

Mayor Kovach called the meeting to order at 7:00 p.m. at the Clinton Fire Department

Roll Call: Present – Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

RESOLUTION #105-19 – EXECUTIVE SESSION

A motion was made by Mr. Smith seconded by Mr. Humphrey to enter into Executive Session to discuss a matter of Personnel at 7:02 p.m.

Vote all ayes
Motion carried

Council opened the Regular Council Meeting at 7:24 p.m., by a motion made by Mr. Smith, seconded by Ms. Dineen.

Vote all ayes
Motion carried

Mayor Kovach explained that the regular meeting was advertised and scheduled to begin at 7:30 p.m. however, rather than delaying the start of the meeting, Mayor Kovach asked to begin promptly with the swearing in of Patrolman Matthew Ellis and Police Chief Cory Kubinak, if there are no objections. A slight change in the order of the agenda was also stated. Regular business items will take place and the presentation of Keystone Canna Remedies will follow.

SWEARING IN OF PATROLMAN MATTHEW J. ELLIS

Mayor Kovach invited Matthew’s mother, father, brother and his girlfriend, Raychel Kemether, up to the front of the room for the ceremonial swearing in! A round of applause filled the room! Welcome Patrolman Ellis!

SWEARING IN OF POLICE CHIEF J. CORY KUBINAK

Mayor Kovach then invited J. Cory Kubinak up with his large family! A wonderful celebration joined by Chief Kubinak’s sons that surprised him greatly! Cody Kubinak, a State Trooper in Wyoming, drove to New Jersey, and son Kevin Kubinak, drove up from Camp Lejeune in North Carolina where he is in the Marine Corp.

Wife, Lisa and children Cameron and Logan attended while Luke was in wrestling camp and daughter, Carson, is a counselor with Special Olympics. Siblings of the Chief were also in attendance with their families! Mayor Kovach swore in Chief Kubinak and a round of applause, once again, filled the room!

APPROVAL OF COUNCIL MEETING MINUTES

A motion was made by Ms. Johnson seconded by Ms. Dineen to approve the meeting minutes of June 11, 2019 submitted.

Vote all ayes
1 Abstention (Smith)
Motion carried

APPROVAL OF EXECUTIVE SESSION

A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to approve the executive session minutes of June 11, 2019.

Vote all ayes
1 Abstention (Smith)
Motion carried

APPROVAL OF MONTHLY REPORTS – JUNE

A motion was made by Mr. Smith, seconded by Ms. Dineen to approve the monthly reports for the month of June as submitted:

Administrator’s Report, Clerk’s Account, Construction Control/ Inspection Report, Cat & Dog Licensing, Police Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENTS

Sue Axaemy, owner of 21-23 East Main Street, asked why East Main Street is not as “important” as the rest of the Town. Ms. Axaemy said she has trimmed low hanging branches of the trees along East Main Street and trash cans are “old and ugly”. Mr. Phelan explained that the trees belong to the property owners and they are to maintain them. Shade Tree Commission does trim the trees that are dangerous. Buildings and Grounds will address the concerns of Ms. Axaemy. In addition, another concern was the garbage, commercial properties require their own pick up but residents above commercial properties were picked up by the previous company.

MAYOR’S COMMENTS

1. A letter of retirement was received from Sgt. Jay Hunter. His retirement date will be October 1, 2019. A motion was made by Mr. Smith, seconded by Ms. Johnson, to accept with regrets.

Vote all ayes
Motion carried

2. Mayor Kovach announced that the regular council meeting of July 23, 2019 be cancelled. A motion was made by Ms. Johnson, seconded by Mr. Humphrey, authorizing Ms. Olsen to pay bills in a timely fashion and submit a bill list for the following meeting.

ROLL CALL: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

3. FOODSTOCK 2019 - Mayor Kovach announced the food drive and the competition with High Bridge. The drive will conclude at the Open Cupboard Food Pantry on July 11, 2019 at 1:00 pm when High Bridge and Clinton will meet for the weigh in!
4. Mayor Kovach was approached by the organizers of the Gran Fondo to make Hunts Mill Park a rest station for the hundreds of bikers. The event is a cycling endurance challenge to be held September 8, 2019.

RESOLUTION #106-19 – NEW POLICE OFFICER

A motion was made by Mr. Smith, seconded by Mr. Humphrey, to adopt Resolution #106-19 as submitted:

RESOLUTION #106-19

WHEREAS, the Town of Clinton Police Department requires the hiring of a new officer, and;

WHEREAS, the position was advertised for, applications accepted and interviews performed, and;

WHEREAS, the Police Chief and Police Committee recommend that the following person be hired to fill the open position at the level of 10th Class Police Officer at the 2019 rate of \$55,710.19;

TYLER ROLLER

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Tyler Roller to fill the open position at the Town of Clinton Police Department effective July 15, 2019.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #107-19 – PROMOTION

A motion was made by Mr. Smith, seconded by Mr. Humphrey to adopt Resolution #107-19 – as submitted:

RESOLUTION #107-19

WHEREAS, The Town of Clinton is in need of a Streets and Roads, and Buildings and Grounds Foreman and;

WHEREAS, the Director of Public Works/Business Administrator and Superintendent of the Water Utility have recommended that Steven Higgins be promoted to the position of Foreman for both Streets and Roads, and Buildings and Grounds, at the salary of \$46,225.34 annually, commencing July 10, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton approve the promotion as stated above.

ROLL CALL: AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #19-05 – EMERGENCY SERVICES REIMBURSEMENT

A motion was made by Mr. Humphrey, seconded by Mr. Smith to introduce Ordinance #19-05 on first reading:

ORDINANCE # 19 - 05

**ORDINANCE AUTHORIZING TOWN OF CLINTON VOLUNTEER FIRE DEPARTMENT TO
SEEK REIMBURSEMENT FOR COSTS INCURRED IN PROVIDING CERTAIN
EMERGENCY SERVICES**

WHEREAS, the Town of Clinton Volunteer Fire Department (the “Department”) is an independent volunteer fire company that provides fire suppression and emergency services in and around the Town of Clinton (the “Town”); and

WHEREAS, the cost of purchasing, repairing, and maintaining the equipment and supplies used by the Department in providing fire and emergency services continues to grow each year; and

WHEREAS, the Mayor and Council of the Town of Clinton (“Town Council”) acknowledges the Fire Department’s interest in securing additional funding sources so that it can continue to provide fire and emergency services for the benefit of the Town and persons traveling within the Town; and

WHEREAS, the Department is currently authorized to recover costs from responsible parties for hazardous material discharges and vehicle emergencies pursuant to Town Ordinance Sections 10-4 through 10-23; and

WHEREAS, the Department requests that the categories of costs it can recover be expanded based upon recommendations of its third-party cost recovery contractor; and

WHEREAS, the Schedule of Fees and Costs shall be based upon recommendations from the Department’s third-party cost recovery agent and FEMA’s Schedule of Equipment Rates adopted pursuant to the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 *et seq.*) and 44 C.F.R. §206.228; and

WHEREAS, the Town Council wishes to demonstrate its support for the Department by recognizing the Department’s authority to establish a revenue recovery plan through which those who benefit from certain services provided by the Department are asked to pay a fair and reasonable share of the cost of loss and wear and tear to apparatus, tools, equipment, and materials used in fighting fires and/or providing emergency services so that a safe and appropriate level of service can be maintained and made available to the Town; and

WHEREAS, the Town Council has been advised that fire insurance and auto insurance policies in New Jersey will directly compensate local fire departments for response if a Schedule of Fees has been adopted by ordinance; and

WHEREAS, the Town Council believes that an ordinance expanding the existing revenue recovery plan for the costs and expenses of certain fire services would be in the best interests of the Town;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 10 entitled “Fire Department” of the Code of the Town of Clinton (“Code”) is hereby amended as follows:

SECTION 1. Chapter 10, Article II of the Code entitled “Reimbursement for Hazardous Abatement Costs” is amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Article II Reimbursement for *Emergency Services* ~~Hazardous Abatement~~ Costs

§10-4 **Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

COSTS

All costs incurred by the Department, including but not limited to the following: actual labor costs of personnel, including workers’ compensation benefits, fringe benefits and administrative overhead; cost of equipment operation; cost of materials; and the cost of any outside contract for labor and materials.

DEPARTMENT

The Town of Clinton Volunteer Fire Department

DISCHARGE

Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any hazardous substance into the water, onto the land, or into the air.

HAZARDOUS SUBSTANCE

Any and all elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection or as are defined in the N.F.P.A. Guide of Hazardous Materials, or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by Congress or the Environmental Protection Agency.

MATERIALS

All materials, including but not limited to firefighting foam, chemical extinguishing agents, absorbent material, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

PERSON

Any public or private corporation, company, association, society, firm, partnership, joint stock company, individual, or other entity.

PETROLEUM PRODUCT

Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

§10-5 **Authorization to Recover Costs and Expenses**

The governing body of the Town of Clinton authorizes the Department to recover the costs of fire-fighting materials used and expended; the costs of the use of the fire trucks, fire engines, rescue equipment, and tankers; the costs of personnel hours and hazardous situation abatement materials involved in any **fire**, hazardous abatement incident, ~~or~~ vehicular accident, **or other incident requiring the provision of emergency services** wherein there is sufficient damage for the owner of the real property or vehicle to file an insurance claim for the loss.

§10-6 **Schedule of Fees and Costs.**

Below is a schedule of fees and costs to be charged and invoiced by the Department to any person or their insurance carrier for whom or for whose property such services were rendered and/or materials provided.

<i>Motor Vehicle Incidents</i>		
Type of Incident	Description	Fee
Vehicle Incidents	Vehicle fires and crashes substantial enough to cause the Department to use tools and skill (or extinguishing agent) to bring the incident under control. Vehicle accidents and incidents wherein the Department is required to respond. This includes services as well as clean-up and material used for hazardous substance clean-up and disposal.	\$750 \$875 per vehicle
<i>Vehicle Fires</i>	<i>Vehicle fires wherein the Department is required to provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean-up of gasoline or other automotive fluids.</i>	<i>\$975 per vehicle</i>

Hazardous Substance Discharge	Intentional or unintentional discharge of a hazardous substance as defined herein	Actual costs incurred and an hourly rate (not in excess of \$50 per hour) for all personnel involved in the response.
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<i>Add-on Services for Motor Vehicle Incidents</i>		
<i>Type</i>	<i>Description</i>	<i>Fee</i>
<i>Extrication</i>	<i>Vehicle accidents and incidents wherein the Department is required to respond. This includes services as well as clean-up and material used to hazardous clean-up and disposal. substantial enough to cause the Department to use tools and skill (or extinguishing agent) to bring the incident under control.</i>	<i>\$1,461.00</i>
<i>Creating a Landing Zone</i>	<i>Incidents requiring the creation of a helicopter landing zone to transport a patient. Includes Air Care (multi-engine company response, mutual aid, helicopter).</i>	<i>\$500.00</i>

<i>Hazardous Substance Discharge</i>		
<i>Type</i>	<i>Description</i>	<i>Fee</i>
Level 1	Basic Response. Includes engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.	\$784.00
Level 2	Intermediate Response. Includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment	\$2,800.00

	evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment, Set-up and removal of decon center.	
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<i>Fires</i>		
<i>Residential Structure</i>	Includes scene safety, investigation, and fire control.	\$500.00
Commercial Structure	Includes scene safety, investigation, and fire control.	\$750.00
Illegal	When a fire is started by any person or persons that requires the Department to respond during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns; or Similarly, if a When a fire is started where permits are required for such a fire and the permit was not obtained and the Department is required to respond to contain the fire	\$548.00 per hour per engine \$660.00 per hour per truck

<i>Additional Time on Scene for All Types of Incidents</i>	
<i>Equipment</i>	<i>Fee</i>
Engine	\$548 per hour
Truck	\$660 per hour
Miscellaneous Equipment	Based on based on the FEMA Schedule of Equipment rates in effect January 1, 2019

§10-7 **Parties Responsible for Reimbursement to the Department.**

Reimbursement to the Department as hereinbefore indicated shall be made by:

- a. The owner or operator of the vehicle responsible for fire or discharge of hazardous material;
- b. Any person who causes, by act or omission, or is otherwise responsible for, a discharge of any hazardous substance which is cleaned up or abated by the Department, including the owner of real or personal property from which a discharge of hazardous substance occurs, shall be liable for the payment of all costs incurred by the Department as a result of such clean up or abatement, including but not limited to, all costs for services rendered by any recovery company, towing company or such other technical assistance called for by the Department to handle such incident;
- c. The owner or person responsible for the vessel containing the hazardous material involved in such fire or discharge, whether stationary or in transit, and whether accidental or negligent;
- d. The owner or person responsible for any property from which any discharge of hazardous material emanates, whether accidental or through negligence; and
- e. The person responsible for the hazardous material fire, leak or spill, whether accidental or through negligence.

§10-8 **Third-Party Billing Agent.**

The Department is hereby authorized to bill and collect costs due to it under this chapter through a third party billing agent, provided that any such agreement with any professional agency engaged in the business of emergency response billing shall be subject to the approval of the Town Council.

§10-9 **Collection of Costs.**

Said costs and fees as outlined above and as set forth on the schedule of fees and costs herein shall be recovered directly by the Department, or through a third-party professional agency engaged in the business of emergency response billing under a contract with the Department, by billing to the responsible party. *However, any fees collected shall be deposited with the Town in a separate account earmarked for disbursement to the Department.*

§10-10 **Interest and Administration Fees.**

In addition to the aforementioned fees and costs, the Department is hereby authorized to collect reasonable interest and administration fees for the collection of the fees and costs due and owing from the insurance companies or responsible parties for the services rendered and/or materials provided.

§10-11 **Report to the Town Council.**

The Department shall provide a monthly report to the Town Council detailing all billing and receipts under this chapter.

§10-12 Time Limit for Reimbursement.

Any person or entity responsible for *payment to the Department* ~~any vehicle fire or discharge of hazardous materials~~ shall reimburse the Department pursuant to the schedule of fees hereunder , or provide proof that they have submitted a claim to their insurance carrier for payment within 45 days after receipt of a statement from the Department outlining said costs and expenses. These provisions shall be subject to the following:

- a. Persons receiving services from the Department shall cooperate with the Department or other billing personnel hired by the Department to secure full payment for services rendered from any necessary insurance carrier.
- b. Due to anticipated time requirements for the preparation and processing of insurance claims, parties that have provided proof of a claim to their insurance carrier shall not be charged interest or be subject to penalties hereunder.
- c. Responsible parties under this chapter shall ensure that the Department is authorized to receive any payments from an insurance carrier as required by this chapter.
- d. The Department reserves the right to determine that a bill is uncollectable by reason of unavailability of insurance coverage and be written off.

§10-13 Violations and Penalties.

Any person violating any provisions of this chapter and responsible for *payment to* ~~any vehicle fire or discharge of hazardous substances within the service area~~ of the Department who fails to reimburse the Department as provided herein or submit a claim to the appropriate insurance carrier within the time required shall be liable and subject to a penalty and/or a fine for each violation and each offense in accordance with the Code of the Town of Clinton.

SECTION 2. Chapter 10, Article III entitled “Reimbursement for Vehicle Emergency Services Costs is hereby deleted in its entirety.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the July 24, 2019 edition of the Hunterdon Review. A public hearing will be held August 13, 2019.

INTRODUCTION OF ORDINANCE #19-10 – PROPERTY MAINTENANCE

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to introduce Ordinance #19-10 on first reading as submitted:

ORDINANCE # 19-10

**AN ORDINANCE AMENDING
THE CODE OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY
TO PROHIBIT THE OUTDOOR STORAGE OF CERTAIN ITEMS ON RESIDENTIAL
PROPERTIES**

WHEREAS, pursuant to N.J.S.A. 40:48-1, a municipality may make, amend, repeal and enforce Ordinances to manage, regulate and control real property of the municipality; and

WHEREAS, the Town of Clinton desires to enact an ordinance to regulate the outdoor storage of certain materials on residential properties in order to protect the health, safety, and welfare of its residents; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Section 88-60 entitled “General Provisions” of the Code of the Town of Clinton (“Code”) is hereby amended by adding subsection ____:

SECTION 1. A Chapter the Code entitled “Outdoor Storage” is added as follows:

§ ____ - 1 Outdoor Storage on Residential Properties. In areas zoned residential, it shall be unlawful to store on the exterior of premises the following:

(1) Appliances and machinery, such as but not limited to: refrigerators, freezers, washing machines, dryers, dishwashers, water heaters, and plumbing fixtures, except in a fully enclosed structure/

(2) Furniture, excluding furniture designed and intended to be used outdoors on the premises, except in a fully enclosed structure.

(3) Construction or paving materials and equipment including, but not limited to, ladders, scaffolding, cement, concrete, building blocks, sheetrock, plywood, studs or beams, plywood, sand and aggregate piles, fuel storage devices, pipes, cement mixers, excavating equipment, etc., for more than 120 days except in a fully enclosed, screened or landscaped manner.

(4) Landscaping equipment and supplies, including, but not limited to, mowers, chippers, shredders, pavers, mulch in bags or piles for more than 120 days except in a fully enclosed screened or landscape manner.

(5) Tires and other motor vehicle equipment and parts, including but not limited to snow plows, except in a fully enclosed structure.

(6) Unlicensed, uninsured, and/or inoperable motor vehicles of any kind, except in a

fully enclosed structure.

(7) Garbage, waste material or debris of any kind, except for (i) typical household trash or recyclables generated on the premises and stored in approved containers for pickup; (ii) temporary storage, stockpiling, or composting of leaves and grass clippings generated on the premises; (iii) composting of household food waste generated on the premises stored in an enclosed container; and (iv) firewood; unless screened by a solid fence or landscaping.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This ordinance may be renumbered for codification purposes.

SECTION 5. This ordinance shall become effective following its final passage and publication as required by law.

A copy of this ordinance will be published in the July 24, 2019 edition of the Hunterdon Review. A public hearing will be held August 13, 2019.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #19-11 – RESIDENTIAL ZONING

A motion was made by Mr. Smith, seconded by Ms. Johnson, to introduce Ordinance #19-11 on first reading as submitted:

ORDINANCE # 19-11

AN ORDINANCE CREATING THE MF-1 ZONING DISTRICT

WHEREAS, the Town of Clinton filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, captioned IMO Town of Clinton, Docket No. HNT-L-304-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Clinton Moebus 34, LLC is the owner of Block 14, Lot 32, which has been subdivided into three lots: Block 14, Lots 32, 32.01, and 32.02; and of Block 25, Lot 19;

WHEREAS, pursuant to a Consent Order filed on or about October 14, 2015, CM34 is a defendant-intervenor in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Town of Clinton (the “Town”) entered into Settlement Agreements with Fair Share Housing Center on September 18, 2018 and with CM34 on October 30, 2018

(hereinafter the “Settlement Agreements”) that determine the Town’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreements contemplate development of Block 14, Lot 32 with a noncontiguous inclusionary residential development; Block 14, Lot 32.01 with a commercial development; and Block 25, Lot 19 ten age-restricted affordable rental apartments; and

WHEREAS, the zoning amendments herein support the development of Block 14, Lot 32 as a residential development consistent with the Settlement Agreements; and

WHEREAS, the revisions to the zoning map, and creation of the Multi-Family (MF-1) Zoning District, are intended to follow the property lines of the newly created Block 14, Lot 32; and

WHEREAS, the Town’s Land Use Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Town in a manner consistent with all applicable affordable housing statutes and regulations.

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

Section 1. Section 88-51(A) of the Code of the Town of Clinton (the “Code”) entitled “Zone Districts” is amended and supplemented to add the Multi-Family Housing (MF-1) District.

Section 2. Section 88-51(C) entitled “Map and schedule” is amended such that the boundary of the Multi-Family Housing (MF-1) District shall be applied to Block 14, Lot ____

Section 3. Chapter 88 entitled “Zoning” is hereby supplemented and amended to create the MF-1 District as follows:

§88-56.1 MF-1 Multi-Family Housing Zone.

A. Purpose. The Township hereby establishes the MF-1 Multi-Family Housing Zone to comply with the requirements and terms of a Settlement Agreement entered into on September 18, 2018 between the Town and Fair Share Housing Center and to address the Town’s affordable housing obligation established therein. The ordinance creates design and bulk standards to ensure that multifamily housing in this zone is developed in a manner that is sensitive to the character of the surrounding area.

B. Minimum Lot Size: 15 acres

C. Permitted Uses. The following are principal permitted uses:

(1) Attached single family townhouses, meaning a one-family dwelling in a row of three (3) or more such attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

(2) Attached single family townhouses as defined above, but containing two (2) or more such attached units, limited to a total of two (2) such structures in any development project.

D. Accessory Uses. The following are permitted accessory uses:

(1) Accessory uses and structures customarily incidental to permitted multi-family residential uses.

- (2) Sewerage and sewage treatment, water, fire protection, stormwater management and other utility facilities.
 - (3) Parking and loading in accordance with the requirements of Section 88-62.
 - (4) Signs in accordance with the requirements of Section 88-64.
 - (5) Normal residential storage structures in compliance with all size and height requirements set forth in applicable Town Ordinances.
 - (6) Other normal residential structures such as private swimming pools, fireplaces, trellises, lampposts and the like.
- E. Density. There shall be no more than 56 dwelling units permitted on the property.
- F. Impervious Coverage. The impervious coverage for the entire residential tract shall not exceed 35%.
- G. Setbacks.
- (1) No building shall be within 50 feet of a tract boundary.
 - (2) No structure shall be within 15 feet of an internal roadway.
 - (3) No building shall be closer than 20 feet to another building.
- H. Decks/patios shall be permitted behind each residential unit, extending no more than 10 feet from the rear of the structure. Provided screening criteria set forth in Section (L) herein are met, the deck or patio may extend into a required buffer a distance of no more than 7 feet. Second story decks shall not be permitted.
- I. Maximum Building Height. No building shall exceed 2 ½ stories or 35 feet; however, in cases where walkout basements are proposed, the walkout basement shall not be considered a story nor fully included in the calculation of building height. For the purposes of calculating maximum building height, the average grade shall be measured from the midpoint of one side wall to the building wall facing the street line, extended along the wall facing the street line, then extended along the other side wall to its midpoint. In no case shall the building height measured from the lowest point of the finished grade along a walkout basement to a point one-half the distance between the top of the uppermost plate and the highest point of the roof exceed 45 feet.
- J. Access to the Property shall primarily be through Route 31. Emergency and pedestrian access *only* can be provided via Central Avenue pursuant to an access easement, which restriction shall be a condition of any subdivision or site plan approval.
- K. An overall theme of design and architectural mode shall be utilized within the development for the purpose of presenting an aesthetically desirable effect.
- L. Mechanical equipment shall be screened from view of public streets and residentially zoned lots. Screening shall consist of plantings, fencing or other material found acceptable by the approving authority.
- M. Landscape Buffer Requirements. A landscaped buffer and berm between the multi-family residential uses and existing single-family residential uses shall be installed to provide year-round screening of buildings, parking, service areas, and roadways from such residential neighborhoods. This buffer shall be designed to provide screening with a minimum of 85% opacity within three growing seasons for the first 10 feet of elevation of any building or improvement and seasonal (deciduous) screening with 25% opacity within the first five growing seasons for the second 10 feet of elevation of any building or improvement. If the building is below the final grade, such distance between the grade of the building and the final grade shall be deducted from the height to be screened.
- M. Fences. The Land Use Board may require the installation of fencing of not less than four nor more than six feet in height, maintained in good condition, as part of site plan approval in

order to effectively screen the property on any side which adjoins or faces premises situated in any residential zone. Provided, however, that a screening or hedge or other natural landscaping may be substituted if approved by the Land Use Board.

Section 4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only and the provisions of this Ordinance shall govern in the event of any inconsistency.

Section 6. This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication in the manner prescribed by law.

Vote all ayes
Motion carried

A copy of this ordinance will be published in the July 24, 2019 edition of the Hunterdon Review. A public hearing will be held August 13, 2019.

INTRODUCTION OF ORDINANCE #19-12 – COMMERCIAL DEVELOPMENT ORDINANCE

A motion was made by Mr. Smith, seconded by Ms. Dineen, to introduce Ordinance #19-12 on first reading as submitted:

**ORDINANCE # 19-12
AN ORDINANCE CREATING THE C-5 ZONING DISTRICT**

WHEREAS, the Town of Clinton filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, captioned IMO Town of Clinton, Docket No. HNT-L-304-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Clinton Moebus 34, LLC is the owner of Block 14, Lot 32, which has been subdivided into three lots: Block 14, Lots 32, 32.01, and 32.02; and of Block 25, Lot 19;

WHEREAS, pursuant to a Consent Order filed on or about October 14, 2015, CM34 is a defendant-intervenor in the above-referenced Declaratory Judgment Action; and

WHEREAS, the Town of Clinton (the “Town”) entered into Settlement Agreements with Fair Share Housing Center on September 18, 2018 and with CM34 on October 30, 2018 (hereinafter the “Settlement Agreements”) that determine the Town’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

WHEREAS, the Settlement Agreements contemplate development of Block 14, Lot 32 with a noncontiguous inclusionary residential development; Block 14, Lot 32.01 with a commercial development; and Block 25, Lot 19 ten age-restricted affordable rental apartments; and

WHEREAS, the zoning amendments herein support the development of Block 14, Lot 32.01 as commercial pad sites consistent with the Settlement Agreements; and

WHEREAS, the revisions to the zoning map, and creation of the Route 31 Commercial District (C-5) Zoning District, are intended to follow the property lines of the newly created Block 14, Lot ___.

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

Section 1. Section 88-51(A) of the Code of the Town of Clinton (the “Code”) entitled “Zone Districts” is amended and supplemented to add the Route 31 Commercial (C-5) District.

Section 2. Section 88-51(C) entitled “Map and schedule” is amended such that the boundary of the Route 31 Commercial (C-5) District shall be applied to Block 14, Lot 32.01

Section 3. Chapter 88 entitled “Zoning” is hereby supplemented and amended to create the C-5 District as follows:

§88-55.2 C-5 Route 31 Commercial Zone.

A. Purpose. The Town hereby establishes the C-5 Route 31 Commercial Zone to comply with the requirements and terms of a Settlement Agreement entered into on or about October 30, 2018 between the Town and Clinton Moebus 34, LLC. The ordinance creates design and bulk standards to ensure the commercial uses in this zone are developed in a manner that is sensitive to the character of the surrounding area.

B. Permitted Uses. The following are principal permitted uses:

- (1) Stores and shops for retail business, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided to the ultimate consumer and further provided that not more than five employees are involved in any such process. The foregoing shall not be deemed to include laundries, dry-cleaning establishments or retail stores and shops involved in the preparation and sale of food items.
- (2) Convenience stores with or without the sale of gasoline.
- (3) Food markets or grocery stores.
- (4) Fast food restaurants with drive through window.
- (5) Banks and financial institutions including drive through windows or automated teller machines.
- (6) Indoor theaters.
- (7) Health and fitness center.
- (8) Beauty salon, barbershop or day spa.
- (9) Offices for business, executive, professional and administrative purposes.
- (10) Restaurants, cafes and taverns in which patrons are seated at tables or counters and are served food and drink by waiters or waitresses for consumption on the premises.
- (11) Studios for art, dancing, music, language, photography, and similar activities.
- (12) Municipal buildings and municipal uses.

C. Accessory Uses. The following are permitted accessory uses:

- (1) Off-street parking in accordance with § 88-62.
- (2) Signs in accordance with § 88-64.

- (3) Wireless telecommunications antennas in accordance with §88-60Z. Any new telecommunications tower is strictly prohibited in this zone district.
- (4) Other accessory uses customarily incident to the uses listed in Subsection B.
- D. Impervious Coverage. Impervious coverage shall not exceed 55%. Provided that there is 45% open space, a pad site may be 100% impervious.
- E. Floor to Area Ratio. The floor to area ratio shall not exceed 30%.
- F. Setbacks.
- (1) 100-foot side-yard setback from the Property boundary for principal buildings; however, parking shall be permitted within 50 feet of the Property boundary.
- (2) 50-foot front-yard setback from the Property boundary for principal buildings; however, parking shall be permitted within 5 feet of the Property boundary along State Route 31 frontage, but shall in no case be any closer than 30 feet to the edge of pavement of State Route 31.
- (3) 50-foot rear-yard setback, however, parking shall be permitted within 25 feet of the Property boundary.
- (4) 15-foot minimum setback to residential uses that are part of the Property from a building. Parking may be located within 10 feet of the internal commercial to residential boundary of the Property.
- G. Landscaped Buffer. A landscaped buffer and berm between the commercial and residential uses shall be installed to provide year-round screening of buildings, parking, service areas, and roadways from residential neighborhoods. This buffer shall be designed to provide screening with a minimum of 85% opacity within three growing seasons for the first 10 feet of elevation of any building or improvement and seasonal (deciduous) screening with 25% opacity within the first five growing seasons for the second 10 feet of elevation of any building or improvement. If the building is below the final grade, such distance between the grade of the building and the final grade shall be deducted from the height to be screened.
- H. Signs. Compliance with Section 88-64 with regard to all sign requirements for the C-3 Zone, except the area of ground signs is limited to a maximum of 80 square feet, and no such sign shall exceed 15 feet from ground level in height or 8 feet in width.
- I. Lighting and Noise. Except as otherwise specifically stated herein, lighting and noise standards shall comply with State standards. HVAC equipment and other noise-generating equipment shall be provided with noise reduction systems that comply with state noise standards. Lighting shall comply with the standards set forth in Section 88-44(B) herein.

Section 4. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication in the manner prescribed by law.

Vote all ayes
1 Abstention (Intrabartola)
Motion carried

A copy of this ordinance will be published in the July 24, 2019 edition of the Hunterdon Review. A public hearing will be held August 13, 2019.

SUMMER RECREATION STAFFING

A question was asked if the staff is getting an increase over 2018 as was informed yes, a 2% increase. Extensive planning is taking place to expand the program for next year, a bigger, better and an all day program is being explored. The memo from the Board of Recreation follows:

It is the recommendation of the Board of Recreation Commissioners that the following staff be hired for the 2019 Summer Recreation Program to be held July 1st through July 29th at Clinton Public School from 9:00 am to 12 noon.

Director	Tiffany Cinquemani	\$5,522.00	
Arts & Crafts	Barbara Plundeke	\$2,798.00	
Adult Counselors	Debbie Herold	\$2,289.00	
	Brian Smith	\$1,938.00	
Adult Substitute		\$ 100.00	per day
Teen Counselors	Shea Cinquemani		
	Alyssa Latargia	\$10.00/hr.	4 weeks
	Jake Miller	\$10.00/hr.	4 weeks

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to accept the recommendations presented.

ROLL CALL: AYES: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

PRESENTATION – KEYSTONE CANNA REMEDIES

Victor Guadagnini, founder and chief business development officer of Keystone Canna Remedies, attended the meeting to make a presentation to Council and residents regarding his company which operates dispensaries in Allentown and Bethlehem, Pa. Mr. Guadagnini stated that he plans to make an application to the Land Use Board to open a dispensary in the former TD Bank building, on the corner of Route 173 and Union Road. “The town will not be issuing a letter of support at this time, Mayor Kovach stated when opening the meeting for discussion on the topic. Mr. Guadagnino explained how New Jersey is divided into three regions, North, Central and South, for the purpose of licensing dispensaries. Clinton is the central region and explained in detail the process for clients to obtain the medicinal marijuana. Mr. Guadagnino, who has a degree in medical and environmental bioethics, explained how licensed dispensaries work and the different types of marijuana used for medical purposes. The meeting drew close to 100 people, many of them giving their opinions on a dispensary, but more addressed the location of the proposed dispensary. The location that abuts the residential section of Town all with families seemed to be the biggest problem within the familiar phrase, “not in my backyard” pattern because of the young children that walk to school and would have to pass the building on their way to school.

Many comments were made, residents and non-residents alike were given three minutes to state their feelings. The following people made statements:

Joe Procopio, Busher Place; Julie Trepkau, Union Road; Craig Sowell, Paula Zoe, Paul Arnold and Steve Kalleser all of Hillside Drive.

Evelin Alvarez of Lebanon Township attended with her three children and explained how medical marijuana made it possible for her to end her addiction to prescription drugs issued by her doctor when she was 14 years old. Her son, Chris, supported his mother. Chris also suffers chronic illness. Ellen Lutz of Hillside Drive, said “we have to be educated” and stressed education is the key.

Comments continued: Colette Camisa, Marudy Drive; Mayor Frank Mazza of Union Township; Karen Mealy, Leigh Street; Ian Callahan, Matthew DeCasperis, and Marty Pendergast all of Spruce Run; Beth Sosidka, Haver Farm asked what the concerns of our police are. Police Chief Kubinak said there is a big problem of DUI drivers and with marijuana it cannot be determined and confirmed if driving under the influence.

Carla Basante, Lebanon Township resident and also an advocate for medical marijuana, stressed the need for dispensaries in different regions of New Jersey, making it possible for people to obtain their medication. Laura Malinow, a non-resident of Clinton and a nurse, supports the dispensary; Judy Formalarie, of Clinton Township and Secretary of the Board of Treatment Center, who has to travel to the dispensary in Egg Harbor Township, the closest one for patients from this area.

Additional comments: Bob Ryan, Hunts Mill; Bob Stowers of Rachel Court asked what Mr. Guadagnino’s five year plan is? Joe Harris is not in favor of having it in our Town, Bill Salus in favor of medical marijuana but not in the Town and Linda Bennett, all of Lakeview, said the medical industry should make treatment available to clients without “making it a money deal”. Ms. Bennett asked why is it like this and Mayor Kovach plainly said, “politics”. Mayor Kovach urged everyone to reach out to their State Legislators and to write the Governor’s office expressing their feelings.

Veronique Lambert, Hillside Drive, asked if pictures of the proposed facility could be made available to the public to see the appearance and the traffic that would result. Marty Pendergast said the unknown is in the future is our concern. Christine Adornetto, Halstead Street, referred to her sister’s experience and was told that the town should talk to towns that have dispensaries.

Mayor Kovach asked for any further comments, being none Mayor Kovach thanked everyone for coming and proceeded with the regular business on the agenda.

FACILITY USAGE FORM

An item on the agenda for discussion will be postponed until the next meeting, August 13, 2019.

CORRESPONDENCE

1. Thank you cards have been received from the three recipients of the Clinton Good Kid Awards. Garrett DiRienz, Voorhees High School; Charlotte Plumpton, North Hunterdon and Dr. Seth Cohen, Clinton Public School for their chosen student.
2. Thank you from Shellay Berger, Hunterdon County Mom’s Demand Action for Gun Sense in America, for the support of Mayor and Council making June 8th National Gun Violence Awareness Day.

3. A Citizen Involvement form received from Cecilia Sailer, expressing interest in joining the Shade Tree Commission. A motion was made by Ms. Johnson, seconded by Ms. Karsh, to appoint Mrs. Sailer to the Shade Tree Commission.

Vote all ayes
Motion carried

REPORTS FROM COUNCIL

Kathy Olsen, CFO

Ms. Olsen explained to Council that the Board of Recreation is asking to establish a petty cash fund, which would help with the summer recreation program for vendors that do not accept purchase orders. Ms. Olsen explained that she would have to apply to the State to do so. A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to establish a petty cash fund for the Board of Recreation.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

Councilwoman Johnson

1. Board of Recreation – reviewing two designs for the Community Center Playground. Summer Rec is in session. Ms. Johnson asked Ms. Olsen to order masks for CPR training for summer recreation staff.

Councilman Humphrey

1. Clinton Fire Department – responded to 19 calls for the month of June. Training was dedicated to Engine and Truck Joint Operations.
2. Environmental Commission – Sustainable Jersey recertification for 2019 is in review. DeMott Pond planting is complete and the committee is interested in bringing in an expert to talk about invasive plants.
3. Newsletter – will be contacting article writers and advising that there will be a word count for the new format.

Councilman Smith

1. Rescue Squad merger meetings are continuing, Dan Torrone was elected to be the chair of the committee.
2. Water Committee – contractor expected to begin working by the Clinton House on or about July 17, 2019.
3. Sewer Committee – Wastewater Treatment Plant replacement filter building is moving along.

Councilwoman Karsh

1. Economic Development Commission – meeting Wednesday, July 10, 2019 to discuss web site designs.
2. Clinton Guild meeting is Thursday, July 11, 2019. Will be discussing the Volunteer Fair.

Councilwoman Dineen

1. Land Use Board – next meeting August 6, 2019.

Councilwoman Intrabartola

Website contract has been signed. The only add on to the site is at this time is summer recreation forms. Ms. Karsh asked that high quality photos of town events and historic town buildings and be requested from anyone who may have them.

STANDBY AND OVERTIME

A motion was made by Ms. Johnson, seconded by Mr. Humphrey to approve the standby and overtime submitted for the period of May 31 through June 13, 2019 attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

A motion was made by Ms. Johnson, seconded by Mr. Humphrey to approve the standby and overtime submitted for the period of June 14 through June 27, 2019 attached to these minutes.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to approve the bill list attached to these minutes, June 25, 2019.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

A motion was made by Ms. Karsh, seconded by Ms. Dineen, to approve the bill list attached to these minutes, July 9, 2019.

ROLL CALL: Ayes: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Smith, Mayor Kovach

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Johnson seconded by Mr. Humphrey to adjourn the meeting at 10:20 p.m.

Cecilia Covino, RMC/CMC, Municipal Clerk

Mayor Janice Kovach