

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

TABLE OF CONTENTS

CALL TO ORDER: Flag Salute: Open Public Meetings Act Statement.....2

ROLL CALL:2

APPROVAL OF MINUTES:.....2

BOARD OF HEALTH:.....4

CONSENT:.....4

PUBLIC COMMENTS:8

NEW BUSINESS:8

REPORTS:9

ORDINANCE ADOPTION/PUBLIC HEARING:10

ORDINANCE INTRODUCTION:14

RESOLUTIONS:26

VOUCHERS:29

PUBLIC COMMENT:30

EXECUTIVE SESSION:30

RETURN FROM EXECUTIVE SESSION:30

ADJOURN:.....31

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

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	Absent

APPROVAL OF MINUTES:

Executive Session March 23, 2016

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the above-referenced minutes. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

ROLL CALL:

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

Regular Session June 8, 2016

Mayor Higgins introduced the matter.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

MOTION was made by Mayor Higgins to approve the amended above-referenced minutes. 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
Council President Mullay	Yes
Mayor Higgins	Yes

Regular Session June 22, 2016

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the amended above-referenced minutes. 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
Council President Mullay	Yes
Mayor Higgins	Yes

Regular Session July 13, 2016

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the amended above-referenced minutes. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

ROLL CALL:

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

BOARD OF HEALTH:

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

Block 4.03 Lot 2 – 3 South Deer Hill Road – the resident, Sam Mardini explained the waiver request: 1) the proposed disposal bed will be 13 feet from the property line, and 2) the septic system will be located outside of the building envelope. The Hunterdon County Board of Health approved the waiver.

MOTION was offered by Council President Mullay to approve the waiver with the condition of moving the disposal field 15 feet more to the north. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

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

CONSENT:

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

MOTION was made by Councilman D'Alleinne to approve the consent agenda. Seconded by Mayor Higgins. 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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

Consent #1

Resolution 85-16 – Overpayment of real estate taxes – Block 7 Lots 19 & 20 and Block 12 Lots 1.01

WHEREAS, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$6,357.28; and

WHEREAS, the attached listing is a detail of the requested refunds.

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

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Crater c/o Richard Pelio	7	19	1061 Route 22	13/4	2497.39
11 Furler St	7	20	1041 Route 22	13/4	835.14
Totowa, NJ 07512					
Vendor total					3332.53
Property Title Group, LLC	12	1.01	301 Cokesbury Rd	16/3	3024.75
600 Parsippany Road					
Parsippany, NJ 07054					
TOTAL REFUNDS					\$6,357.28

Consent #2

Resolution 86-16 – Release of 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
\$276.75	79.02/24	44 Regional Rd	Ralph Marsh	Escrow

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

Consent #3

Resolution 87-16 – Approving Developer’s Agreement – Food Cure, Inc.

BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Township is authorized to enter into a developer's agreement with Food Cure, LLC, regarding the proposed development on property located at 73 Beaver Avenue and designated as Block 59, Lot 4.01 (Clinton Township Tax Map 2003) in the Township of Clinton, County of Hunterdon, State of New Jersey; and

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

Consent #4

Resolution 88-16 – Chapter 159 – 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown

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

WHEREAS, 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 2016 budget in the sum of \$5,000.00, which is now available from the State of New Jersey Law and Public Safety, Division of Highway Traffic Safety for Drive Sober or Get Pulled Over Grant Statewide Labor Day Crackdown.

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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

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 89-16 – Approving Dedication by Rider for Uniform Fire Safety Act Penalty Moneys

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, N.J.A.C. 5:70-2.12(f)2 requires that all monies recovered as a result of Uniform Fire Safety Act penalties shall be paid into a designated trust account; and

WHEREAS, N.J.S. 52:27D-192 et seq. allows municipalities to receive amounts for costs incurred for Uniform Fire Safety Act penalties, and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Uniform Fire Safety Act funds; are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, New Jersey as follows:

- 1.** The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Uniform Fire Safety Act Penalties as per N.J.S. 40A:4-39.
- 2.** The Clerk of the Township of Clinton, County of Hunterdon, New Jersey is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Consent #6

Resolution 90-16 – Authorizing Township Engineer Cathy Marcelli to endorse NJDEP TWA permits for the Township

WHEREAS, for all new or replacement on site subsurface sewage disposal systems with design flows greater than 2,000 gallons per day, a Treatment Works Approval (TWA) permit is required from the New Jersey Department of Environmental Protection (NJDEP), and;

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

WHEREAS, prior to the issuance of said TWA by the NJDEP, consent of the municipal Governing Body is required in order for the municipal Engineer to endorse the application for the TWA permit, and;

WHEREAS, it is the desire of the Township of Clinton to hereby grant the Township Engineer the authority to endorse all TWA permits on the Governing Body's behalf when, in the Engineer's opinion, the sewage disposal system meets the standards set by the municipality and the State of New Jersey for such systems, and does not adversely impact any other property not served by said disposal system.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Municipal Engineer is hereby authorized to endorse any TWA permit applications on the Governing Body's behalf when it meets the requirements stated in the paragraph above. If it does not, then said application will be referred back to the Governing Body for further discussion and action.

PUBLIC COMMENTS:

There were no public comments.

NEW BUSINESS: Bond Ordinance discussion

Mayor Higgins discussed replacing the 70-year old public works building with a new \$2 million building. Councilman D'Alleinne questioned if there will be enough room for residents to dump brush and other items off at the yard. Administrator Joss stated the Township can relocate the dump drop off to Windy Acres or the back of Bundt Park. DPW Director, Jay Meixsell discussed the challenges in the old garage such as lightening, no floors drains, only one bay which can accommodate trucks to be worked on while the rest of the fleet has to be parked outside. Administrator Joss stated this would be the final phase upgrading the DPW facility after having already done the bunk house and the salt barn. Township Engineer, Cathy Marcelli stated the project is not ready to go out to bid and that a ground survey has to be completed first. Councilman D'Alleinne questioned the configuration of the building. Engineer Marcelli stated the garage will have six bays where two of the bays will be for shops, electrical, storage and restrooms while four will be drive through and are sized to accommodate all of the Township's equipment. Councilman D'Alleinne questioned if the Township will have a discussion with neighboring municipalities to see if they would be interested in leasing space in the new garage in which the Township can build extra bays in the future. Administrator Joss stated those discussions with other towns will happen as the garage nears completion, and he then went over the other items that are included in the bond ordinance.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

REPORTS:

Councilman Switlyk:

Councilman McTiernan read Councilwoman Switlyk's report. Councilwoman Switlyk reported that the Clinton Township School Board met on August 22 and the next meeting is scheduled for September 26. Councilwoman Switlyk reported the board attorney made an announcement that Governor Christie signed the bill which provides a 2-year moratorium on moving annual school elections from November back to April. Councilwoman Switlyk reported a presentation was given HIB. Councilwoman Switlyk reported NHHS/VHS school district met on August 16 and the next meeting will be September 20. Councilwoman Switlyk reported the board had a lengthy discussion regarding the referendum.

Councilman McTiernan:

Councilman McTiernan reported the Mayor and Recreation Director has had external organizations in the community come to them with two areas of interest. Councilman McTiernan reported one is the construction of tennis and pickle ball courts on the White Cloud property, and the other is putting a new surface and roof on the basketball courts and have a league use the courts on a regular basis. Councilman McTiernan reported the Planning Board will meet on September 19.

Council President Mullay:

Council President Mullay reported the Township has had preliminary discussions with interested parties who are looking into the possibility into redeveloping the old municipal building. Council President reported building permits are up in volume.

Administrator Joss:

Administrator Joss reported the Township will be finalizing plans for repaving the roads that are on the five-year repaving plan. Administrator Joss explained how the Township comes up with the five-year plan. Administrator Joss reported he and the Mayor will meet with the NJDOT on October 3 to discuss Route 22/Blossom Hill Road and Route 31/Country Club Drive intersections.

Township Engineer Cathy Marcelli

Ms. Marcelli reported she had a preconstruction meeting with Food Cure. Ms. Marcelli reported Hanna Memorial has been quiet for a couple of weeks but work will soon resume at the site. Ms. Marcelli reported Readington Township has just finished the curb work on Potterstown Road. The project will be on hold since the money is coming out of the DOT Trust Fund. Ms. Marcelli reported the site work for the Goddard School is complete.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

Lt. Higgins:

Lt. Higgins reported the Police promotions will take place early in 2017. Lt. Higgins reported the Police Department purchased a traffic data collection device which the PD will be using on Red House School Road and other roads in the Townships.

ACTION:

ADOPTION OF ORDINANCES/PUBLIC COMMENT:

1091-16 - AN ORDINANCE AMENDING AND SUPPLEMENTING §4-52 DIVISION OF POLICE OF THE CODE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY TO ESTABLISH PROVISIONS REGARDING OFF-DUTY EMPLOYMENT OF POLICE OFFICERS

Mayor Higgins introduced the matter. Administrator Joss explained the ordinance. Mayor Higgins opened the public hearing.

Mayor Higgins closed the public hearing.

MOTION was made by Councilman McTiernan to adopt 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 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. § 4-52 of Code Amended. § 4-52 of the Code of the Township of Clinton in Hunterdon County, New Jersey is amended and supplemented by the addition thereto of a new paragraph H. Off-duty employment to read as follows:

H. Off duty employment.

(1) Definitions. As used in this paragraph, the following terms shall have the meanings indicated:

CONTRACTOR – A person, corporation, partnership, business, or other entity, including non-profit entities, employing a Clinton Township police officer to provide off-duty police-related services.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

OFF-DUTY EMPLOYMENT – Any employment of a Clinton Township police officer for police-related services where the source of compensation to the police officer does not originate from the Township budget line item for police wages and salary.

(2) Request for off-duty police employee; special assignments.

(a) A contractor seeking to engage Clinton Township police officers for off-duty employment shall direct its request to the Police Director. Except in the case of an emergency, the request shall be in writing, and shall describe the specific nature of the services desired.

(b) The Police Director may assign police officers for off-duty employment based upon a determination that public health, safety and welfare would be advanced through the provision of off-duty employment. The cost for providing off-duty employment shall be the responsibility of the contractor, and all costs shall be paid as set forth in subsection (7) below.

(3) Assignment of police officers. The Police Department shall maintain a list of police officers who have offered to provide off-duty employment. Assignment of off-duty employment shall be made in accordance with a rotation list maintained by the Police Director. When a police officer is assigned off-duty employment, or declines to accept an assignment, the officer's name will be placed at the bottom of the list.

(4) Emergencies. Off-duty employment may be immediately terminated if the police officer performing the work is required for emergency police duty for the Township, as determined by the Police Director.

(5) Police uniforms, equipment and vehicles. Township police officers providing off-duty employment for contractors shall be in full police uniform while said services are being provided; however, Township police vehicles shall not be used by police officers during the performance of off-duty employment unless specifically authorized by the off-duty agreement.

(6) Authorizing contract. The Police Director is hereby authorized to execute contracts with contractors for the services required, which contracts shall set forth, among other things, the specific nature of the services to be performed, the location where said services will be performed, the dates and hours of service, payment arrangements, arrangements for the use of police vehicles, arrangements for insurance coverage, and any other provisions mandated by this chapter or any other applicable law or regulation.

(7) Payment requirement; escrow accounts.

(a) Any contractor requesting the services of an off-duty law enforcement officer in the Clinton Township Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Police Director, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

cover the rates of compensation and administrative fees for the total estimated hours of service. A separate dedicated by rider trust fund shall be established by the Township and all funds collected and disbursed relating to off-duty employment shall be made through said account.

(b) Prior to posting any request for services of off-duty police officers, the Police Director shall verify that the balance in the escrow account of the contractor requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Police Director shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No police officer shall provide any such services for more hours than are specified in the request for services.

(c) In the event the funds in such an escrow account should become depleted, services by police officers for off-duty employment shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.

(d) The contractor requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

(e) Salary and fee schedule. Contractors hiring Township police officers for off-duty employment shall be charged pursuant to the following schedule which includes an hourly rate of pay for the police officer, the cost for the use of a police vehicle, plus a fair and reasonable sum representing the administrative costs, overhead and out-of-pocket expenses to the Township for providing this service:

[1] Personnel: \$75 per hour per full-time police officer at any site.

[2] Vehicles: \$50 per car. This fee shall not apply to any public school sponsored event on public school property within Clinton Township.

[3] Administration fee: 20% of the total fee as outlined above. If said service is requested within eight hours of desired start time, an additional \$75 shall apply.

(f) If a contractor's escrow account shall become deficient, the contractor shall submit payment to Clinton Township within two business days of notification of deficiency. Failure of the contractor to make payment within said two days shall result in the immediate cessation of the police services being provided, and this agreement shall be deemed terminated. In the event this contract is terminated, the contractor shall forfeit all sums paid in advance and Clinton Township shall have the right to pursue any remedy at law for the collection of any amounts that may be due and owing for the services provided prior to termination.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

(8) Payment to officers.

(a) Police officers providing off-duty employment for contractors shall be paid for said services by the Township at the rate set forth in subsection (7)(e) above.

(b) All sums due a police officer performing off-duty employment shall be paid subsequent to the submission of a voucher which is approved by the Police Director. No officer shall be paid until such time as the contractor's account with the Township has enough funds in it to at least cover the payments requested by the officer(s).

(9) Insurance. The contractor shall be responsible for providing all necessary insurance coverages as required by law, including but not limited to workers' compensation and general liability insurance. Coincidental with the execution of the contract referred to in subsection (6) above entitled Authorizing Contracts, the contractor shall provide the Township with appropriate insurance binders insuring that the police officer and Clinton Township are provided general liability coverage with respect to the services to be provided and that the police officer is covered by appropriate workers' compensation insurance.

(10) Indemnification.

(a) To the fullest extent permitted by law, contractor shall indemnify, defend, and hold harmless the Township of Clinton, its agents and employees, from and against all claims, damages, losses, liabilities and expenses, including but not limited to attorney's fees and court costs, arising out of, resulting from or in any way relating either directly or indirectly to:

[1] The performance of the work;

[2] Any and all claims made by said police personnel for injuries and/or illnesses while performing the off-duty employment;

[3] The breach by contractor of any of the terms and conditions of the agreement;

[4] The negligent or intentional acts or omissions of the police and/or the contractor, its employees, agents, and/or subcontractors;

[5] Bodily injury, sickness and/or disease, including death at any time resulting from such bodily injury, sickness or disease, sustained by any person while in, on or about the site and surrounding areas where such injury, sickness, disease and/or death arose out of or was in any way connected with the work;

[6] Any liability based upon contractor's negligence imputed to the Township of Clinton;

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

[7] Damage to property of contractor, the Township of Clinton or any other person or entity arising out of, incident to, or in connection with the performance of the work;

[8] Laborers, mechanics and materialmen's liens, and all other liens and charges of every character whatsoever, arising out of work to be performed by this agreement; and/or

[9] Any other cause of action which may be brought against the Township of Clinton arising out of or in any way relating to the work and contractor's obligations hereunder.

(b) This indemnification and hold harmless agreement shall apply in all instances whether the Township of Clinton is a plaintiff or is made a direct party to the initial action or claim or is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

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 its passage, publication, and in accordance with N.J.S.A. 40:69A-181.

INTRODUCTION OF ORDINANCES:

1092-16 - A MULTI-PURPOSE ORDINANCE AMENDING CHAPTER 165 "LAND USE REGULATIONS" OF THE CODE OF THE TOWNSHIP OF CLINTON TO EXEMPT REPLACEMENT OF LIGHTING, MECHANICAL EQUIPMENT AND FENCING FROM SITE PLAN REVIEW; CLARIFY THAT REPAIR OR REPLACEMENT OF EXISTING SUBSERVICE SEPTIC DISPOSAL SYSTEMS IS PERMITTED WITHIN REQUIRED YARD SETBACKS; CLARIFY THE ENFORCEMENT OF TEMPORARY SIGN REMOVAL; REMOVE REFERENCES TO FORMER R1 AND R2 ZONES; AND REVISE THE ZONING MAP AND ZONING SCHEDULE TO REMOVE THE FORMER R1 AND R2 ZONES.

Mayor Higgins introduced the ordinance.

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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

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. § 165-36 “Approval Required” of Code Amended. § 165-36 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-36. Approval required.

Prior to the subdivision or resubdivision of land and prior to the issuance of a construction permit or certificate of occupancy for any development, an application for subdivision, site plan or planned development review, as the case may be, shall be submitted to and approved by the Planning Board in accordance with the requirements of this article ~~except that subdivision or individual lot applications for detached one- or two-family dwelling unit buildings shall be exempt from site plan review and approval.~~ The following shall be exempt from site plan review and approval:

A. Subdivision or individual lot applications for detached one- or two-family dwelling unit buildings.

B. Replacement of previously approved site lighting, provided that a signed site plan, and information on existing and proposed lights, including photometrics and cut sheets, are submitted to the Zoning Officer, and upon a determination by the Zoning Officer that the replacement lighting:

- (1) Will not increase the number of lights;
- (2) Will not increase the height of the lights;
- (3) Will provide a similar level of lighting; and
- (4) not negatively impact adjacent properties.

C. Replacement of previously approved outdoor mechanical equipment, including air conditioning equipment, generators, or similar equipment or appliances, provided that the replacement equipment is the same or similar to the existing equipment and is installed in the same location.

D. Replacement of previously approved fencing, provided that for a fence conforming with the provisions of § 165-117.1, the replacement fencing shall be the same or similar to the existing fencing and in the same location. For a nonconforming fence, the replacement fencing shall be identical to the existing fencing.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

Section 2. § 165-98 “Yard requirements” of Code Amended. Subsection 165-98.D. (5) of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(5). ~~In instances where the Board of Health has determined that an e~~Existing subsurface septic disposal systems, including repair or replacement of an existing subsurface system, ~~has malfunctioned, and there is no other reasonable location on the subject property where a replacement or modified system or component thereof may be located, to the minimum extent necessary for the protection of the public health, a subsurface septic disposal system, or component thereof;~~ provided, however, that any such repair or replacement of an existing septic system or component thereof located in a yard setback area pursuant to this subsection shall not be sized to accommodate an expansion of the property's existing permitted use.

Section 3. § 165-109 “Signs” of Code Amended. Subsection 165-109.O. (2) of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(2) Whenever a temporary sign is erected or maintained in violation of this section, the Zoning Officer or the Zoning Officer’s designee may remove the same at any time without notice.

Section 4. § 165-71 “Site plans” of Code Amended. The table contained in subsection 165-71.A.(7) of the Code establishing the locational requirements for parking and loading areas is amended in the following manner:

- A. The entry for the former R1 zone shall be deleted.
- B. The entry for the former R2 zone shall be deleted.

Section 5. § 165-85 “Establishment of Districts” of Code Amended. § 165-85 of the Code is amended to read as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-85. Establishment of Districts.

For purposes of this chapter, the Township of Clinton is hereby subdivided into 15 zone districts, known as:

R-1	Residence Distriet
R-2	Residence Distriet
RC	Rural Conservation District
RR-4	Rural Residential 4 District
RR-4S	Rural Residential District 4S
SR	Suburban Residential District
VR	Village Residential District
AH-1	Affordable Housing District
AH-2	Affordable Housing District

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

AH-3	Affordable Housing District
C-1	Commercial District
C-2	Commercial District
OB-1	Office Building District
OB-2	Office Building District
ROC	Research, Office and Commercial District
ROM-1	Research, Office and Manufacturing District
ROM-2	Research, Office and Manufacturing District

Section 6. § 165-86 “Zoning Map and Schedule of Zoning Requirements” of Code Amended. § 165-86 of the Code is amended to read (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-86. Zoning Map and Schedule of Zoning Requirements.

The map entitled "Zoning Map, Clinton Township, Hunterdon County, N.J.," dated ~~November 30, 2011~~September 14, 2016, and the Schedule of Zoning Requirements, revised through ~~May 10, 2006~~ September 14, 2016, which accompany and are referenced in this Part 7 are hereby declared to be part hereof.

Section 7. § 165-117 “Steep slope requirements” of Code Amended. Subsection 165-117.A of the Code is amended to read (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

§ 165-117. Steep slope regulations.

A. The following standards shall apply to all new lots created through subdivision and all site plans with slopes in excess of 15%, except that Subsection A(3) shall apply only to residential lots in the ~~R-1, R-2 and~~ RR-4S Districts.

Section 8. § 165-138 “Residential cluster and lot averaging” for the R Residence

Districts of Code Amended. § 165-138 of the Code is amended in the following manner:

A. Subsection 165-138.A, subparagraphs (1) and (5) shall be modified as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(1) Residential cluster development shall be permitted on tracts of at least 25 acres according to the requirements outlined on the Schedule of Requirements in § 165-86, provided that open space is permanently preserved according to the following ratios:

District	Open Space Ratio
R-1	40%
R-2	40%
RC	70%
RR-4 and RR4-S	50%

TOWNSHIP OF CLINTON
 REGULAR COUNCIL MEETING
 September 14, 2016

(5) Nothing contained herein shall be construed to require the Planning Board to approve any subdivision employing clustering if said subdivision is in conflict with any provision of the Clinton Township Master Plan or if said subdivision will, in any way, result in a land use pattern that will adversely affect that portion of the Township in which it falls. In all districts ~~except R-1 and R-2~~, the cluster subdivision shall not result in a greater lot yield than conventional subdivisions, and the Planning Board may require the submission of a conforming, conventional subdivision in order to determine the lot yield.

B. Subsection 165-138.B, subparagraph (1), subparagraph (a) shall be modified as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(a) The Planning Board may approve a subdivision employing the use of lot averaging as defined in this chapter when the applicant proposes a distribution of lot areas within the development according to the following schedule:

Zone	Minimum Percent of Lots Within Lot Area Range	Lot Area Range (square feet)
R-1	60%	100,000-150,000
R-2	60%	65,000-100,000
RC	60%	100,000-150,000
RR-4	60%	65,000-100,000
RR-4S	60%	65,000-100,000

C. Subsection 165-138.B, subparagraph (4) shall be modified as follows (additions to text are indicated by underlining and deletions from text by ~~strikeouts~~):

(4) In all districts ~~except R-1 and R-2~~, a lot averaging subdivision shall not result in a greater lot yield than conventional subdivisions, and the Planning Board may require the submission of a conforming, conventional subdivision in order to determine the lot yield.

Section 9. § 165-140 “Permitted principal uses” for the AH-1 District of Code Amended. § 165-140 of the Code is amended to read as follows (deletions from text are indicated by ~~strikeouts~~):

§165-140 Permitted principal uses.

Principal uses shall be limited to the following:

~~A. One-family dwellings as permitted and regulated in the R-1 Residence District.~~

AB. One- and two-family dwellings, townhouses and apartments as herein regulated below in this article. At least 16% of the total number of housing units shall be limited to occupancy by low- and moderate-income households.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

BC. Sewage treatment plants, provided that the impervious surface coverage of the sewage

Section 10. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 11. 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 12. 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.

**TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016**

SCHEDULE OF ZONING REQUIREMENTS (Revised September 14, 2016) (Ord. No. 10-2006)
TOWNSHIP OF CLINTON
[Amended 5-11-1987 by Ord. No. 334-87, 11-23-1987 by Ord. No. 350-87; 8-27-1990 by Ord. No. 435-90; 9-10-1990
by Ord. No. 436-90; 4-10-2002 by Ord. No. 772 (1); 4-9-2003 by Ord. No. 812-03; 4-4-2004 by

Zone	Primary Principal Use	Minimum Lot Area (square feet) *4	Maximum Depth of Measurement (feet)	Maximum Lot Width		Minimum Yards			Maximum Stories	Height (feet)	Maximum Building Coverage (percent)	Maximum Density (units/acre)
				At Street (feet)	At Building (feet)	Front (feet)	Rear (feet)	Side (feet)				
RC	One-family dwellings Conventional lot Clustered lot or lot average lot	392,040 100,000	1200 500	250 90	400 135	180 75	250 75	100 50	2 1/2 2 1/2	35 35	5% 15%	0.11 units/acre 0.11 units/acre
	One-family dwellings Conventional lot Clustered lot or lot average lot	174,240 65,000	800 500	150 100	250 150	125 50	250 75	50 35	2 1/2 2 1/2	35 35	10% 15%	0.25 units/acre 0.25 units/acre
RR-4S	One-family dwellings Conventional lot Clustered lot or lot average lot	174,240 30,000 65,000	800 240 500	150 75 100	250 110 150	125 50 50	250 50 75	50 25 35	2 1/2 2 1/2 2 1/2	35 35 35	10% 15% 15%	0.25 units/acre 1.0 units/acre 0.25 units/acre
SR	One-family dwellings Conventional lot Clustered lot	65,000 15,000	500 150	100 60	150 90	50 35	75 40	35 10	2 1/2 2 1/2	35 35	15% 20%	
VR	One-family dwellings Two-family dwellings	9,000 11,250	150 150	36 45	54 68	35 35	40 40	10 10	2 1/2 2 1/2	35 35	20% 20%	
AH-1	Multifamily dwellings											
AH-2	Multifamily dwellings											
AH-3	One-family dwellings Two-family dwellings Three- and four-family dwellings	5,000 3,500 per unit 3,000 per unit	100 90 80	30 20 20	50 35 30	15' ⁰ 15' ⁰ 15' ⁰	20' ⁰ 20' ⁰ 20' ⁰	12' ⁰ 7.5' ⁰ 7.5' ⁰	See § 165-152 See § 165-152 See § 165-152		20% 20% 20%	
C-1	Commercial	75,000	300	250	250	40	75	50		35		
C-2	Commercial	217,800	600	350	350	40	100	75		32		
OB-1	Office buildings	150,000	500	300	300	40	100	50		35		
OB-2	Offices, shops, etc. One-family dwellings Two-family dwellings	20,000 9,000 11,250	200 150 150	100 35 45	100 54 68	35 35 35	60 40 40	20 10 10	2 1/2 2 1/2 2 1/2	35 35 35	20 20	
ROC	Commercial uses ROM uses	247,800 435,600	600 1,000	300 300	350 350	150 150	150 150	75' ⁰ 75' ⁰	2 2	35' ⁰ 35		
ROM-1	Research, office, and manufacturing	1,742,400	2,000			200' ⁰	200' ⁰	75' ⁰		45' ⁰		
ROM-2	Research, office, and manufacturing	871,200	1,500			150' ⁰	150' ⁰	75' ⁰		45' ⁰		
ROM-3	Research, office, and manufacturing	217,800	600	350	350	100	100	75		32		
PDO	Research, office and manufacturing											

TOWNSHIP OF CLINTON
 REGULAR COUNCIL MEETING
 September 14, 2016

NOTES:

- u., For lots served by individual on-site septic systems, required minimum lot areas shall include at least one contiguous acre of noncritical lands. Noncritical lands are lands free of wetlands, floodplains, water bodies, stream corridors, easements and topographic slope of 15% or greater.
- (b) This standard shall apply to the area of the lot after first reducing the total area by portions of land subject to certain constraints as provided in the following schedule.

Constraint	Percentage of Area of Constraint by which Lot Area is to be Reduced *
Bodies of water	100
100-year floodplain (1)	100
Wetlands and wetland transition areas (2)	100
Slopes 15% to 24.99% (3)	50
Slopes 25% and greater (3)	100
Stream corridor (.f)	100
Easements (5)	100

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

*If more than one constraint applies to a given area, the constraint with the greater reduction shall apply).

- (1) Federal Emergency Management Administration (FEMA), DEP or other equally reliable source.
- (2) Verification by the NJDEP.
- (3) Calculated within two-foot contour intervals from aerial topography or survey by a New Jersey licensed land surveyor.
- (4) In accordance with the definition in Section 165-4.
- (5) Including existing drainage and conservation easements.

1.4 Additional yard requirements: Notwithstanding minimum yard requirements, the yard depth shall be increased by one foot for every 200 square feet or part thereof of building wall surface area in excess of 20,000 square feet, provided that the yard depth need not exceed 400 feet.

- (1) For buildings that are not parallel to a street or property line as described above, the additional setback shall be measured at the midpoint of the length of the building wall.
- (2) For buildings having staggered walls facing on a street property line as described above, the additional setback shall apply individually to each building wall, the area of said wall being the area of a plan extending through the entire building at that point.

1.5 Minimum rear yard requirement applies to the side yard if the side yard adjoins a residence district.

.... If off-street parking is provided under a building, the maximum permitted height of that portion of the building under which parking is located may be increased to 60 feet.

.... Side yards shall be increased to 100 feet where lot line abuts a residential zone.

1.6 For hotels the height limit will be 55 feet.

.... If application is made pursuant to a master development plan pursuant to Section 40-88 of the Clinton Township Code, the maximum impervious surface coverage shall be calculated on the basis of the effective land area of the entire tract prior to the subdivision or dedication. Any resulting lot shall not have more than 80% impervious surface coverage.

1.7 Fifteen feet exclusive of open porches, 20 feet to any garage door.

1.8 Dwelling may be located on rear lot line for zero lot line units, provided no unit is attached to another unit.

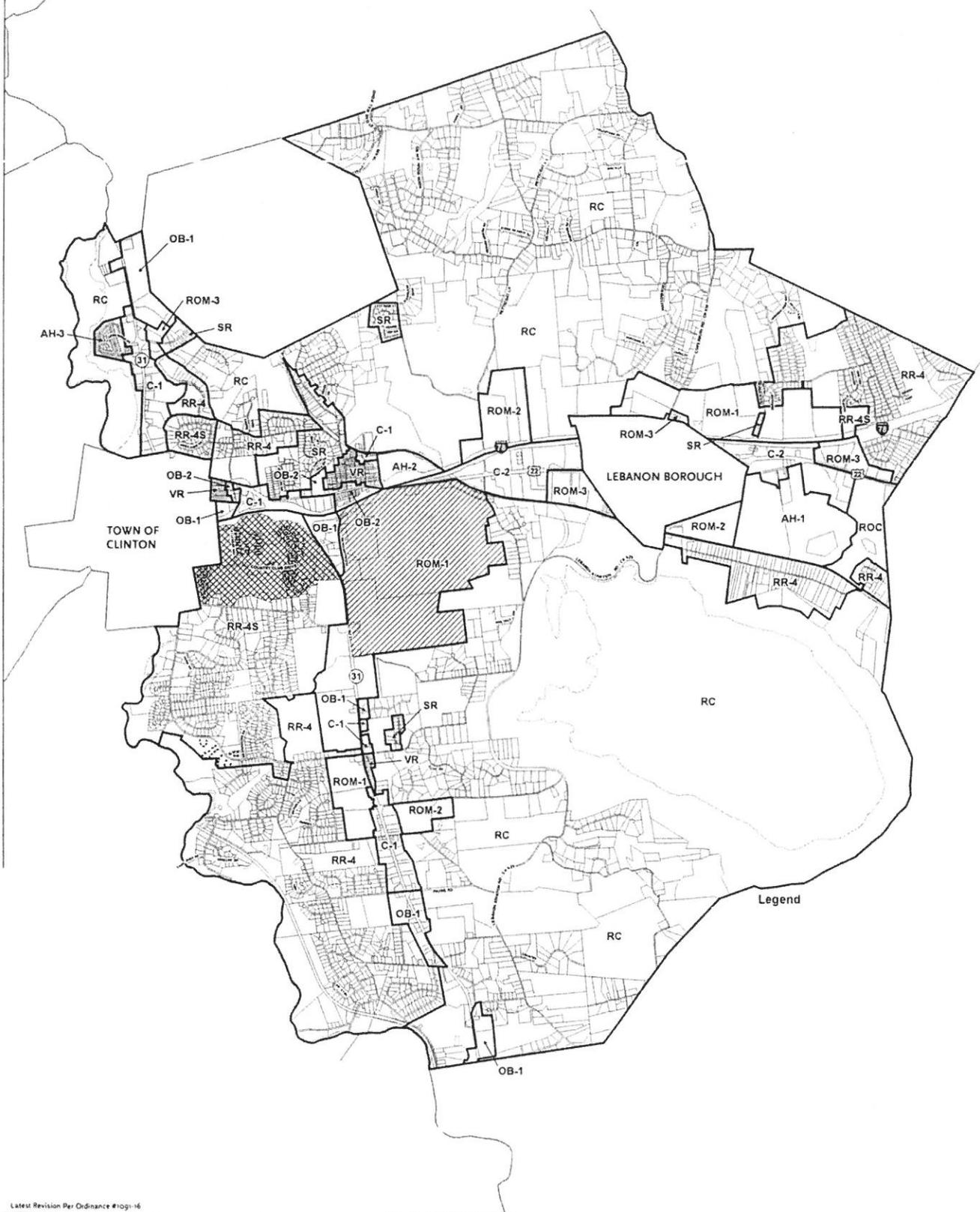
1.9 Dwelling may be located on rear lot line when attached to another unit.

1.10 Dwelling may be located on side lot line for zero lot line units, provided no unit is attached to another unit.

1.11 Fifteen feet minimum between buildings.

1.12 Commercial uses are only permitted on tracts containing 50 acres or more of effective land area.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING



Latest Revision Per Ordinance #1091-16

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

1093-16 - AN ORDINANCE CONFIRMING THE ACQUISITION OF A DEVELOPMENT
EASEMENT ON PROPERTY LOCATED ON STANTON MOUNTAIN ROAD IDENTIFIED AS
BLOCK 19, LOTS 37 & 38 ON THE CLINTON TOWNSHIP TAX MAPS AND AUTHORIZING
THE ASSIGNMENT OF SAID DEVELOPMENT EASEMENT TO THE STATE OF NEW
JERSEY

Mayor Higgins introduced the ordinance.

MOTION was made by Council President Mullyay to adopt 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 Mullyay	Yes
Mayor Higgins	Yes

WHEREAS, on December 8, 1999 the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey adopted Ordinance #708-99, titled "A Bond Ordinance Providing for the Acquisition of Property Known as Block 19, Lot 37 and Block 19, Lot 38 by the Township of Clinton, County of Hunterdon, State of New Jersey, Appropriating \$1,014,000.00 Therefor and Authorizing the Sum of \$50,700.00 From the Open Space Trust Fund and the Issuance of Bonds or Notes in the Amount of \$963,300.00;"

WHEREAS, pursuant to Ordinance #708-99, on December 30, 1999, the Township of Clinton acquired a development easement on Block 19, Lots 37 & 38 (the "**Property**");

WHEREAS, the total price for the acquisition of the development easement was \$1,014,000.00;

WHEREAS, it was never the intention of the Township to retain sole ownership of the interest it acquired in the Property, but rather to preserve the land for farming;

WHEREAS, the Township seeks funds from the State of New Jersey ("**State**") for reimbursement, in part, of the acquisition;

WHEREAS, in order for the Township to receive reimbursement from the State, the Township's interest in the Property must be conveyed to the State;

WHEREAS, the State requires that the development easement the Township obtained be modified to conform to certain State requirements and, accordingly, the Township will acquire a Corrective Deed of Easement for the Property and assign the same to the State;

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) permits the Township to transfer unneeded interests in real property to the State at a private sale provided that the property continues to serve a public purpose, that being, in this instance, preserved farmland; and

WHEREAS, the Township hereby finds and declares that its interest in the Property is unneeded for municipal purposes and that the Township acquired that interest for the purpose of preserving the Property as farmland.

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

1. Through this Ordinance, the Township ratifies any and all action taken to acquire its interest in the Property and any and all action taken prior to adoption of this Ordinance to assign the Township's interest in the Property to the State.

2. Through this Ordinance, the Township is authorized to acquire a Corrective Deed of Easement for the Property.

3. Through this Ordinance, the Township finds that the Property is not needed for municipal purposes.

4. Through this Ordinance, the Mayor, Clerk, Township Administrator, and Township Attorney are authorized to take any and all action and execute any and all documents necessary to assign the original development easement and/or Corrective Deed of Easement to the State.

5. Through this Ordinance, the Township Attorney is authorized to deliver the Assignment of the original development easement and/or Corrective Deed of Easement to the State conditioned upon receiving appropriate reimbursement.

6. This Ordinance shall take effect as provided by N.J.S.A. 40:69A-181.

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

RESOLUTIONS:

Action Item #1

Resolution #91-16 – Authorizing a Profession Services Agreement to the ELM Group, Inc. for licensed site remediation professional services in connection with the remediation of the Windy Acres property

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

MOTION was offered by Councilman D’Alleinne to approve the 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
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, the Township of Clinton (“Township”) requires the services of a Licensed Site Remediation Professional (“LSRP”) to conduct remedial actions and regulatory reporting in accordance with the New Jersey Department of Environmental Protection’s Site Remediation Reform Act and specifically in furtherance of preservation of the Windy Acres Property, located at 200-234 Main Street (Block 7, Lots 18, 18.01 and 31) in Lebanon, Township of Clinton, New Jersey (the “Property”), under the Green Acres Program; and

WHEREAS, the specific professional remedial action services will include the oversight, excavation and removal of soil from two areas on the Property as well as the oversight and closure of existing wells on the Property, all in accordance with the regulatory requirements and deadlines previously imposed for this Property; and

WHEREAS, the ELM Group, Inc. has submitted a proposal dated October 19, 2015 to complete said services and is qualified to conduct the necessary remediation of said Property, and the Township desires to enter into a contract with the ELM Group, Inc. for these professional services; and

WHEREAS, the Township has a need to acquire these services without a “fair and open process” as defined by P.L. 2004, c.19, the “Local Unit Pay-to-Play Law”; and

WHEREAS, the ELM Group, Inc. has completed and filed with the Township the required Business Entity Disclosure Certification pursuant to N.J.S.A. 19:44A-20.8 and Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26 (collectively “Pay-to-Play Forms”); and

WHEREAS, the Township Administrator has determined and certified in writing that the value of the acquisition over the course of the contract is anticipated to exceed \$17,500.00; and

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of this contract as “professional services” without competitive bidding; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purpose.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Clinton, County of Hunterdon, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with the ELM Group, Inc. for Licensed Site Remediation Professional (“LSRP”) services necessary for remedial action and regulatory reporting in accordance with the New Jersey Department of Environmental Protection’s Site Remediation Reform Act and specifically in furtherance of preservation of the Windy Acres Property, located at 200-234 Main Street (Block 7, Lots 18, 18.01 and 31) in Lebanon, Township of Clinton, New Jersey under the Green Acres Program. The terms of the agreement shall be subject to the approval of the Township Attorney.

2. Said contract shall be for an amount not to exceed \$242,965.00. The specific rates and amounts to be allocated to specific tasks involved in the services shall be as set forth in the agreement.

3. The term of the contract shall be for one year or when the services are completed, whichever first occurs.

4. A copy of this Resolution, the Certification of Contract Value, the Agreement (upon execution) and Pay-to-Play Forms shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection.

5. A brief notice of this action shall be published in a newspaper of general circulation in the Township of Clinton as required by law.

Action Item #2

Resolution #92-16 – Approving Kathy Errikson as alternate prosecutor

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

MOTION was offered by Mayor Higgins to approve the resolution. 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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

WHEREAS, due to occasional absence, the Township of Clinton is in need of an alternate prosecutor for the municipal court, and;

WHEREAS, our Prosecutor, Robert Ballard, and Court Administrator Lynn Lorenz, have stated that Kathy Errickson is qualified to hold that position, and Ms. Errickson has expressed a desire to take on those responsibilities.

NOW THEREFORE, BE IT RESOVLED, by the Mayor and Council of Clinton Township, County of Hunterdon, State of New Jersey, that Kathy Errickson is hereby appointed as Alternate Prosecutor effective September 15, 2016 for the remainder of 2016, with a salary of \$800 per court session.

Action Item #3

Resolution #93-16 – Authorizing the County Hazard Mitigation Plan

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

MOTION was offered by Council President Mullay to approve the resolution. 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

WHEREAS the Township of Clinton, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* (HMP) has been developed by the Mitigation Steering and Planning Committees;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Hunterdon County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Clinton:

1. The *Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on **May 20, 2016*** by the Hunterdon County Office of Emergency Management, is hereby adopted as an official plan of the Township of Clinton; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Clinton departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Clinton, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Hunterdon County OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Hunterdon County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mully to approve the check control registers dated September 14, 2016 totaling \$3,363,527.91. 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 Mully	Yes
Mayor Higgins	Yes

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

PUBLIC COMMENT:

There were no public comments

EXECUTIVE SESSION:

Resolution #94-16

MOTION was made by Mayor Higgins to go into executive session. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

WHEREAS, Section 8 of the Open Public Meetings Act (NJSA 10:4-12 (b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, the Mayor and Council is of the opinion that circumstances exist, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, and State of New Jersey as follows:

1. The Mayor and Council will now convene in closed session which will be limited only to consideration of items from which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the topics to be discussed is as follows:
 - Advice of counsel with respect to pending affordable housing litigation, litigation strategy and potential acquisition of property with public funds.
3. It is unknown precisely when, if ever, the matters discussed in this closed session may be disclosed to the public.
4. No action shall be taken in closed session.
5. Acquisition of property shall only be authorized through ordinance in a public session.
6. Matters discussed concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

RETURN FROM EXECUTIVE SESSION:

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

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 14, 2016

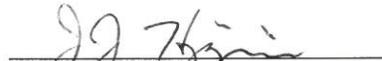
MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 8:45p.m. Seconded by Council President Mullay. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:



Carla Conner, Township Clerk


John Higgins, Mayor

Adopted: November 9, 2016