

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
April 27, 2016

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:00 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	Absent
Councilman McTiernan	Present
Councilman D'Alleinne	Present
Council President Mullay	Present
Mayor Higgins	Present
Kristina Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Township Clerk	Present

PROCLAMATION:

Relay for Life – Mayor Higgins read the Proclamation

CONSENT:

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

MOTION was made by Councilman McTiernan to approve the consent agenda. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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Consent #1

Resolution #44-16 – Release of Performance & Escrows

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

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

Amount	Block / Lot	Street Address	Applicant	Type of Permit	
\$910.25	82.17/29	59 Regional Rd	Melinda Stortz	Escrow	\$2,000.00
35/8.02	24	David Post Rd	Mark Cucuzella	Perf.Guarantee	
\$1,500.00	82.08/7	11 Dartmouth Rd	H&L VanDenWoldenberg	Perf.Guarantee	
\$1,000.00	11/19.02	43 Cokesbury/Califon	Linda Albin	Perf.Guarantee	
\$396.00	11/19.02	43 Cokesbury/Califon	Linda Albin	Escrow	
\$500.46	60.03/9	17 Maple Ave	Robert Schmidt	Escrow	
\$1,000.00	1/26.08	43 Uptom Pine Rd	E&C Waser	Perf.Guarantee	
\$700.00	82.13/61.07	16 Grandin Terr.	O&H Lopez	Escrow	
\$247.50	28.01/15	14 Hoffman Rd	Erling Solstad	Escrow	
\$2,000.00	81/53	230 Hamden Rd	Joseph Reynolds	Perf.Guarantee	
\$740.45	Multi	1410 Rt22	Hunterdon Cnty YMCA	Escrow	
\$3,501.17	82.18/49.21,49.22	203 Hamden Rd	Richard Simpson	Perf.Guarantee	
\$667.60	Multi	178 Center St/1060 Rt 22	Urban&Company	Escrow	
\$314.22	16/58.05	262 Stanton/Mtn Rd	Center Valley Pools	Escrow	
\$104.07	21/5	5 Old Clinton Rd	Glen Spinks	Escrow	
\$2,000.00	21/5	5 Old Clinton Rd	Glen Spinks	Perf.Guarantee	
\$149.52	4.01/18	8 Concord Rd	Theresa Travis	Escrow	
\$700.00	82.08/5	7 Dartmouth Rd	John Buzb	Escrow	
\$700.00	19/25.04	15 Country Oaks Rd	Thierry Desmaris	Escrow	
\$269.80	3/9.20	2 Peachtree Lane	Jimmy DelNero	Escrow	
\$1,000.00	1.02/38	17 Rosemary Lane	Frank Czyzewski	Perf.Guarantee	
\$662.65	12/13	24 Hunter Circle	Susan Wingfield	Escrow	
\$100.25	2/2	72 Deer Hill Rd	Karen Small	Escrow	
\$1,000.00	28.01/13.09	2 Saddle Ridge Dr	Mark Baldwin Jr.	Perf.Guarantee	
\$1,912.50	Allerton/31	Allerton Rd& Rt31	American Properties	Escrow	

BOARD OF HEALTH APPLICATIONS:

Mayor Higgins convened the Council meeting as the Board of Health to approve the following applications.

- Block 16 Lot 55.02 – 288 Stanton Mountain Road – Councilman D’Alleinne read the following waivers: 1) the proposed disposal bed will be located outside of the building

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envelope. 2) the downhill side of slope graded at 2:1. This does not meet the minimum slope of 3:1. 3) the disposal bed will be only 13.5 feet from the side property line and 4) the toe of the mound will be only 6 feet from the side property line and ROW. The Engineer, Robert Zederbaum explained the waivers. Bob Vaccarella from the Hunterdon County Board of Health stated he approved the waivers.

MOTION was offered by Council President Mullay to approve the waivers. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

- Block 43 Lot 5 – 183 E. Main Street – Councilman D'Alleinne read the following waivers: 1) the proposed disposal bed will be located outside of the building envelope and 2) the highest regional water table will be at 18 inches. The design will still have a minimum of 48 inches of separation from the water table and proposed level of infiltration. The Engineer, Jess Symonds explained the waivers. Bob Vaccarella from the Hunterdon County Board of Health stated he approved the waivers.

MOTION was offered by Mayor Higgins to approve the waivers. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

- Block 63 Lot 9.04 – 80 Grayrock Road – Councilman D'Alleinne read the following waivers: 1) the proposed disposal bed will be located outside of the building envelope. 2) the proposed disposal bed will be 70 feet from the existing well on the property which does not meet the minimum 100 feet set back requirement and 3) the septic disposal bed will be only 50 feet from the existing stream. This does not meet the Clinton Township ordinance of 100 feet, but does meet the state requirements of 50 feet. The Engineer, Bill Jupinka explained the waivers. Bob Vaccarella from the Hunterdon County Board of Health stated he approved the waivers.

MOTION was offered by Council President Mullay to approve the waivers. Seconded by Councilman D'Alleinne. There being no further discussion a voice vote was called. Motion carried.

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Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

Mayor Higgins adjourned the meeting as the Board of Health and reconvened the meeting as the Mayor & Council.

PUBLIC COMMENTS:

Frank White from Lebanon asked for the reinstallation of the speed bumps on Red Schoolhouse Road since Bundt Park is now open for all the sports programs. Mr. White gave a brief history of the reason why the speed bumps were put down by the Township. Mayor Higgins stated years ago the Police Department did a survey to see if the speed bumps were needed. The report showed 19 tickets were issued to speeders and 17 of the speeders lived in Mr. White's neighborhood. Mayor Higgins stated it would seem that it is not the residents who use Bundt Park but the residents who live around the park who speed. Mr. White stated he is concerned with residents driving too fast from Rt. 31 to get to Lilac Drive and also residents walking on the road since there is no pedestrian walkway. Mr. White asked if the Mayor & Council would conduct another survey. The Mayor & Council agreed to conduct another speed survey.

REPORTS:

Mayor Higgins

Mayor Higgins reported he was approached by Ken Shapiro, the owner of Courtside Racquet Club on Rt. 31 South. Mr. Shapiro is interested in discussing an idea with the Township whereby Mr. Shapiro's company would erect 4-6 tennis courts and a few pickle ball courts on land the Township owns called White Cloud which is north of Bundt Park. Mayor Higgins reported that Mr. Shapiro would build and maintain the courts and have a ground lease with the Township. His company would then have some dedicated use of the courts, and the Township residents would also get to use them at times. Mayor Higgins suggested the Township should investigate this topic further. Attorney Hadinger stated the Township would have to address Green Acres regulations. Mayor Higgins reported the Planning Board will hear Exxon's concept review for their expansion of its facilities. Mayor Higgins reported Ingerman will be going in front of the Planning Board for completion waivers and preliminary site plan review. Mayor Higgins read a statement regarding the Clinton Township Board of Education meeting on April 25, 2016.

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**Statement from Clinton Township Mayor Regarding the Clinton
Township Board of Education Meeting of 4/25/16**

As you may know, the school board election process for the Township was changed by resolution of the Board of Education effective with the November, 2012 General Election. Prior to this change, school board elections were held in the spring with voters voting on both school board candidates and the school budget for the coming school year. A new NJ Statute allowed either the Township Council or the Board of Education to move the election date to coincide with the November general election and eliminated the vote on the schools budget as long as the budget did not increase by more than 2%. This change was to be effective for 4 years, after which either elected body could, by resolution, revert to the former election process or, if no action was taken, continue on with the new practice.

Some of the voting public feel that they have been disenfranchised by the change to the new system as they can no longer vote on the schools budget as long as the increase are held to less than 2%, particularly as we are in a period when the school enrollment has been and is dropping significantly. In my view, the possibility of reverting to the former election process after this fall's election requires Council to better understand the school budget and, in particular, the per student cost trends of the preceding 4 years in order to make a well considered and well founded decision as to whether to stay with the current process or not.

To this end, the mayor met with the School Board President on November 20 of last year to begin the dialogue. The initial proposal from the schools was to have a joint executive session of both organizations to discuss budget facts and also progress on determining whether to close a school or not. I didn't believe an executive session like this was a legally allowed meeting and also preferred to have an open public dialogue regarding these issues. As a result the Township attorney discussed the matter with the School Board attorney and another approach was agreed in which members of the Board of Education and School administrative personnel would make a budget presentation to Council. As preparation for the public presentation it was agreed that Council would submit specific questions in writing to certain Board personnel and school administrators and then follow up with small meeting to ensure our questions were fully understood and the school personnel were well prepared to address them at their presentation to Council. These questions were sent via a letter dated April 14 from the Township Administrator to the School Board President.

The Schools subsequently informed the Township that they would be addressing these questions in public at their April 24 Board meeting. The Township then filed the required public notice that all or some Council would be present at the Board of Education meeting to hear their answers to the questions Council had been requested to submit.

As a result, Mayor and Council were completely taken aback when the Board meeting opened with the School Board President reading from a prepared statement in which Council was admonished for attempting to exercise undue influence over the actions of the Board of Education. As noted above, Council has a decision to make with regard to the Schools election process and was simply engaged

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in an effort to better understand the current budget situation and cost trends over the past 4 years in order to make the best decision for all the voters.

The next item read out by the Board of Education President in the prepared statement was a complaint regarding a cash management issue in which the Township was late in remitting a portion of the tax funds collected by the Township for the schools. The statement concluded in a resolution threatening to sue the Township if these funds were not remitted in full before May 15.

It is true that the Township was late in remitting these funds. Typically in the first part of the year, cash flow for our Township is limited while we have statutory payments to make, such as debt service and pension payments. In addition, we have payroll obligations. At the same time, we are operating on a temporary budget, which limits our expenditures until such time as a final budget is adopted. These situations arise from time to time in government and are typically handled by the respective administrative personnel. In this case, the situation was being managed in a low key and cooperative manner by the Township CFO, Board of Education Business Administrator and the auditor both organizations have in common. At no time during the dialogue among the professionals was there any hint that it was seriously affecting school operations. In addition, I believe that it is also true that it was and is well known to all these parties that this situation will be completely resolved very shortly after the May 1 property tax payments are received by the Township; well in advance of the May 15 "deadline" contained in the Board of Education resolution.

Finally, the mayor met with the School Superintendent on March 3 to discuss various issues and had a ½ - ¾ hour phone conversation with her on Friday, April 22. At no time during these conversations or at any other time was this situation mentioned to the mayor much less that it was some sort of major issue. If this situation was or is a significant issue, surely a phone call, letter or other communication could have and should have been directed to the mayor. Had any Board of Education personnel let us know that this was causing any problem for the Board, we would have immediately worked with them to assist

It is my hope - and I'm sure that of the entire Council – that we can put this needless misunderstanding behind us and work cooperatively for the good of all residents of Clinton Township.

Councilman D'Alleinne

Councilman D'Alleinne reported that the Environmental Commission will have a table at Community Day on April 30.

Councilman McTiernan:

Councilman McTiernan reported the Clinton Township Country Run will be taking place the morning of April 30 before Community Day.

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Council President Mullay:

Council President Mullay reported that the Township received Project Authorization from the State Historic Preservation office and for the Old Municipal Building and is currently reviewing it. Council President Mullay reported a RFP should be issued shortly.

Administrator Joss:

Administrator Joss reported he is still searching for a part time recreation department employee/floater. Administrator Joss reported the new mechanics in the DPW are working out well. Administrator Joss reported the agreement for paving of Potterstown Road was signed by Clinton Township, Readington Township and Tewksbury Township.

Lt. Higgins:

Lt. Higgins reported the Police Department will have a drug drop off on April 30 from 10am to 2pm. Lt. Higgins reported the two new vehicles are now equipped and placed in service. Lt. Higgins reported the Police Department will be helping the recreation committee out with the country run on April 30. Lt. Higgins reported he will start recognizing officer with certificates of commendation who have to use Narcan for overdose victims.

Bob Emery, Annandale Hose Fire Chief

Chief Emery reported the fire company was the recipient of some pet rescue masks. Chief Emery reported past chief, Dave Lunger is going to be a recipient of an award from the Hunterdon County 200 Club for his actions at a fire in High Bridge. Chief Emery reported the fire company will be showing its fire prevention trailer and will be debuting the new fire truck at Community Day.

NEW BUSINESS – Board of Health Procedure Discussion

Councilman D'Alleinne explained what the process for malfunctioning systems will be for applicant's going in front of the Board of Health. Councilman D'Allienne suggested the Council recommend changes to the ordinances that would make a distinction between construction of new septic systems and replacement of old septic systems. Mayor Higgins suggested issuing a blanket waiver to the Hunterdon County Board of Health granting them the authority to determine if there is no reasonable location for the septic system which would eliminate the Engineer having to come in front of the Council.

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NEW BUSINESS – Cable Committee Discussion

Mayor Higgins appointed members for the Cable Committee

- Cable Committee
 - Dan McTiernan – Chair, 3 year term
 - William Glazer
 - Dwight Irving
 - Keith Morgan
 - Nick Corcodilos
 - Dan Murphy

ACTION:

INTRODUCTION OF ORDINANCES:

1085-16 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF
LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.0 PERCENT
(N.J.S.A. 40A:4-45.14)

Mayor Higgins introduced the Ordinance.

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

Roll Call:

Councilman McTiernan	Yes
Councilman D’Alleinne	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.0% increase its final appropriations by a percentage greater than

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the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2016 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 0% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.0%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Clinton in the County of Hunterdon finds it advisable and necessary to increase its 2016 budget by more than 0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$304,911.43 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Clinton, in the County of Hunterdon, a majority of the fully authorized membership of this governing body affirmatively concurring, that, in the 2016 budget year, the final appropriations of the Township of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$304,911.43 and that the 2016 municipal budget for the Township of Clinton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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1086-16 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON AMENDING CHAPTER 133.
FIRE PREVENTION, SPECIFICALLY § 133-5 AND § 133-6 OF THE CODE OF THE
TOWNSHIP OF CLINTON ORGANIZATION OF THE BUREAU OF FIRE SAFETY, THE FIRE
MARSHALL AND STAFFING OF THE BUREAU OF FIRE SAFETY

Mayor Higgins introduced the Ordinance.

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

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	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. § 133-5 of Code Amended. § 133-5 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~~):

§ 133-5. Organization. ~~The local enforcing agency established by § 133-1 shall be a part of the Division of Fire and shall be under the direct supervision and control of the Mayor, with the advice and consent of Council of the Township.~~ The Bureau of Fire Safety, designated in § 133-2 as the local enforcing agency, shall be part of the Division of Fire within the Department of Public Safety in accordance with § 4-11 of the Code. The Fire Marshal shall be the supervisor of the Bureau of Fire Safety and shall coordinate day-to-day responsibilities with the Fire Chief of the Division of Fire.

Section 2. § 13-6 of Code Amended. § 133-6 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~~):

§ 133-6. Fire Official; inspectors and employees.

A. Appointment of Fire ~~Official~~ Marshal. The Bureau of Fire Safety shall be under the supervision of the Fire ~~Official~~ Marshal who shall be appointed by the Mayor, with the advice and consent of the Council following a recommendation by the Township Administrator, who shall receive input from the Fire Chief of the Division of Fire. ~~In making this appointment, the appointing authority shall make the appointment from among a list of three recommendations provided by the Fire Chief. In the absence of any recommendations by the Fire Chief, the Mayor, with the advice and consent of the Council, may appoint the Fire Code Official.~~

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B. Term of office. The Fire Official Marshal shall serve for a term of ~~one~~ two years; ~~any vacancies shall be filled for the unexpired term.~~ Upon a vacancy in the office prior to the end of the two year term, the new Fire Marshal's two-year term shall commence upon appointment by the Mayor and Council pursuant to the hiring resolution.

C. Inspectors and employees. Such inspectors and other employees of the Bureau of Fire Safety, Division of Fire, as may be necessary shall be appointed by the Mayor with the advice and consent of the Council ~~upon the recommendation of the Fire Official~~ pursuant to Township policy.

D. Removal from office. ~~Inspectors and other~~ All employees of the ~~enforcing agency~~ Bureau of Fire Safety shall be subject to disciplinary action, including but not limited to removal, ~~by the Township Council~~ pursuant to Township personnel policies. Each ~~inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointment authority or a designated hearing officer~~ designated by the Mayor and Council.

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 with N.J.S.A. 40:69A-181.

2016 BUDGET, AND SETTING THE PUBLIC HEARING FOR MAY 25, 2016

Administrator Joss explained the budget. Administrator Joss stated the budget is lower than the 2010 budget. Administrator Joss mentioned some of the items that are driving up the budget, such as pension bills, which are up \$62,000, and Capitol improvement funds, which are going up \$87,000 to, among other things, enable the Township to maintain and pave the roads. Administrator Joss stated the revenue continues to drop dramatically.

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

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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ADOPTION OF ORDINANCES/PUBLIC COMMENT:

1084-16 - A MULTI-PURPOSE ORDINANCE AMENDING CHAPTER 165 "LAND USE REGULATIONS" OF THE CODE OF THE TOWNSHIP OF CLINTON TO, AMONG OTHER THINGS, MODIFY THE DEFINITION OF TERMS, APPLICATION FEES, AND APPLICATION CHECKLIST REQUIREMENTS; ESTABLISH NEW REQUIREMENTS FOR MEDICAL OFFICE, AMBULATORY CARE FACILITY, ASSISTED LIVING RESIDENCE FACILITY, NURSING HOME AND RESIDENTIAL HEALTH CARE FACILITY USES AND ADDRESS THE ZONING DISTRICTS IN WHICH SUCH USES MAY BE ALLOWED; PROHIBIT HOSPITALS; REGULATE THE NUMBER OF PRINCIPAL BUILDINGS ON LOTS; AND PROVIDE RELIEF FOR MINOR YARD ENCROACHMENTS.

Mayor Higgins introduced the matter and opened the public hearing.

Tom Yager from Annandale questioned medical offices being included as permitted use in the OB-2 zone. Mr. Yager questioned if there are any uses being eliminated from the OB-2 zone. Mr. Yager questioned why dental offices were eliminated from the Ordinance. Mayor Higgins stated only dental labs were eliminated. Attorney Hadinger read the definition of medical office. Attorney Hadinger stated the definition is broad enough to include dental offices.

Mayor Higgins closed the public hearing.

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

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

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

Section 1. § 165-4 "Definitions" of Code Amended. § 165-4 of the Code of the Township of Clinton (hereinafter the "Code") is amended by the modification of the definitions for "ASSISTED LIVING RESIDENCE," "CLUB," and "HEIGHT OF BUILDING," and the addition of new definitions for "AMBULATORY CARE FACILITY," "HOSPITAL," "MEDICAL

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OFFICE,” “NURSING HOME,” and “RESIDENTIAL HEALTH CARE FACILITIES” all of which shall read as follows and be inserted alphabetically in § 165-4 (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

AMBULATORY CARE FACILITY – A human health care facility or a distinct part of a human health care facility in which preventative, diagnostic, and treatment services are provided to persons who come to the facility to receive services and depart from the facility on the same day, provided the facility is not a “hospital” and/or does not provide in-patient care.

~~ASSISTED LIVING RESIDENCE – A building or group of buildings designed as residences for the frail elderly that provide rooms, meals and personal care, and which may include assisted living facilities, nursing or convalescent homes and skilled or intermediate care nursing facilities, which are required to be licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq.~~ facility that is licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq. that provides apartment-style housing, congregate dining and assisted living services to residents when needed. Each apartment within the residence shall have, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the dwelling entrance. Apartments shall be single-, double- or triple-occupancy. Residents shall be adult persons unrelated to the proprietor.

~~CLUB – A nonprofit social, civic or fraternal membership organization~~ facility where a group of persons who share a common association gather for the purpose of conducting activities related to such an association. A club may be a not-for-profit or for-profit entity. A private club is used exclusively by members and their guests. A public club may have members, but may also be used by persons who do not maintain membership or are not associated with members.

~~HEIGHT OF BUILDING – In the R-1 and R-2 Districts, the vertical distance measured from the average ground elevation of the finished grade around the building to the level of the highest point of the roof surface if the roof is flat or, in the case of sloping roofs, to a point ½ the distance between the top of the uppermost plate and highest point of the roof. Average elevation shall be the average of the highest and lowest elevations along the finished grade around the building. In all other districts b~~ Building height shall be the vertical distance measured from the average ground elevation of the finished grade around the building to the level of the highest point of the roof surface. Average elevation shall be the average of the highest and lowest elevations along the finished grade around the building.

HOSPITAL – A facility that is licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq. that provides human healthcare services, such as medical care or surgery, and including in-patient care. Hospitals may include related facilities, such as laboratories, out-patient facilities, dietary facilities, training facilities, and offices. Hospitals are not permitted uses in the Township.

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MEDICAL OFFICE – One or more rooms or groups of rooms, each used primarily for conducting the business of a licensed health care professional(s) who is engaged in private practice that is not an Ambulatory Care Facility or Hospital.

NURSING HOME - A facility that is licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq. for those in need of intensive and on-going medical and nursing assistance. A nursing home provides 24-hour/day skilled nursing, personal care, pharmacy, dining, activities, housekeeping, recreation, social work and transportation services to its residents.

RESIDENTIAL HEALTH CARE FACILITY - A facility that is licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq. that provides health maintenance and monitoring under the direction of a professional nurse, and also provides residents with a home-like atmosphere in a supervised communal housing arrangement that encourages independence for as long as possible.

Section 2. § 165-13 “Application and escrow fees” of Code Amended. Subsection 165-13.C.(1) of the Code is amended by the addition of new subparagraphs (n) & (o) and subsection 165-13.D(2) of the Code is modified, all of which shall read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

C. Development applications

(1) Outline of nonrefundable application and initial escrow fees.

(n) Amended site plan

[1] Application fee: \$200.

[2] Escrow fee: \$2,200.

(o) Site plan waiver

[1] Application fee: \$200

[2] Escrow fee: \$1,500.

D. Variance and appeals. In addition to Subsection C fees the following application and escrow fees apply: ...

(2) Interpretation of the Zoning Map or zoning regulations or requests for decisions on other special questions pursuant to § 165-26A(2):

(a) Application fee: \$300.

(b) Escrow fee: ~~\$400~~ \$2,000.

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Section 3. § 165-45 “Minor site plan” of Code Amended. § 165-45 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-45. Minor Site plan.

The procedures for minor subdivisions as provided in § 165-44 shall, as applicable, apply to minor site plans. An application for minor site plan approval shall contain all information on Checklist No. 2 ~~1~~ for determining completeness of application.

Section 4. § 165-46 “Preliminary subdivision plat and preliminary site plan” of Code Amended. Subsection 165-46.A of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

A. Application for approval of a preliminary subdivision plat or a preliminary site plan shall be filed in accordance with Article VI and shall contain all information prescribed in § 165-56 or 165-58, as the case may be, as well as all information indicated on Checklist No. ~~3~~ or No. 4 ~~1~~ for determining completeness of application ~~as the case may be.~~

Section 5. § 165-47 “Preliminary planned development plan” of Code Amended. § 165-47 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165- 47. Preliminary planned development plan.

The procedure for review of a preliminary planned development plan shall be the same procedure as for a preliminary plat or a preliminary site plan, or both, as the case may be, as prescribed by § 165-46, according to the nature of the planned development, and approval shall confer upon the applicant the rights referred to in § 165-46D. An application for approval of a preliminary planned development shall include all data and information prescribed in § 165-56 or 165-58, as the case may be, as well as all information indicated on Checklist No. ~~3~~ or No. 4 for determining completeness of application, ~~as the case may be.~~

Section 6. § 165-48 “Optional staged preliminary planned development plan” of Code Amended. The introductory paragraph of § 165-48 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-48. Optional staged preliminary planned development plan.

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In order to provide flexibility in the review of large planned developments of at least 50 acres in size, an applicant may, at his option, seek preliminary planned development approval in sections or elements, provided that he first seeks and receives approval of a master development plan of the entire tract. The procedure for filing, review and approval of a master development plan shall be the same as procedures prescribed for a preliminary site plan. Approval of a master development plan of a planned development shall confer upon the applicant the rights described below for the period of time determined by the Planning Board in accordance with § 165-46E. An application for approval of a master development plan of a planned development shall include all information indicated on Checklist No. 7 ~~2~~ for determining completeness of application.

Section 7. § 165-50 “Final plat and final site plan” of Code Amended. Subsection 165-50.A of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

A. Filing. Application for approval of a final plat or a final site plan shall be filed in accordance with Article VI and shall contain all the information prescribed in § 165-57 or 165-59, as the case may be, as well as all information indicated on Checklist No. ~~5 or No. 6~~ 1 for determining completeness of application, as the case may be. Said application shall be filed within the period prescribed in § 165-38 and may be for the whole or a section or sections of the preliminary plat or site plan, as the case may be.

Section 8. § 165-51 “Final planned development plan” of Code Amended. § 165-51 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-51. Final planned development plan.

The procedure for review of a final planned development plan shall be the same procedure as for a final plat or site plan, or both, as the case may be, as prescribed above, according to the nature of the planned development. An application for approval of a final planned development plan shall include all information indicated on Checklist No. ~~5 or No. 6~~ 3 for determining completeness of application ~~as the case may be~~.

Section 9. § 165-55 “Minor site plan” of Code Amended. § 165-55 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-55. Minor site plan.

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Where applicable to the proposed use, a minor site plan application shall be accompanied by such information as required in § 165-56 for a preliminary site plan in order to allow the Planning Board to make an informed decision on the application along with such other information as may be indicated on Checklist No. 2 1 for determining completeness of an application for minor site plan approval.

Section 10. § 165-56 “Preliminary plat” of Code Amended. Subsection 165-56.Q of the

Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

Q. Such other information as may be indicated on Checklist No. 3 1 for determining completeness of an application for preliminary subdivision approval.

Section 11. § 165-57 “Final plat” of Code Amended. Subsection 165-57.A.(20) of the

Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(20) Such other information as may be indicated on Checklist No. 5 1 for determining completeness of an application for final subdivision approval.

Section 12. § 165-58 “Preliminary site plan” of Code Amended. Subsection 165-58.A.(24)

of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(24) Such other information as may be indicated on Checklist No. 4 1 for determining completeness of an application for preliminary site plan approval.

Section 13. § 165-59 “Final site plan” of Code Amended. Subsection 165-59.A.(4) of the

Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(4) Such other information as may be indicated on Checklist No. 6 1 for determining completeness of an application for final site plan approval.

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Section 14. § 165-60 “Master development plan for planned development” of Code

Amended. Subsection 165-60.J of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

J. Such other information as may be indicated on Checklist No. ~~7~~ 2 for determining completeness of an application for master development plan approval.

Section 15. § 165-71 “Site plans” of Code Amended. The table contained in subsection 165-71.A.(10)(a) of the Code establishing the required number of parking spaces for certain uses is amended in the following manner (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

A. The entry for Hospital shall be deleted.

B. The entry for Medical and dental office, clinic and laboratory shall to read as follows:

Medical and dental office, clinic and laboratory	1 for each 150 square feet of floor Area
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C. New standards shall be added as follows:

<u>Ambulatory care facilities</u>	<u>2 for each recovery bed or treatment room, whichever is greater, plus 1 for each employee on the shift with the greatest number of employees</u>
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<u>Assisted living</u>	<u>0.6 per dwelling unit</u>
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<u>Residential health care facilities</u>	<u>1 per dwelling unit</u>
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Section 16. § 165-96 “Principal buildings” of Code Amended. § 165-96 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-96. Principal buildings.

A. Residential uses shall have ~~Only one principal building may be erected on a per lot, except for related buildings forming one principal use in the same ownership and limited to the following:~~

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- ~~(1) Public or institutional building complexes.~~
- ~~(2) Research, industrial manufacturing, office or retail shopping complexes.~~
- ~~(3) M~~multifamily dwelling complexes, such as townhouses, apartments and mobile home parks as hereinafter permitted in this part.

B. Nonresidential uses may have more than one principal building on a lot.

~~B. C.~~ Unless otherwise regulated in this part, no principal building shall be located closer to another building than the height of one of the buildings, but in no event less than 25 feet.

Section 17. § 165-98 “Yard requirements” of Code Amended. Subsection 165-98.D is amended by the addition thereto of a new subparagraph (6) to read as follows (additions to text are indicated by underlining):

(6) Roofs, eaves, cornices, bays, railings, and stairs of buildings may extend into a required yard setback no more than three (3) feet, as measured from the required yard setback, without the need for variance relief. Such an encroachment shall be limited to those buildings that are in compliance with the maximum permitted building height and floor area ration of the zone district within which they are located. Encroachments pursuant to this provision shall not be permitted for buildings that contain a use(s) that is not permitted, or which building itself is not permitted.

Section 18. § 165-128 “Assisted living residences” of Code Deleted. §165-128 of the Code is deleted in its entirety.

Section 19. § 165-136 “Conditional uses” for the R Districts of Code Amended. § 165-136 of the Code is amended to read (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-136. Conditional uses.

The following conditional uses, as regulated in Article XVIII, are permitted:

A. Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents, religious education buildings, cemeteries and mausoleums.

B. Public and private schools teaching academic subjects.

~~C. Assisted living residences.~~

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~~D. C.~~ Community residences for more than six developmentally disabled persons and community shelters for more than six victims of domestic violence as conditional uses in accordance with the procedures and requirements of § 165-130.

~~E. D.~~ Dish antennas as regulated in § 165-130.

~~F. E.~~ Residential camps and conference centers.

Section 20. § 165-156 “Permitted principal uses” for the C-1 District of Code

Amended. Subsection 165-156.A. of the Code is amended to modify subparagraph (10) and add new subparagraphs (15), (16), (17) and (18) to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(10) ~~Medical and dental clinics and laboratories~~ offices.

(15) Ambulatory care facilities.

(16) Nursing homes.

(17) Assisted living residences.

(18) Residential health care facilities.

Section 21. § 165-158 “Conditional uses” for the C-1 District of Code Amended. § 165-

158 of the Code is amended to read as follows (deletions from text are indicated by ~~strikeouts~~):

§165-158 Conditional uses.

The following conditional uses, as regulated in Article XVIII, are permitted:

A. Churches and similar places of worship of recognized religious groups, which may include attendant parish homes, convents, religious education buildings, cemeteries and mausoleums.

B. Public and private schools teaching academic subjects.

C. Fast-food service restaurants.

~~D. Assisted living residences.~~

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Section 22. § 165-165 “Permitted principal uses” for the ROM-3 District of Code

Amended. §165-165 of the Code is amended by the addition thereto of new paragraphs L., M., N., O., and P. to read as follows (additions to text are indicated by underlining):

L. Medical offices.

M. Ambulatory care facilities.

N. Nursing homes.

O. Assisted living residences.

P. Residential health care facilities.

Section 23. § 165-167 “Conditional uses” for the ROM-3 District of Code Amended. §

165-167 of the Code is amended to read as follows (deletions from text are indicated by ~~strikeouts~~).

§ 165-167. Conditional uses.

The following conditional uses, as regulated in Article XVIII, are permitted:

A. Churches and similar places of worship or recognized religious groups, which may include attendant parish homes, convents, religious education buildings, cemeteries and mausoleums.

B. Public and private schools teaching academic subjects.

~~C. Assisted living residences.~~

Section 24. § 165-170 “Permitted principal uses” for the OB-1 District of Code

Amended. § 165-170 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-170. Permitted principal uses.

The following are permitted principal uses:

A. Office buildings intended for business, executive, professional and administrative purposes.

B. Clubs, lodges and fraternal, civic and charitable organizations.

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- C. Banks and similar financial institutions.
- D. Municipal buildings and uses.
- E. Medical ~~and dental clinics and laboratories~~ offices.
- F. Nursery schools.
- G. Funeral homes.
- H. ~~State-licensed~~ n Nursing homes.
- I. Vocational schools and studios for the instruction of the arts, dancing, music, languages and photography.
- J. Computer and data-processing centers.
- K. Central telephone exchanges.
- L. Child-care centers.
- M. Ambulatory care facilities.
- N. Assisted living residences.
- O. Residential health care facilities.

Section 25. § 165-174 “Permitted principal uses” for the OB-2 District of Code

Amended. § 165-174 of the Code is amended by the addition thereto of a new paragraph J to read as follows (additions to text are indicated by underlining):

J. Medical offices.

Section 26. § 165-182 “Permitted principal uses” for the ROM-1 District of Code

Amended. § 165-182 of the Code is amended by the addition of new paragraphs K., L., M., N., and O to read as follows (additions to text are indicated by underlining):

K. Medical offices.

L. Ambulatory care facilities.

M. Nursing homes.

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N. Assisted living residences.

O. Residential health care facilities.

Section 27. § 165-184 “Conditional uses” for the ROM-1 District of Code Amended. §

165-184 of the Code is amended to read as follows (deletions to text are indicated by ~~strikeouts~~):

§ 165-184. Conditional uses.

The following conditional uses, as regulated in Article XVIII, are permitted:

A. Churches and similar places of worship of recognized religious groups, which may include attendant parish homes, convents, religious education buildings, cemeteries and mausoleums.

B. Public and private schools teaching academic subjects.

~~C. Assisted living residences.~~

Section 28. § 165-192 “Permitted principal uses” for the ROC District of Code

Amended. Subsection 165-192.B. of the Code is amended to read as follows (deletions from text are indicated by ~~strikeouts~~):

B. For tracts containing 50 acres or more of effective land area:

(1) Stores and shops for retail business.

(2) Banks and financial institutions.

(3) Restaurants, cafes and taverns in which patrons, seated at tables or counters, are served food and drink by waiters or waitresses for consumption on the premises.

(4) Hotels and motels.

(5) Vocational schools and studios for the instruction of the arts, dancing, music, languages, photography, and similar activities.

(6) Nursery schools and day-care facilities.

~~(7) Medical and dental clinics and laboratories.~~

(8) Integrated commercial developments combining any of the uses permitted in this Subsection B(1) through (8).

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Section 29. § 165-74 “Lighting” of the Code Amended. § 165-74 of the Code is amended by the deletion of all references contained therein to “hospital” or “hospitals.”

Section 30. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 31. 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 32. Effective Date. This ordinance shall take effect upon its passage, publication, filing with the Hunterdon County Planning Board and in accordance N.J.S.A. 40:69A-181.

PUBLIC HEARING:

- To Modify Certain Deed Restrictions Pertaining to Property Known as the Beaver Brook Homestead (Block 60.03 Lot 26)

Mayor Higgins introduced the matter. Council President Mullahey stated the changes were sent to the Clinton Township Historic Commission for their review. The Clinton Township Historic Commission approved the changes.

Mayor Higgins opened the public hearing.

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

RESOLUTIONS:

Action Item #1

Resolution #45-16 – Authorizing Modification of Certain Deed Restrictions Pertaining to Property known as the Beaver Brook Homestead (Block 60.03 Lot 26) and Located on Beaver Avenue

MOTION was offered by Councilman McTiernan to approve the amended resolution. Seconded by Councilman D’Alleinne. There being no further discussion the roll was called. Motion carried.

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Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, the Township of Clinton conveyed property identified as Block 60.03, Lot 26 on the Clinton Township Tax Maps, located on Beaver Avenue, and known as the Beaver Brook Homestead (the "Property") to Beaver Brook Homestead, LLC by deed dated October 30, 2007, and recorded in the Hunterdon County Clerk's Office on November 21, 2007 in Book 2198, page 720, etc. (the "Deed");

WHEREAS, the Deed contained certain restrictions pertaining to demolition and removal of the main building and stone wall on the Property;

WHEREAS, the Property is to be sold by Beaver Brook Homestead, LLC to Ingerman Development Company, LLC, or a related entity (collectively "Ingerman"), an experienced affordable housing developer;

WHEREAS, the Township and Ingerman have entered into an Affordable Housing Agreement and an Agreement for Payments in Lieu of Taxes concerning the Property, and the Property is also the subject of a duly authorized redevelopment plan approved pursuant to N.J.S.A. 40A:12A-1 et seq. on January 27, 2016 by the adoption of ORDINANCE #1080-16, AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY ADOPTING, PURSUANT TO N.J.S.A. 40A:12A-7, A REDEVELOPMENT PLAN FOR THE BEAVER BROOK HOMESTEAD, BLOCK 60.03, LOT 26 ON THE CLINTON TOWNSHIP TAX MAPS ("Redevelopment Plan");

WHEREAS, the project authorized by the Redevelopment Plan will assist the Township in satisfying its obligations under the Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301 et seq., to provide for affordable housing;

WHEREAS, the Property has been vacant, its improvements have deteriorated and become dilapidated, and the site as a whole represents a visual, social and economic detriment to the community;

WHEREAS, in order to implement the Redevelopment Plan the Mayor and Council find that it is reasonable and in the Township's best interests to modify two of the restrictions contained in the Deed;

WHEREAS, the Mayor and Council find that the roof over the rear patio, the first floor guest living room and bedroom of the main building on the Property were not original features of the Property and do not enhance the Property;

WHEREAS, the current location of the stone wall, which is in a state of significant disrepair interferes with implementation of the Redevelopment Plan;

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WHEREAS, the Mayor and Council have consulted with the Clinton Township Historical Preservation Commission and the Commission does not oppose the limited modification of the restrictions in the Deed as provided for herein;

WHEREAS, modification of the restrictions does not impair any vested or contractual rights of third parties; and

WHEREAS, in accordance with N.J.S.A. 40:60-51.2, notice of the Township's proposed modification of the restrictions was duly advertised and a public hearing thereon was conducted on April 27, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton this 27th day of April 2016 as follows:

1. Restrictions A and B contained in the Deed dated October 30, 2007 wherein the Township of Clinton is the Grantor, and Beaver Brook Homestead, LLC is the Grantee, recorded in the Hunterdon County Clerk's Office on November 21, 2007 shall be modified to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

A. Grantee shall not demolish, remove or raze the main building or the barn fronting on Beaver Avenue (collectively, the "structures"), except that the roof over the rear patio, and the first floor guest living room and bedroom in the main building may be removed.

B. Grantee shall ~~not demolish or remove~~ be permitted to restore and relocate the stone wall located on the eastern side property line of the subject property.

2. All other restrictions in the Deed shall remain in full force and effect.

Action Item #1

Resolution #46-16 – Budget self-examination

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

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

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes

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Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Clinton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2016 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Clinton that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

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6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Councilman McTiernan to approve the check control registers dated April 27, 2016 totaling \$2,713,704.10. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

Paul Marks of Clinton asked Mayor Higgins if his prepared statement will be published. Mayor Higgins stated he will send it to the press and post it to the Township website. Mr. Marks questioned how often the Township has been late with school payments in the last four or five years. Mayor Higgins stated if the total tax payment is not available the CFO will contact the school district staff and work with the staff until the Township receives all of the tax payments.

Lana Brennan from Lebanon questioned if the late payments are an ongoing problem, why the budget is not approved until the middle of the year. Ms. Brennan questioned why some members of

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the Council left the School Board meeting before all their questions were answered. Mayor Higgins stated the Council was surprised with the statements that were made at the School Board meeting and that he can listen to the audio of the Board meeting. Mayor Higgins stated the School Board never mentioned any issues with the payments during its communications until that meeting. Ms. Brennan questioned when in March the Township contacted the School Board regarding the late payment for March and April 2016. Marie Pardo, the CFO of the Township, stated she spoke with the School Board in March regarding the late payment. Ms. Brennan questioned if the Township is staying under the 2% cap. Administrator Joss explained there are two different caps, a budget cap and a tax levy cap Administrator Joss explained residents do not vote on the municipal budget because it is not allowed in New Jersey. Attorney Hadinger explained the difference between a school budget and a municipal budget.

Faith Fuhrman of Annandale stated that having the school elections in November has benefitted the township. Ms. Furman stated she believes when the elections were held in April and the budget was being defeated the schools suffered and continue to suffer from that time period. Ms. Furman asked if the Township decided to move the school elections back to April what the process would be. Mayor Higgins stated either the Township or Board of Education can pass a Resolution to move the elections back to April.

Andrea Weaver from Clinton stated she believes the local school takes 46% of the Township budget. Attorney Hadinger explained to Ms. Weaver that the schools and Township have two different budgets so that is not the case. Attorney Hadinger explained the Township is the collector for all the entities on one's tax bill, including the schools, county and other entities, but does not set those budgets. Ms. Weaver questioned where the 46% that has been collected is. Attorney Hadinger explained the tax bill residents receive will show that a certain percent does go to the school. Ms. Weaver questioned if the Township has any reason to put pressure on the School Board to close a school to save money. Mayor Higgins stated the Council will gather data to make a decision on whether to bring the school elections back to April and look at the data regarding closing a school. Ms. Weaver questioned was it necessary to purchase police vehicles in the first quarter when the Township could not make a payment to the schools. Administrator Joss explained the money came from the Capital Ordinance and was set aside and paid for in a previous year. Lt. Higgins stated no police vehicles have been purchased with taxpayer's money within the last six years. Lt. Higgins explained the police vehicles are purchased with the DEA trust fund.

Cathy West from Annandale stated she values the schools in Clinton Township even though her children have graduated from high school. Ms. West would like the community to work together. Ms. West stated she is sorry some of the Council members were blindsided at the School Board meeting on Monday night. Ms. West suspects some of the School Board members felt blindsided when they had a reporter contact them about the list of questions that the Council submitted. Ms. West stated she would like to see people working together more and keeping the school as it has been. Ms. West stated she expects elected officials to act with dignity and respect. Ms. West questioned if the Township had a shortfall of money at the beginning of the year is there a financial problem. Mayor Higgins stated it is just an issue of cash flow at the beginning of the year. Ms. West commends the Township for lowering the budget and doing without and the schools keeping the budget within the 2% cap. Ms. West stated she would like the elections to stay in November to keep the cost down.

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Nick Corcodilos from Lebanon stated he hopes the residents in the audience who attend the school board meetings appreciate how the Council runs the Township meetings. Mr. Corcodilos stated at the school board meetings residents only have three minutes to speak or if residents ask a question it never gets answered. Mr. Corcodilos stated that any documents the School Board or Town Council produces is instantly a public record. Mr. Corcodilos does not understand why the School Board is offended that the media printed the letter from the Council to the School Board. Mr. Corcodilos stated the voters should be allowed to vote on the school budget.

MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 9:37p.m. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:



Carla Conner, Township Clerk



John Higgins, Mayor

Adopted: June 22, 2016