

5298

Mayor Janice Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, 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.”

APPROVAL OF MINUTES

A motion was made Ms. Johnson, seconded by Ms. Dineen, to approve the council meeting minutes of January 1, 2020 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MINUTES

A motion was made by Ms. Dineen, seconded by Ms. Karsh, to approve the council meeting minutes of January 28, 2020 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – JANUARY

A motion was made by Mr. Traphagen, seconded by Mr. Humphrey, to accept the Monthly Reports for the month of January as submitted: Administrator’s Report, Clerk’s Account, Cat and Dog Licensing Accounts, Construction Control / Inspection Report, Police Report, Tax Collector’s Report, Treasurer’s Report, Zoning Officer

Vote all ayes
Motion carried

PUBLIC COMMENT - NONE

MAYOR’S COMMENTS

1. A letter of resignation has been received from Roger Mellick for the Land Use Board. Mr. Mellick wishes to continue on the Historic Commission and will be appointed to the Alternate # 1 position. A citizen involvement application received from Rosemarie Platt who is also interested in joining the Historic Commission will also be appointed to the Alternate #2 position. A motion was made by Mr. Traphagen, seconded by Ms. Karsh, making the appointments as requested.
Vote all ayes
Motion carried
2. The Friendly Son’s of St. Patrick are requesting permission to use green chalk to draw shamrocks on the parade route this year. Chief Kubinak will discuss this with the organizers because to do so they will need police assistance to close the road.
3. Mayor Kovach asked if anyone was interested in attending the 28th Annual Mayor’s Legislative Day on Friday, April 3, 2020. Mayor Kovach is a panelist.

WATER REFUND

Water Collector, Nancy Burgess, is requesting a refund in the amount of \$91.00 for a double payment. A motion was by Ms. Karsh, seconded by Ms. Johnson, to refund as requested.

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

Vote all ayes
Motion carried

RESOLUTION # 56-20 – APPROPRIATION OF FUNDS

A motion was made by Ms. Karsh, seconded by Mr. Humphrey, to adopt Resolution #56-20 as submitted:

**RESOLUTION # 56-20
RESOLUTION OF THE TOWN COUNCIL
TO APPROPRIATE FUNDS OR BOND IN THE EVENT
OF A SHORTFALL IN FUNDING FOR THE
TOWN'S AFFORDABLE HOUSING PROGRAMS**

WHEREAS, the Town of Clinton (the "Town") filed a Declaratory Judgment Action (the "Litigation") in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court's March 10, 2015, decision captioned 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"), which was assigned to the Honorable Thomas C. Miller, P.J., Cv.; and

WHEREAS, the Town simultaneously pursued, and ultimately secured, a protective order providing the Town immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Town adopted a Housing Element and Fair Share Plan on or about December 3, 2019, which was endorsed by the Town Council pursuant to Resolution #52-20 adopted on January 28, 2020; and

WHEREAS, the Town has adopted a Spending Plan consistent with P.L.2008, c.46 COAH regulations pursuant to Resolution #52-20 adopted on January 28, 2020; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Town's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Town shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Clinton in the County of Hunterdon, and the State of New Jersey that to the extent permitted by law, do hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, the Town agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED that the Town may repay debt through future collections of development fees, as such funds become available.

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

Vote all ayes
Motion carried

RESOLUTION #57-20 – AFFIRMATIVE MARKETING PLAN

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to adopt Resolution #57-20 as submitted:

**RESOLUTION #57-20
OF THE TOWN COMMITTEE OF THE
TOWN OF CLINTON, COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ADOPTING THE ‘AFFIRMATIVE MARKETING PLAN’
FOR THE TOWN OF CLINTON**

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Town of Clinton is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Town of Clinton, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the COAH Housing Region encompassing the Town of Clinton.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Town of Clinton shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Town’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Town of Clinton. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Town of Clinton, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Town of Clinton is located in COAH Housing Region 3, consisting of Hunterdon, Somerset and Middlesex Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in the *Hunterdon Democrat* and the *Express Times*.
 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;

- e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
- 4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Hunterdon County and the other two of which shall be circulated primarily outside of Hunterdon County but within the housing region.
 - 5. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
 - a. WKXW (101.5 FM)
 - b. WOR (710 AM)
 - c. WCBS (880 AM)
 - d. Comcast of Central New Jersey
 - e. Cablevision of Raritan Valley
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available
- 1. Clinton Town Hall
 - 2. Clinton Town Web Site
 - 3. Clinton Town Library
 - 4. Developer's Sales/Rental Offices
 - 5. Hunterdon County Administration Building
 - 6. Somerset County Administration Building
 - 7. Middlesex County Administration Building
 - 8. Hunterdon County Library (all branches).
 - 9. Somerset County Library (all branches)

10. Middlesex County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 3*** (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Hunterdon County Board of Realtors

Somerset County Board of Realtors

Middlesex County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Hunterdon, Somerset and Middlesex:

Welfare or Social Service Board (via the Director)

Rental Assistance Office (local office of DCA)

Office on Aging

Housing Authority (municipal or county)

Community Action Agencies

Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

4. In addition, specific notification of the availability of affordable housing units in Clinton (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

- I. The following is a listing of community contact person(s) and/or organizations in Hunterdon, Somerset and Middlesex Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low, low and moderate income units:
1. Central Jersey Housing Resource Center, 600 First Avenue, Suite 3, Raritan, NJ 08869
 2. Brunswick and Raritan Housing Corporation, 56 Throop Avenue, New Brunswick, NJ 08901
 3. Housing Coalition of Central Jersey (PRAB), 100 Bayard Street, New Brunswick, NJ 08901
 4. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
- J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 3, comprised of Hunterdon, Somerset and Middlesex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Town prior to the affirmative marketing of the units.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Vote all ayes
Motion carried

RESOLUTION #58-20 – WATER CAPACITY RESERVATION

A motion was made by Ms. Intrabartola, seconded by Ms. Johnson, to adopt Resolution #58-20 as submitted:

RESOLUTION #58-20
RESOLUTION APPROVING WATER CAPACITY RESERVATION
APPLICATION # L20-01

WHEREAS, the Town has received communication from the Fallone Group, LLC, who is contractually entitled to 22,100 Gallons Per Day (GPD) of water for a certain tract of land located in the Township of Union, known as Block 22, Lot 34 (Tax Map Page 6) per an Agreement with the Town of Clinton dated September 11, 2006; and

WHEREAS, Fallone Group, LLC has indicated that they are going to proceed with an application to the Township of Union's Planning Board for the development of a seventy-four (74) unit townhouse development, and were seeking approval for the use of their previously approved gallonage; and

WHEREAS, on March 24, 2015, the Mayor and Council of the Town of Clinton adopted Ordinance 15-1, which amended Chapter 142 of the General Ordinances of the Town of Clinton by creating procedures for applying for and receiving approval for water reservations; and

WHEREAS, the aforementioned Ordinance accounts for new requests for water, as well as previously executed Agreements for water as is the current instance; and

WHEREAS, on January 15, 2020, the Town of Clinton Water Committee met and discussed the request from Fallone Group, LLC to which they have advised that it would be duplicative for Fallone Group, LLC to complete a "Water Reservation Application" to request water allocation for an amount previously approved via Agreement upon, and is not requiring Fallone Group, LLC to complete a new application; and

WHEREAS, for the purposes of memorializing the action, the Town of Clinton Water Committee would like to issue an approved Water Reservation Application to Fallone Group, LLC.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Chapter 142, Section 1, Subsection J(3) of the Town's Ordinances, the Mayor and Council hereby approved Water Reservation Application # L20-01 in the amount of 22,100 GPD.

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to the Applicant, Suburban Consulting Engineers, and the Town of Clinton Superintendent of Water.

BE IT FURTHER RESOLVED, that the above action does not relieve the Fallone Group, LLC from establishing an escrow account with the Town of Clinton Water Department (CWD), as well as obtaining and paying for any CWD water main connection fees, and/or obtaining any State/Local permits for the use of the water referenced herein.

Vote all ayes
Motion carried

RESOLUTION #59-20 – OVERPAYMENT OF TAXES

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to adopt Resolution #59-20 as submitted:

RESOLUTION # 59-20

WHEREAS, the Tax Collector of the Town of Clinton has received overpayments for the following block and lots,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Centralized Refunds, P.O. Box 9202, Coppell, Texas, 75019-9978, for the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
8	30	Colombani-Bonet, Carlos & Pamela	\$ 2,700.28
20	13	Nekola, Susan	\$ 2,382.09

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayments on the above block and lots for the 1st quarter 2020.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE 20-01 – REDEVELOPMENT OF A & P PROPERTY

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to introduce Ordinance #20-01 on first reading:

ORDINANCE # 20 – 01

**AN ORDINANCE OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY APPROVING THE REDEVELOPING PLAN FOR
THE FORMER A&P SUPERMARKET, BLOCK 21, LOTS 6, 25, 27, 28, 29, 30,
30.01, 31, 32, 33 AND 34**

WHEREAS, pursuant to Resolution# 60-18 adopted on February 27, 2018 (as amended by Resolution #126-19 adopted on September 24, 2019) the Mayor and Council of the Town of Clinton (the “Council”) authorized the Town of Clinton Land Use Board (the “Land Use Board”) to undertake a preliminary investigation to determine whether an area known as the former A&P Super Market and identified as Block 21, Lots 6, 25, 27, 28, 29, 30, 30.01, 31, 32, 33, and 34 on the Town of Clinton Tax Maps (the “Redevelopment Area”) met the statutory criteria to be designated as an “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3 et seq. (the “LRHL”); and

WHEREAS, the Land Use Board held a public hearing on October 15, 2019 regarding the preliminary investigation and the Redevelopment Area was found to meet the standard for an area in need of redevelopment; and

WHEREAS, the Land Use Board subsequently adopted Resolution # 2019-0011 that same date recommending that the Town Council designate the Redevelopment Area as an “Area in Need of Redevelopment” pursuant to the LRHL; and

WHEREAS, the Town Council adopted Resolution #141-19 on October 22, 2019 designating the Redevelopment Area as an “Area in Need of Redevelopment” in accordance with the Land Use Board’s recommendation and instructed the Land Use Board to prepare a redevelopment plan; and

WHEREAS, in consultation with the Town Planner, Jim Kyle, P.P. of Kyle & McManus Associates, the Land Use Board prepared a redevelopment plan dated January 10, 2020 and attached hereto as **Exhibit A** (the “Redevelopment Plan”);

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(f), because the Land Use Board prepared the Redevelopment Plan, the Town Council does not have to refer the Redevelopment Plan to the Land Use Board for review and comment; and

WHEREAS, after conducting a public hearing on the Redevelopment Plan, the Town Council finds that it is in the best interests of the Town to adopt the Redevelopment Plan.

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. Pursuant to the authority granted to the Town Council by N.J.S.A. 40A:12A-7, the Redevelopment Plan for the Former A&P Supermarket, dated January 10, 2020, prepared by Kyle & McManus Associates and attached hereto is hereby adopted.

Section 2. Pursuant to the provisions of N.J.S.A. 40A:12-7(c), the Redevelopment Plan for the Former A&P Supermarket hereby supersedes applicable provisions of the Town of Clinton Land Use Ordinances. In so doing the Redevelopment Plan for the Former A&P Supermarket shall constitute an explicit amendment to the Town Zoning Map to identify the Redevelopment Area as the boundaries of the area regulated by the Redevelopment Plan for the Former A&P Supermarket. The official Town Zoning map shall be amended to henceforth coincide with the Redevelopment Plan for the Former A&P Supermarket.

Section 3. 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 4. 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 5. This ordinance shall take effect after final approval and publication according to law.

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

Vote all ayes
1 Abstention (Karsh)
Motion carried

A copy of this ordinance will be published in the Hunterdon Review edition of February 19, 2020. A public hearing will be held March 11, 2020.

INTRODUCTION OF ORDINANCE #20-02 – AMENDING LAND USE

A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to introduce Ordinance #20-02 as submitted:

Ordinance No. 20-02
Affordable Housing Ordinance

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF CLINTON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, that the Code of the Town of Clinton is hereby amended to include provisions addressing Clinton's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

The Town of Clinton Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Mayor and Council. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The Land Use Ordinance of the Town of Clinton, Article X, § 88-69 through § 88-73, is hereby repealed and replaced in its entirety, to be titled "Affordable Housing Requirements":

SECTION 1. REPEAL AND REPLACE SECTION 88-69 AS FOLLOWS:

Section 88-69 entitled "Affordable Housing" shall be repealed and replaced with the following.

§ 88-69 Affordable Housing Requirements

A. Monitoring and Reporting Requirements

The Town of Clinton shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- (1) Beginning on February 1, 2020, and on every anniversary of that date through February 1, 2025, the Town agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDC), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
- (2) Beginning on February 1, 2020, and on every anniversary of that date through February 1, 2025, the Town agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.

- (3) By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Town will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- (4) By March 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Town will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

B. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Town to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be

amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Town's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

C. Applicability

(1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Town of Clinton pursuant to the Town's most recently adopted Housing Element and Fair Share Plan.

(2) Moreover, this Ordinance shall apply to all developments that contain low-and moderate- income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(3) Any property in the Town of Clinton that is currently zoned for nonresidential uses and subsequently receives a zoning change or use variance or approval of a redevelopment plan to permit residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment plan to permit higher density residential development, provided such density is at least twice the density previously permitted, shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions and shall not entitle any property owner or developer to such action by the Town. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

D. Alternative Living Arrangements

(1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

(2) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

(3) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

E. Phasing Schedule for Inclusionary Zoning

(1) In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate
Units Completed

Minimum Percentage of Low- and
Moderate-Income Units Completed

25+1	10
50	50
75	75
90	100

F. New Construction

(1) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.
- (b) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
- (c) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - [2] At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - [3] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - [4] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- (d) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(2) Accessibility Requirements:

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1] An adaptable toilet and bathing facility on the first floor; and
 - [2] An adaptable kitchen on the first floor; and

[3] An interior accessible route of travel on the first floor; and

[4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

[5] If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

[6] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Clinton has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

[a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[b] To this end, the builder of restricted units shall deposit funds within the Town of Clinton's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

[c] The funds deposited under paragraph 6)b) above shall be used by the Town of Clinton for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[d] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Town of Clinton for the conversion of adaptable to accessible entrances.

[e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Town's Affordable Housing Trust Fund in care of the Town Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[7] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

(3) Design:

(a) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(b) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

(4) Maximum Rents and Sales Prices:

(a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the

Consent Order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, in In the Matter of the Town of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No.: MID-L-004013-15.

- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (e) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [3] A two-bedroom unit shall be affordable to a three-person household;
 - [4] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [5] A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one and one-half person household; and
 - [3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

(j) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

G. Utilities

- (1) Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- (2) Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

H. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- (1) Provide an occupant for each bedroom;
- (2) Provide children of different sexes with separate bedrooms;
- (3) Provide separate bedrooms for parents and children; and
- (4) Prevent more than two persons from occupying a single bedroom.

I. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Clinton takes action to

release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- (4) At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (5) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (6) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (3) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

K. Buyer Income Eligibility

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

(2) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Town Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

(3) A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

(4) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

L. Limitations on Indebtedness Secured by Ownership Unit; Subordination

(1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

(2) With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

M. Capital Improvements To Ownership Units

(1) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

(2) Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straightline depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Control Periods for Restricted Rental Units

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Clinton takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- (2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hunterdon. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

O. Rent Restrictions for Rental Units; Leases

- (1) A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (3) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- (4) No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

P. Tenant Income Eligibility

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.

- (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
- (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison

- (1) The Town of Clinton shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Town's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Town's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Clinton shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

(2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Clinton, including the following responsibilities which may not be contracted out to the Administrative Agent:

- (a) Serving as Clinton's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) Monitoring the status of all restricted units in Clinton's Fair Share Plan;
 - (c) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- (3) Subject to the approval of the Court, the Town of Clinton shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Town in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Town Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the

R. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

(1) *Affirmative Marketing:*

- (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Clinton and the provisions of N.J.A.C. 5:80-26.15; and
- (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(2) Household Certification:

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;

- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Town of Clinton when referring households for certification to affordable units; and
 - (g) Notifying the following entities of the availability of affordable housing units in the Town of Clinton: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- (3) Affordability Controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hunterdon County Register of Deeds or Hunterdon County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resales and Rerentals:
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

- (5) Processing Requests from Unit Owners:
 - (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
 - (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they m
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Town Council and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional Responsibilities:
 - (a) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (b) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.

(c) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

S. Affirmative Marketing Requirements

- (1) The Town of Clinton shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented. buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- (3) The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hunterdon, Essex, Union and Warren Counties.
- (4) The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Town of Clinton shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- (5) In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- (7) The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- (8) Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- (9) In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Clinton, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- (10) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

T. Enforcement of Affordable Housing Regulations

(1) Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

[1] A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

[2] In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Town of Clinton Affordable Housing Trust Fund of the gross amount of rent illegally collected;

[3] In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(b) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

[1] The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

[2] The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as

aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

[3] Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

[4] If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

[5] Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

[6] The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

U. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION 2. REPEAL CHAPTER 4-28 OF THE CODE OF THE TOWN OF CLINTON.

Section 4-48 entitled "Municipal Housing Liaison" shall be repealed.

SECTION 3. REPEAL SECTION 88-60.1 OF THE CODE OF THE TOWN OF CLINTON.

Section 88-30.1 entitled "Growth Share Provisions" shall be repealed.

SECTION 4. REPEALER

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

SECTION 5. SEVERABILITY

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 6. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Vote all ayes

Motion carried

The copy of this ordinance will be published in the February 19, 2020 edition of the Hunterdon Review. A public hearing will be held March 11, 2020.

INTRODUCTION OF ORDINANCE #20-03 – CONSTRUCTION RECORDS CLEARANCE POLICY

A motion was made by Ms. Dineen, seconded by Mr. Humphrey, to introduce Ordinance #20-03 on first reading as submitted:

ORDINANCE #20-03

**AN ORDINANCE OF THE TOWN OF CLINTON AMENDING CHAPTER
88 OF THE CODE OF CLINTON TO ADD A NEW SECTION CREATING A
CONSTRUCTION RECORDS CLEARANCE POLICY**

BE IT ORDAINED, by the Mayor & Council of the Town of Clinton, County of Hunterdon, State of New Jersey as follows:

- I. Chapter 88 shall be amended to include a new section as follows:
- II. CONSTRUCTION RECORDS CLEARANCE (CRC)
- III. WHEN REQUIRED

No building or structure shall be occupied in whole or in part prior to the issuance of a certificate of construction records clearance (CRC). A CRC shall be required prior to the sale of any residential or commercial structure.

IV. EXCEPTIONS

The following transactions are exempt from obtaining a CRC as long as no change in physical occupancy occurs:

- a. Transfer of title to correct a previously recorded deed.

- b. Title eligible to be recorded as an ancient deed pursuant to N.J.S.A. 46:16-7.
- c. Transfer of title between husband and wife, whether or not relating to divorce, or between former spouses if the transfer is incident to an order or judgment from any court of competent jurisdiction.
- d. Transfer of title relating to new construction for which a certificate of occupancy is required.
- e. Transfer of title by or to an executor, administrator or court which affects a distribution of a descendant's estate in accordance with the provisions of the descendant's will or the interstate laws of the State.
- f. Transfer of title due to refinancing, home equity loans, second mortgages.
- g. Transfer of title by or to a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors.
- h. Residential rentals.

V. RESPONSIBILITY

No owner shall permit the sale of residential or commercial premises covered under this section unless the requisite CRC has been issued. No Purchaser or tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners, tenants, and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least twenty five (25) business days prior to the change of ownership and /or occupancy on the form provided by the Town.

VI. PRE-OCCUPANCY RECORDS INSPECTION

Prior to the issuance of any certificate for any transaction, the enforcing agency shall conduct a records inspection to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all final inspections and prior approvals shall be obtained and appropriate Uniform

VII. FEES:

The applicant shall submit the application fees for the CRC, as follows to cover the administrative cost:

CRC Fee: \$100.00 (submitted within 25 days)

CRC Fee: \$150.00 (submitted within 10 days)

VIII. VIOLATIONS AND PENALTIES:

Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding one thousand (\$1,000) dollars, imprisonment for a period not exceeding 90 days and /or a period of community service not exceeding ninety (90) days.

The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

IX. This Ordinance shall take effect upon final passage and publication as provided for by law.

Vote all ayes
Motion carried

Mayor Kovach explained the purpose of this ordinance is a result from houses being sold and new owners finding that not all permits have been satisfied. Building inspector, Kevin Fleming, explains this will protect both the buyer and the seller.

A copy of this ordinance will be published in the Hunterdon Review edition of February 19, 2020. A public hearing will be held March 11, 2020.

INTRODUCTION OF ORDINANCE #20-04 – TOWING AND STORAGE OF VEHICLES

A motion was made Ms. Karsh, seconded by Ms. Johnson, to introduce Ordinance #20-04 on first reading as submitted:

ORDINANCE # 20 - 04

**ORDINANCE ADOPTING FEE SCHEDULES FOR TOWING
AND STORAGE OF MOTOR VEHICLES**

WHEREAS, Chapter 129 of the Code of the Town of Clinton provides for the establishment of a fee schedule for towing and storage of motor vehicles based on recommendations received by the Mayor and Council from the Chief of Police; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.49 such rate schedule must be set by ordinance; and

WHEREAS, Chief Kubinak has provided recommendations on the appropriate fees to be charged for towing and storage of motor vehicles within the Town of Clinton through 2021; and

WHEREAS, the Mayor and Council have reviewed and accept those recommendations;

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

SECTION 1. Section 129-12 of the Code of the Town of Clinton entitled “Fee Schedule” is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~);

A. Towing rate schedules. The Chief of Police shall recommend to the Mayor and Council rate schedules for towing fees to be charged by a tow operator in the Town of Clinton pursuant to this chapter based on the usual, customary and reasonable rates of operators towing motor vehicles in the Town. The Mayor and Council may accept such recommendation by adopting a ~~resolution~~ ***an ordinance*** establishing ***or amending*** those rates. ***The Towing Rate and Storage Schedule which accompanies this chapter is hereby declared to be part hereof.***

B. Storage rate schedules. The Chief of Police shall recommend to the Mayor and Council rate schedules for storage fees to be charged by a tow operator in the Town of Clinton for the storage of towed vehicles pursuant to this chapter based on the usual, customary and reasonable rates of operators storing towed motor vehicles in the Town. The Mayor and Council may accept such recommendation by adopting a ~~resolution~~ ***an ordinance*** establishing those rates. ***The***

Towing Rate and Storage Schedule which accompanies this chapter is hereby declared to be part hereof.

C. Availability of fee schedules to the public. All fee schedules shall be made available to the public during normal business hours in the office of the Town Clerk, and posted conspicuously at the tow operator's storage area and any repair garage operated by the tow operator. Prior to commencing any tow service, the police shall present to the owner or operator of the disabled vehicle a document clearly and concisely setting forth the tow operator's name, telephone number, location of its storage area and a towing and storage fee schedule in plain language.

D. Pursuant to law, the ~~fee schedule~~ ***Towing Rate and Storage Schedule*** set by ~~resolution~~ ***ordinance*** as provided in Subsections A and B ***and accompanying this chapter*** above shall be reviewed by the New Jersey Commissioner of Insurance on an annual basis. In the event the fee schedules are revised by the Commissioner, the revised fees shall be the maximum fees that may be charged by official tow operators, and the revised fee schedules shall be posted as provided in Subsection C above.

E. Fees charged by a tow operator which is called to the scene by the Police Department of the Town shall be the same as those set forth by ~~resolution~~ ***ordinance*** pursuant to Subsections A and B above. Any other towing services to motor vehicles when requested privately by individuals shall be at the rates as agreed to between the individual and the tow operator.

SECTION 2. Chapter 129 of the Code of the Town of Clinton entitled "Towing and Storage" is hereby amended by attaching a "Towing Rate and Storage Schedule" as follows:

TOWN OF CLINTON TOWING RATE & STORAGE SCHEDULE

Rates and Fee Schedule

1. Light-duty day rate (8:00 a.m. – 5:00 p.m.)
\$90.00 per towing vehicle dispatched, which includes towing up to six miles plus any fees for additional services performed.
(mileage fee for over 6 miles from scene to operator's garage) \$4.00 per mile.
2. Light-duty night rate (5:00 p.m. – 8:00 a.m.)
\$125.00 per towing vehicle dispatched, which includes towing up to six miles from scene. The night rate shall also apply to all tows on Sundays and legal holidays in the State of New Jersey.
(mileage fee for over 6 miles from scene to operator's garage) \$4.50 per mile.
3. Road Service, Gas, Tire Change, Lockout, Battery Jump:
\$75.00 (8:00 a.m. – 5:00 p.m.)

\$90.00 (5:00 p.m. – 8:00 a.m.) The night rate shall also apply to all tows on Sundays and legal holidays in the State of New Jersey.

Plus cost of any material used, including but not limited to gasoline.

4. Medium Towing – For motor vehicles with a gross weight between 10,001 pounds to 26,000 pounds:
\$215.00 per towing vehicle dispatched regardless of the time of day, plus (\$6.00 per mile from scene, after the first 6 miles).
5. Heavy Duty Towing with Conventional Wrecker – For motor vehicles with a gross weight over 26,000 pounds which can be moved with a conventional wrecker:
\$300.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day, plus (\$6.00 per mile from scene, after the first 6 miles).
6. Heavy Duty Towing with Under Reach Towing - For a motor vehicle with a gross weight over 26,000 pounds where under reach towing is required:
\$325.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day, plus (\$6.00 per mile from scene, after the first 6 miles)
7. Vehicles that are locked and in park or in gear - Additional services fee: \$35.00
8. These rates do not apply to recovery which includes impales, over-turned, or off road.
9. Additional Work
Hourly rate, charged in quarterly increments (first 15 minutes is not billable) clean-ups, winch work, dolly work – \$75.00 per hour.
10. Storage Fees

Storage Fees become effective after the first 11 hours of a vehicle tow.

Vehicles less than 10,000 pounds - \$45.00 per day

All other vehicles with gross weight over 10,000 pounds – \$90.00 per day or part thereof.

Vehicles will be released during normal business hours:

Monday – Friday (8:00 a.m. – 5:00 p.m.)

Saturday (8:00 a.m. – 12:00 p.m.)

After hours vehicle release fee - \$75.00 per vehicle

All towing charges noted above are from initial incident to towing garage. Any towing to alternate sites will be negotiated between tow operator and customer.

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

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 Hunterdon Review edition of February 19, 2020. A public hearing will be held March 11, 2020.

INTRODUCTION OF ORDINANCE 20-05 – AMENDMENTS TO C-3 ZONE

A motion was made by Mr. Humphrey, seconded by Ms. Dineen, to introduce Ordinance #20-05 on first reading as submitted:

ORDINANCE # 20-05

ORDINANCE AMENDING SECTION 88-5 OF THE TOWN CODE TO ALLOW COFFEE SHOPS AS ACCESSORY USES TO MOTOR VEHICLE SERVICE STATIONS IN THE C-3 HIGHWAY ORIENTED COMMERCIAL DISTRICT

WHEREAS, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Town of Clinton Council (the “Council”) is authorized and empowered to adopt and amend the zoning ordinances of the Town of Clinton; and

WHEREAS, at its February 4, 2020 meeting the Land Use Board considered a zoning interpretation request from the owner of Block 6, Lot 1.01 (which is developed as a Shell gas station) regarding whether coffee shops are permitted accessory uses to motor vehicle service stations; and

WHEREAS, the Land Use Board determined that coffee shops are customarily incidental uses to gas stations and are, therefore, permitted as accessory uses in the Highway Oriented Commercial (C-3) District which permits the operation of motor vehicle service stations; and

WHEREAS, after a duly noticed public hearing pursuant to N.J.S.A. 40:55D-62.1 and receipt of advice and recommendations of the Town Planner and Planning Board consistent with N.J.S.A. 40:55D-26, the Council desires to adopt zoning standards governing the operation of coffee shops as accessory uses to motor vehicle service stations; and

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

SECTION 1. Section 88-55 of the Code of the Town of Clinton (the “Code”), entitled “C-3 Highway Oriented Commercial District,” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

A. Zone description. The C-3 District encompasses the area of the Exit 15 intersection and a small portion of West Main Street. Businesses are largely oriented toward highway services and pass-by traffic.

Freestanding buildings provide parking on site. The buildings are residential in scale, and signage is oriented to higher levels of moderate-speed traffic, much of which may be unfamiliar with the area.

B. Permitted principal uses. The following uses, conducted within the confines of a building, are permitted:

- (1) Offices for business, executive, professional and administrative purposes.
- (2) Studios for art, dancing, music, language, photography, and similar activities.
- (3) Motor vehicle service stations, *which may include a coffee shop (as defined by NAIC Code 722515) as an accessory use, but not a convenience store.*
- (4) Banks and financial institutions.
- (5) Beauty salon, barbershop, day spa.

C. 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.
- (4) Coffee shops (as defined by NAICS Code 722515), only as accessory uses to motor vehicle service stations.**
- ~~(4)~~(5) Other accessory uses customarily incident to the uses listed in Subsection B.

D. Required conditions. Except as otherwise provided in this article, the requirements and limitations contained in the Schedule of Requirements referred to in § 88-51C shall be complied with.[4]

~~E. Participation in the provision of lower income housing. The developer of any land in the district may participate in the provision of lower income housing. The developer shall be entitled to a density bonus equivalent to 15% of the floor area to which he is otherwise entitled under Schedule I, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit, convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance Fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.~~

~~F.~~ **E.** Design standards.

- (1) On-site parking lots abutting any residential zone shall be located a minimum of 15 feet from the zone line.
- (2) The required setback from any residential zone shall be landscaped to screen residential uses from building and vehicle lights and on-site activities by mixed evergreen landscaping designed to provide 80% opacity by the third growing season. Primary screening material shall have a minimum height of ~~five~~ **six** feet at installation and a minimum height of ~~eight~~ **twelve** feet at maturity.

- (3) Joint use of driveways is strongly encouraged to reduce the number of conflict points along the street.
- (4) Sidewalks with a minimum width of four feet shall be provided along street frontages.
- (5) Dumpsters shall be located to the rear of the building, to the maximum extent possible; if not possible they may be located on the side of the building. In either case, any dumpster shall be screened from public view.

Section 2. 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 3. 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 4. 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 February 19, 2020 edition of the Hunterdon Review. A public hearing will be held March 11, 2020.

INTRODUCTION OF ORDINANCE #20-06 – AMENDMENT TO INDUSTRIAL DISTRICT

A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to accept Ordinance #20-06 on first reading as submitted:

ORDINANCE # 20-06

**ORDINANCE AMENDING SECTION 88-56, ENTITLED “I INDUSTRIAL DISTRICT”
OF THE TOWN CODE TO PROVIDE ENHANCED SCREENING AND BUFFERING
FOR THE LANDSDOWN TRAIL FROM INDUSTRIAL DEVELOPMENT**

WHEREAS, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Town of Clinton Council (the “Council”) is authorized and empowered to adopt and amend the zoning ordinances of the Town of Clinton; and

WHEREAS, a portion of the Industrial (I) District abuts the Lower Landsdown Trail, which maintained by the Hunterdon County Parks and Recreation Department; and

WHEREAS, the Council desires to protect and screen the Landsdown Trail from any potential industrial development and amend its zoning ordinances in order to accomplish that goal; and

WHEREAS, after a duly noticed public hearing pursuant to N.J.S.A. 40:55D-62.1 and receipt of advice and recommendations of the Town Planner and Planning Board consistent with N.J.S.A. 40:55D-26, the Council desires to adopt revised zoning standards regarding screening and buffering in the I District; and

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

SECTION 1. Section 88-56 of the Code of the Town of Clinton (the “Code”), entitled “I Industrial District,” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

A. The following are permitted principal uses:

- (1) Processes of manufacturing, fabrication, assembly, packaging, treatment or conversion of products.
- (2) Scientific or research laboratories devoted to research, testing, design and/or experimentation and processing and fabricating incidental thereto.
- (3) Office buildings for business, professional, executive and administrative purposes.
- (4) Data processing facilities.
- (5) Warehouses and wholesale distribution centers.
- (6) Municipal buildings and municipal uses, including municipal garages and storage and maintenance yards.
- (7) Agricultural uses.

B. The following are permitted accessory uses:

- (1) Off-street parking areas in accordance with § 88-62.
- (2) Signs, in accordance with § 88-64.
- (3) Outdoor storage in accordance with § 88-60Q.
- (4) Wireless telecommunications antennas in accordance with § 88-60Z.
- (5) Other accessory uses customarily incident to the uses listed in Subsection A.

C. Conditional uses. The following conditional uses, as regulated in § 88-63, are permitted:

- (1) Buildings and facilities for tennis, squash, handball and similar sports activities.
- (2) Churches and similar places of worship of recognized religious groups, which may include attendant parish houses, convents and religious education buildings.
- (3) Public and private schools teaching academic subjects.
- (4) Public utility buildings, power generating stations and similar utility installations.

D. Required conditions. Except as otherwise provided in this chapter, the requirements and limitations contained in the Schedule of Requirements referred to in § 88-51C shall be complied with.[2]

E. Performance standards. Any building, structure or tract of land developed, constructed or used for any permitted principal or accessory industrial use shall comply with all the performance standards set forth in this section. These performance standards shall apply unless exceeded by any state or federal standards or amendments thereto. If there is any reasonable doubt that the intended use will not conform

to any subsection of the performance standards, the Land Use Board shall request a deposit for each subsection in doubt which will be used to defray the cost of a special report by an expert consultant qualified to advise on conformance to the required standard. The amount of the deposit shall be based on a quotation from said expert consultant. Said report shall be made within 30 days of the request and copies supplied to the applicant. If any existing use or building is extended, enlarged or reconstructed, the performance standards shall apply to such extended, enlarged or reconstructed portion or portions of such use or building or structure.

(1) Noise. Measured at the lot line, the sound pressure level of noise emitted by all sources on a single lot shall not exceed the levels tabulated below and corrected for the character of the noise. Measurement shall be made with a sound-level meter corresponding to ANSI standard S1.4 and an octave band filter conforming to ANSI standard Z24.10.

Octave Band Center Frequency (cycles per Second)	Maximum Sound Pressure Level (decibels relative to 0.002 microbars)
31.5	84
63	70
125	57
250	50
500	45
1,000	41
2,000	38
4,000	35
8,000	32
Character of Noise	Correction (decibels)
Nighttime noise (10:00 p.m. to 7:00 a.m.)	- 5
Impulsive noise	- 5
Noise of periodic character	- 5

(2) Smoke. There shall be no emission of smoke or other visible atmospheric pollutant to give a plume equivalent opacity in excess of 15%. Opacity readings may be made visually by a trained observer or by a stack-mounted opacity meter. Steam plumes are exempt from this limit, but steam may not be used to mask other emissions.

(3) Odor. Emission of odorous matter shall be below odor threshold concentrations at the lot line and at the point of maximum ground level concentration if this point is beyond the lot line. Recognized compilations of odor threshold concentrations may be used as standards of the granting of use permits, but for an established use the actual detectability of odor shall be the standard. Odor threshold compilations include Air Pollution Control Association Paper 68-131 (1968); Table III, Chapter 5, of Air Pollution Abatement Manual, Manufacturing Chemists Association, Washington, 1951; and U.S. Bureau of Mines Technical Paper 480 (1930).

(4) Particulate emissions to the atmosphere.

(a) Dust, dirt, fly ash and other particulars shall be controlled so that no such emission will cause damage to human health, animals, vegetation or other property or cause any

excessive soiling beyond the lot line of the source use. There shall be no emission of any solid or liquid particulate matter in excess of .015 grains dry standard cubic foot of stack gas, corrected to 12% CO₂. Particulate emission determinations shall be made according to Environmental Protection Agency Method 5.

(b) Fugitive dust shall be held to a minimum by use of good housekeeping practices and other appropriate control techniques.

(5) Noxious gases. Under no circumstances shall any use emit noxious, toxic or corrosive fumes or gases. Reference shall be made to Table I, Industrial Hygiene Standards, Maximum Allowable Concentrations, Chapter 5; of the Air Pollution Abatement Manual for determination of toxic pollutants to be prohibited.

(6) Glare and heat. No industrial uses shall carry on an operation which will produce heat or direct or sky-reflected glare beyond the property line of the lot on which the use is located. Industrial and exterior lighting shall be used in such a manner that it produces no glare on public highways and neighboring property and, further, shall meet the requirements of § 88-44B(1)(g).

(7) Fire and explosion hazards. All activities shall be carried on only in structures which conform to the standards of the Fire Prevention Code published by the American Insurance Association, 1965, or the Town Building Code or other applicable local ordinance, whichever is more restrictive. All operations shall be carried on and combustible raw materials, fuels, liquid and finished products shall be stored in accordance with the standards of said American Insurance Association. The storage of more than 500 gallons of volatile or flammable liquid above ground is prohibited.

(8) Liquid and solid wastes. There shall be no discharge at any point of treated or untreated sewage or industrial waste into any stream, lake, reservoir or into the ground of any material which may contaminate the water supply or endanger human health and welfare. No industrial waste shall be discharged into any system, nor shall any wastes be discharged in the public sewer system which are dangerous to the public health and safety.

(a) Maximum five-day biochemical oxygen demand (BOD): 5.0 parts per million.

(b) Maximum quantity of effluent: 10% of minimum daily stream flow.

(c) Maximum five-day biochemical oxygen demand after dilution [biochemical oxygen demand (BOD) of effluent multiplied by quantity of effluent divided by quantity of stream flow]: 0.25 part per million.

(d) Acidity or alkalinity shall be neutralized to a pH of 7.0 a daily average on a volumetric basis, with a temporary variation of 6.0 to 8.5.

(e) Wastes shall not contain any insoluble substances in excess of 5,000 parts per million, and no insoluble substances shall be noticeable in the water or deposited along the above or on the aquatic substrata in quantities detrimental to the natural biota.

(f) Wastes shall contain no cyanides and no halogens.

(g) Threshold odor number shall not exceed 24° C. to 60° C.

(h) Wastes shall not exceed the following maximums:

Wastes	Maximum (parts per million)
Hydrogen sulphide	10
Sulphur dioxide	10
Nitrous oxide	10
Chlorine demand	15
Phenols	.005

(i) *No effluent shall contain any acids, ores, dust, toxic metals or corrosive or other toxic substance in solution or suspension which may cause odors, discolor, poison or otherwise pollute streams and waterways in any way. There shall be no thermal discharges which detrimentally affect the natural aquatic biota or reasonably anticipated reuse of the waters. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.*

(j) All methods of sewage and industrial waste treatment and disposal shall be approved by the New Jersey State Department of Environmental Protection and the Hunterdon County Department of Health.

(k) Any other provision of this chapter notwithstanding, no individual use in the Industrial Zone shall generate a demand for sewage treatment greater than 1,200 gallons per day per acre. The 1,200 gallons per day per acre shall be construed as a maximum for each use and the land committed to that use and not for the zone as a whole.

(9) Vibration. No activity shall cause or create a steady state or impact vibration at or beyond the lot line causing acceleration in excess of that indicated in the attached figure.[3] The numbers on the ordinate are peak values of sinusoidal accelerations or 1.4 times the root mean square values of random vibrations measured in octave bands. These criteria are for vertical vibrations and are to be reduced by a factor of 1.4 for horizontal vibrations. The ordinate unit, "g," is 9.81 meters per second squared [32.2 feet per second squared].

(10) Radioactivity and electrical disturbance. Radioactivity shall not be entitled to exceed quantities established as safe by the United States Bureau of Standards, as amended from time to time. No electrical disturbances, except from domestic household appliances, shall adversely affect the operation at any point of any equipment other than that of the creator of such disturbance.

(11) Conformance to state standards. Any operation shall also comply with any applicable state standards and requirements and particularly to the New Jersey Department of Environmental Protection Administrative Code, Title 7, Chapter 27, Subchapters 3, 4, 5, 6, 7, 11, 13 and 16.

(12) Enforcement of performance standards.

(a) An industry desiring to build, develop or utilize a tract or site of land must submit an application to the Land Use Board in accordance with Article VI of this chapter. The application shall include the following detailed information concerning the environmental effects regulated by the performance standards and certification by a registered architect or engineer for the applicant that the proposed use can meet the performance standards of this section.

(b) Procedure for enforcement for established industries shall be as follows: If a violation of the performance standards created has occurred, the Zoning Officer shall send a written notice of

said violation to the owner(s) of the property by certified mail. The owner(s) shall have 30 days to correct the violation unless, in the opinion of the Zoning Officer, there is an imminent peril to life and property, in which case the violation shall be corrected immediately. Where determinations of violation can be made by the Zoning Officer, using equipment normally available to the Town or otherwise obtainable without extraordinary expense, such determination shall be so made before notice of said violation is issued.

(c) Where technical complexity or extraordinary expense makes it unreasonable for the Town to maintain the personnel or equipment necessary to make the determination of violation, then the Town shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation, in addition to the other penalties prescribed by this chapter. If no violation is found, cost of the determination shall be paid entirely by the Town.

F. *Design standards. In addition to compliance with Article VI, Subdivision and Site Plan Review (§88-39 through §88-50) and any other applicable standards, the following requirements shall apply:*

(1) Any development proposed shall provide a minimum buffer of 100 feet along the Lower Landsdown Trail on the east side of the zone district and south of the roadway easement for the sewage treatment plant. Said buffer shall include a berm that is a minimum of 8 feet in height graded to be not more than a slope of 1 foot of vertical rise for each 5 feet of horizontal run. The berm shall include a flat section not less than 20 feet in width at its highest point to accommodate buffer plantings.

(2) The buffer and berm required along the Lower Landsdown Trail shall include landscape plantings consisting of a mix of evergreen and deciduous trees as well as evergreen and deciduous shrubs and perennial flowering plants. Landscape planting shall be sufficient to provide year-round screening of any structures and parking areas proposed and shall achieve a minimum of 80% opacity by the end of the third growing season. Native and deer-resistant species shall be utilized to the greatest extent practical.

(3) Any development proposed shall preserve the area between the Lower Landsdown Trail and the roadway easement for the sewage treatment plant as a buffer. All existing vegetation in this area shall be maintained, with supplemental evergreen trees provided on the west side to provide year-round visual screening of any structures or parking areas proposed.

(4) All evergreen trees shall be a minimum of 8 feet in height and all deciduous trees shall be a minimum of 2 1/2 inch caliper (dbh) at the time of planting.

~~F. Participation in the provision of lower income housing. The developer of any land in the district may participate in the provision of lower income housing. The developer shall be entitled to a density bonus equivalent to 15% of the floor area to which he is otherwise entitled under Schedule I, provided that all parking requirements can be met on the site and the Board approves any variances from setback and buffer requirements needed to accommodate the density bonus, in return for which the developer shall, no later than the time of issuance of a building permit,~~

~~convey to the Town an amount equal to \$3.75 per square foot of gross floor area for all bonus construction. The funds paid to the Town shall be placed into a Housing Rehabilitation, Conversion and Assistance Fund to be administered by the Housing Officer and Affordable Housing Board appointed by the Mayor and Council following administrative guidelines established by ordinance.~~

SECTION 2. Attachment 1 to Chapter 88 of the Code of the Town of Clinton (the “Code”), entitled “Schedule of Zoning Requirements,” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):
(*See attached sheet*)

SECTION 3. 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 4. 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 5. 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 February 19, 2020 edition of the Hunterdon Review. A public hearing will be held March 11, 2020.

SPECIAL EVENT APPLICATIONS

Application from the Friendly Sons of St. Patrick of Hunterdon County to hold the St. Patrick’s Day Parade March 15, 2020. Event organizers would like to reverse the route this year, down Halstead, right onto Lower Center, across Main and East Main and return to the Community Center on Halstead Street. Chief Kubinak currently working with the Friendly Sons. A motion was made by Ms. Dineen, seconded by Ms. Intrabartola, to approve the request.

Vote all ayes
Motion carried

The Sunrise Rotary to hold the Rotary Memorial Fishing Derby May 2, 2020 at DeMott Pond. Hours of event are 7:30 a.m. to 12:30 p.m. Motion made by Ms. Dineen, seconded by Ms. Karsh to approve the request.

Vote all ayes
Motion carried

Rotary Club of Clinton Sunrise to hold the Great Hunterdon Rubber Ducky Race over the Raritan River Falls on July 12, 2020. Set up 10 am, race 2:00 p.m. and clean up by 4:00 p.m. Motion to approve may by Ms. Intrabartola, seconded by Ms. Dineen.

Vote all ayes
Motion carried

BANNER REQUESTS

Several banner requests have been submitted and will be voted on

- North Hunterdon HS Winter Musical “Bye Bye Birdie”
- Banner dates – February 17 – March 2 - Event Date February 28 – March 1
- Hunterdon County Library – New Jersey Makers Day
- Banner dates – March 15 – 21, Event date March 21st
- Sunrise Rotary - Memorial Fishing Derby
- Banner dates April 20 – 26 - Event Date May 2, 2020
- Immaculate Conception 19th Annual Parish Festival
- Banner dates June 7 – 21, Event dates June 17 through 21
- Unity Bank – Car Show benefitting Family Promise of Hunterdon & Warren
- Banner dates June 22 – 29, Event date June 28, 2020
- Clinton Sunrise Rotary – Great Hunterdon Rubber Ducky Race
- Banner dates – June 29 – July 6, Event date July 12, 2020
- Hunterdon County Library – Annual Book Sale
- April 13 – 20, Event dates April 25 – 27, 2020

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to approve the banner requests submitted.

Vote all ayes
Motion carried

CORRESPONDENCE - NONE

REPORTS FROM COUNCIL & TOWN OFFICIALS

Police Chief Cory Kubinak

Chief Kubinak has submitted an annual police report for 2019.

Chief asked if crossing guards are needed for summer recreation other than nine and noon hours, and was told no, parents are required to pick up other than those hours.

Councilwoman Johnson

Buildings and Grounds – discussed improvements at the Community Center including new siding and locks as well as new locks at the field house at Hunts Mill Park.

Board of Recreation – sign ups for Summer Recreation program have been outstanding! Huge success and above goals numbers. Last day to register without late fee February 14, can sign up to March 19 with a late fee of \$50.00.

Bonfire was a success as well thanks for the Clinton Fire Department and the Clinton Rescue Squad. 170 pounds of good were donated to the Open Cupboard Food Pantry.

Councilman Humphrey

Clinton Fire Department – report presented by Kevin Shannahan, captain, accompanied by Tim Vansalous. The department answered 22 calls for service in January. 3 fires; 4 MVA with injuries; 5

MVA no injuries; 2 calls downgraded to single company response; 2 smoke scare, odor of smoke; 5 alarm system activations, no fire; 1 RIC call cancelled.

33 members of the department completed 4 mandatory refresher classes for 2020.

Members attended the North Hunterdon High School “volunteer fair” one of these members was Mario Gallo, who recently graduated Fire Fighter 1 as part of North Hunterdon’s High School polytech program. February 1, members assisted Sean Rogan and the Recreation Commission (finally) with the Yuletide Bonfire.! The department wished to extend their thanks to Sean and his committee’s support in arranging this great town event.

Fire Department has an upcoming drill scheduled with North Hunterdon Fire Alliance partners and CPR & AED will be competed for members in February.

Environmental Commission – Mr. Humphrey reported the River Clean Up will be held Saturday, April 18. This year things will be run a little differently, zones will be created, and designated drop off areas. Recycling brochure will include educational information as to new rules very important to residents.

The newly created Elders of Clinton Committee continues to reach out and gather information.

Newsletter articles are needed!!

Attorney Tara St. Angelo

Attorney St. Angelo distributed a memorandum to Mayor and Council as a report of pending items being worked on. This will inform council as to what legal matters are being worked on and the progress we are making.

The Elected Officials’ Seminar that was postponed from January 18 has been rescheduled for March 28, 2020 from 10:00 a.m. to 2:00 p.m. A light lunch will be served. Leslie Parikh will be joining Ms. St. Angelo for the training and attorney advice.

Councilwoman Karsh

Clinton Guild – held their re-organization meeting, Paul Muir will continue as the president. The Guild wanted to address the dangerous intersection at the corner of Lower Center and Halstead Street. Ms. Karsh referred the comments to the Road Committee and the Police. Chief Kubinak said he has researched lights and is very interested in the pedestrian signs with LED lights in Princeton that a person crossing pushes a button and the lights are activated. Chief will gather additional information and refer it to the Road Committee.

Economic Development Commission is working on draft marketing material and gathering a commercial data base to get a better understanding of what the town has and where there are gaps. Members of the EDC plan to attend the next council meeting and make a brief presentation. The EDC is also applying for a grant from the Highlands Council to conduct a study of the community and will need a resolution from council in support of it.

Water Committee – a meeting was held prior to this meeting to inform those affected residents of the huge project that will be undertaken on West Main Street. Ms. Karsh would like to create a webpage to make residents aware of the day to day steps and keep the communication flowing.

Councilwoman Dineen

Land Use Board met February 4 and heard an application for an interpretation from the Shell property for an accessory use. Following the hearing and the reason for the Ordinance #20-05 introduction this evening for amendments in the C-3 zone is to allow coffee shops as an accessory use to motor vehicle stations. The board also heard a variance application to replace the sign at Unity Bank on Old Highway 22 with a 15 foot high free standing sign with LED lighting.

Roads Committee attempting to meet with Reivax to discuss the remaining punch list items of the West Main Street Pedestrian Safety Project.

A letter received from a resident regarding signage on Haver Farm leading to Hunts Mill will be revisited. The committee will evaluate the traffic during a full recreation season and discuss the need again for signage.

Estimate for the Georges Place road improvement project have been received and an ordinance will be forthcoming.

Ms. Dineen expressed her desire to receive all meeting material electronically instead of paper. Council liked the idea! Attorney St. Angelo said she will send her material in PDF format. Mr. Humphrey agreed and referred to High Bridge re-org and said it was all paperless.

Councilwoman Intrabartola

Board of Health held the annual rabies clinic January 25, 2020 and inoculated 341 cats and dogs. The relocation of the pet waste stations was also well received and it is being used more. The board expressed their pleasure with the port-o-john at the community center and asked if it would be possible to have a second one placed in the downtown area for visitors. Another topic of discussion was the feral cat problem in town. We will have someone come and explain the process to council at an upcoming meeting.

Councilman Traphagen

Rescue Squad is holding their membership drive and have had a great response with 16 sign ups already!

Shade Tree – forestry plan has been approved by the State.

Historic Commission will meet next Wednesday, February 19, 2020.

Mayor Kovach

Clinton Town and High Bridge have signed the settlement agreement! Grateful to Mayor Lee of High Bridge for coming together. Hopefully Clinton Township settlement is near.

APPROVAL OF STANDBY AND OVERTIME

A motion was made by Mr. Humphrey seconded by Ms. Johnson, to approve the standby and overtime pay attached to these minutes for January 10 through January 23, 2020.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Ms. Dineen, seconded by Ms. Johnson to approve the voucher list as attached to these minutes.

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

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Intrabartola, seconded by Mr. Humphrey to adjourn the meeting at 8:20 P.M.

Vote all ayes
Motion carried

Cecilia Covino, RMC/CMC
Municipal Clerk

Mayor Janice Kovach