.00, 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.

BE IT FURTHER RESOLVED, that the like sum of \$4,700.00 is hereby appropriated under the caption of Drive Sober or Get Pulled Over; 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.

Consent #5

Resolution #119-15 – NJ Highlands Grant

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

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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 \$8,000.00, which is now available from the State of New Jersey Highlands Council

BE IT FURTHER RESOLVED, that the like sum of \$8,000.00 is hereby appropriated under the caption, NJ Highlands Grant, and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Highlands Water Protection and Planning Council.

PUBLIC COMMENTS:

Deb Nolan from Hadler Drive stated she is concerned about the safety issues regarding the intersection of Blossom Hill Road and Route 22. Ms. Nolan stated there was another serious accident at the intersection and Ms. Nolan would like the Township to look into what can be done to improve the intersection. The Mayor and Council agreed to have the Township Engineer go out and report to the Council how much it would cost the Township to have DOT construct a queuing lane on Route 22 east. Ms. Nolan suggested the DOT put yellow arrows for the turn lanes.

APPROVAL OF MINUTES:

Regular Session	September 9, 2015
Executive Session	September 9, 2015

Mayor Higgins introduced the matter.

MOTION was made by Councilman Marra to approve the above referenced minutes. Seconded by Mayor Higgins. There being no further discussion a voice vote was called. Motion carried.

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REPORTS:

Councilman Switlyk:

Councilwoman Switlyk reported the Board of Education will met November 16 and December 21. Councilwoman Switlyk hopes there will be a presentation on the potential for closing a school because of declining enrollment.

Councilman Imbriaco:

No report

Councilman Marra:

No report

Council President Mullay:

Council President Mullay reported that the Sewerage Authority had a meeting last week and have completed a sewer capacity reservation for the PNC bank site on Beaver Ave. Council President Mullay reported the Planning Board went briefly over the Master Plan Reexamination which the Planning Board should be addressing at their next meeting. The Planning Board will be conducting a public hearing for the area in need of redevelopment designation for the Beaver Brook Homestead. Council President Mullay reported there will be a Town Hall meeting on November 21 at 10:00am at the Annandale Reformed Church.

ACTION:

ORDINANCE ADOPTION/PUBLIC HEARING:

1074-15 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON AUTHORIZING
THE CLINTON TOWNSHIP SEWERAGE AUTHORITY TO USE A PORTION OF MAPLE
AVENUE FOR THE PURPOSE OF A PUMP STATION

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

MOTION was made by Councilman Imbriaco to introduce the ordinance. Seconded by Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

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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 the County of Hunterdon, New Jersey as follows:

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

a. The Clinton Township Sewerage Authority (“CTSA”) owns, operates and maintains an existing pump station on a portion of Maple Avenue that, although paved, is not used by the travelling public.

b. The CTSA has determined that because the existing pump station is in need of rehabilitation, it should be removed and replaced with a new pump station.

c. The new pump station is proposed to be located in an area slightly eastward of the existing pump station, also in an unused area of Maple Avenue, all as shown on a certain plan entitled “County Route 641 Pumping Station and Maple Avenue Pumping Station Rehabilitation Project, Maple Avenue PS – Pump Station,” prepared by John S. Rolak, Jr., P.E. of Hatch Mott MacDonald, dated July 10, 2012, last revised February 7, 2014, consisting of three (3) sheets (hereinafter, the “Plan”). A true copy of the Plan is on file in the Office of the Clinton Township Clerk.

d. Due to environmental and existing infrastructure constraints, it is not feasible to locate the new pump station in an area outside of the Maple Avenue right-of-way.

e. By Resolution No. 2012-13 adopted October 15, 2012, the Clinton Township Planning Board reviewed the Plan as a capital project pursuant to N.J.S.A. 40:55D-31 and determined that the Plan will not be inconsistent with the Township Master Plan if the Township approves the location of the new pump station.

f. The Mayor and Council have also reviewed the Plan and, subject to the terms and conditions of this Ordinance, adopted pursuant to N.J.S.A. 40:67-1 c. and d. authorizing the governing body of any municipality, respectively to prescribe the time, manner, in which and terms upon which persons shall exercise any privilege granted to them in the use of a street and regulate the erection of any projection in an street, approved the Plan.

Section 2. Authorization Pursuant to N.J.S.A. 40:67-1. The CTSA is authorized to locate a new pump station in Maple Avenue in accordance with the Plan, which includes, among other things, the removal of the existing pump station subject to the following terms and conditions:

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a. All work, including the construction of the new pump station, removal of the existing pump station, and operation and maintenance of the new pump station, shall be completed in accordance with applicable federal, state and local laws, codes, statutes, ordinances and regulations.

b. No change to the Plan shall be approved, except by authorization of the Mayor and Council.

c. The CTSA shall be solely responsible for the maintenance and operation of the new pump station. Once constructed, the new pump station shall not be modified without the approval of the Mayor and Council, it being acknowledged that routine maintenance and replacement of equipment and parts with like-kind equipment and parts, shall not constitute a modification hereunder.

d. The CTSA covenants and agrees to indemnify, defend and hold harmless the Township of Clinton, its officials, employees, agents and contractors, and its successors and assigns (hereinafter, collectively the “**Indemnified Parties**”) from and against any claims, liabilities, losses, damages, fines, penalties and costs (including reasonable attorneys’ fees), whether foreseen or unforeseen, which the Indemnified Parties, or any of them, may suffer or incur by reasons of, caused by, arising from, incident to, connected with or growing out of:

(1) any and all damage to or loss or destruction of property (excepting the authorized modification to the area of real property described in the Plan) of any person, including without limitation, property of the Township of Clinton or CTSA, or of any official, employee, agent or contractor of the Township of Clinton or CTSA arising out of or in connection with any act arising out of CTSA’s exercise of its rights under this Ordinance, or any omission, default, violation, breach by CTSA of the terms and conditions of this Ordinance;

(2) bodily or personal injury to or death of any person, including without limitation, any official, employee, agent or contractor of the Township of Clinton or CTSA, arising out of or in connection with any act, omission, default, breach of this Ordinance, violation of law or any other act or omission by CTSA or any official, employee, agent or contractor of CTSA under this Ordinance; and/or

(3) the failure of CTSA or any official, employee, agent or contractor of CTSA to comply with any applicable laws, codes, statutes, ordinances and/or regulations.

e. As a separate and independent obligation and without limiting the indemnity obligation of CTSA, CTSA shall, at its sole expense, carry insurance with an insurance company or companies reasonably satisfactory to the Township and authorized to do business in New Jersey with the following minimum limits:

(1) Commercial General Liability insurance (including contractual, products, and completed operations) of not less than \$1,000,000 per occurrence and annual aggregates of \$5,000,000¹ covering bodily injury, death and property damage arising out of or relating to the acts

¹ During construction of the pump station, the annual liability aggregate may be a minimum of \$2,000,000.00, provided that CTSA also maintains an umbrella policy (naming the Township as additional insured, providing a waiver of

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or omissions of CTSA arising out of, related to or in connection with the existing and new pump stations, which such insurance shall name the Township of Clinton as an additional insured, provide a waiver of subrogation in the Township's favor and provide thirty (30) days' notice of cancellation;

(2) Automobile Liability insurance of not less than \$1,000,000 per accident covering bodily injury, death and property damage arising out of the ownership or operation of a motor vehicle used or to be used in connection with the performance of work or services by CTSA in connection with the new or existing pump station including restoration and which such insurance shall name the Township as an additional insured, provide a waiver of subrogation in the Township's favor, and provide thirty (30) days' notice of cancellation; and

(3) Workers Compensation Insurance: CTSA shall obtain and maintain at all times statutory Workers' Compensation and Employer's Liability insurance in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).

With the exception of the Workers Compensation insurance, the policies providing the above insurance shall be primary to any other coverage in favor of the Township as a result of being named additional insured under such policies; and any insurance maintained by Township is excess and not contributory with CTSA's insurance.

CTSA shall ensure that it will required its contractors to carry insurance as deemed appropriate to its normal contracting procedures and as applicable to the contracted work; or endeavor to ensure that its contractors will carry insurance meeting the insurance required herein of CTSA. CTSA will be responsible to Township for any deficiencies in contractors' insurance not meeting the insurance requirements of CTSA as described herein.

Prior to commencement of any work undertaken pursuant to the Plan, CTSA shall file with the Township the certificates of insurance and renewals before expiration date of the certificate. The insurance certificate shall clearly state all of the following:

(4) The policy number; name of insurance company; name and address of agent or authorized representative; name, and address of insured; project name and address; policy expiration date; and specific coverage amounts.

(5) The Township shall receive thirty (30) days' notice prior to cancellation.

(6) That CTSA's insurance is primary as respects any other valid or collectible insurance that the Township may possess, including any self-insured retentions the Township may have; and any other insurance the Township does possess shall be considered excess insurance only and shall not be required to contribute with this insurance under any circumstances.

f. CTSA shall reimburse the Township for any costs of review of any proposed modifications to the Plan or this Ordinance by the Township's professional consultants.

subrogation in the Township's favor and thirty (30) days' notice of cancellation) having an annual aggregate of not less than \$3,000,000.00.

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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 final adoption and publication pursuant to N.J.S.A. 40:69A-181, and upon the CTSA's approval of the terms and conditions of this Ordinance by adoption a resolution authorizing the CTSA to accept and be bound by the terms of this Ordinance in full.

INTRODUCTION OF ORDINANCE:

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

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

MOTION was made by Councilman Imbriaco to introduce the ordinance. Seconded by Council President Mulla. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman Imbriaco	Yes
Councilman 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. §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.

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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.

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. Administrator Joss explained the Ordinance.

MOTION was made by Councilman Imbriaco to introduce 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:

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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.

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. Administrator Joss explained the Ordinance.

MOTION was made by Councilman Imbriaco to introduce 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

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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.

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.

MOTION was made by Councilman Imbriaco to introduce 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

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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.
- (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

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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 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

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- (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.
- (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.

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MOTION was made by Councilman Imbriaco to introduce the ordinance. Seconded by Councilwoman Switlyk. 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:

Type	Fee
Type A	<u>\$7585</u>
Type B	\$400
Type C	\$700 900
Type D	\$1,000 1,800

- 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</u>	

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inspection)

\$35

- 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.
- (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.

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- [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.
- (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:

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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 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>
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For requests made more than ten (10) business days prior to the change in occupancy \$50

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 \$75

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 \$35

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).

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>

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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

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.

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

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Councilman Marra to approve the check control registers dated November 12, 2015 totaling \$3,045,531.04. 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:

Bernadine Goepfert from Concord Road stated she has been going back and forth with the Township regarding the house at 10 Concord Road. Ms. Goepfert stated the house has been condemned by the Township Building Official, Mike Wright. Mayor Higgins stated Mr. Wright declared it unfit for human habitation which is slightly different. Mayor Higgins stated that means no one can live in the

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house. Ms. Goepfert stated the house has new owners. The new owners told Ms. Goepfert there would be a new house there by the spring time and it has not been touched. Mayor Higgins suggested that he and the Building and Zoning Officials go out and look at the house to see what Mr. Wright can do on the building code side and Mr. Silvia can do with the Zoning Ordinances to address the problems with the house. Council President Mullay suggested getting the County Board of Health involved too.

Lynne Friend from Main Street stated she is concerned about the safety of the residents walking on Main Street due to how fast people are driving. Council President Mullay asked Ms. Friend if she has noticed what time of day the worst speeding takes place. Ms. Friend stated usually just before noon and in the middle of the afternoon. Council President Mullay stated the Council will have the police patrol that road.

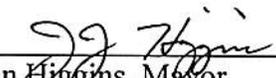
MOTION TO ADJOURN:

MOTION was offered by Councilwoman Switlyk to adjourn at 8:19p.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