

CLINTON TOWN COUNCIL
October 26, 2022
7:30 P.M.

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Council Meeting October 12 and Executive Sessions,
September 28, 2022 and October 12, 2022
2. PUBLIC COMMENTS
3. MAYOR'S COMMENTS
4. RESOLUTION #145-22 – HIRING OF CROSSING GUARDS
5. RESOLUTION #146-22 – PURCHASE OF BACKHOE
6. INTRODUCTION OF ORDINANCE #22-11 – BUSINESS RENTAL INSURANCE (11/9/22)
7. INTRODUCTION OF ORDINANCE #22-12 – SEWER UTILITY – second reading November 9, 2022
8. INTRODUCTION OF ORDINANCE #22-13 – GARBAGE UTILITY – second reading Nov. 9, 2022
9. RESOLUTION #148-22 – GOVERNOR'S COUNCIL ON ALCOHOLISM & DRUG ABUSE
10. REVIEW OF BEST PRACTICES
11. CORRESPONDENCE
12. REPORTS OF COUNCIL
13. STANDBY AND OVERTIME
14. PAYMENT OF BILLS
15. RESOLUTION #147-22 - EXECUTIVE SESSION – PENDING LITIGATION
16. ADJOURNMENT

RESOLUTION # 145-22

WHEREAS, the Town of Clinton Police Department requires the hiring of two new Crossing Guards, and;

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

WHEREAS, the Chief of Police recommends that the following persons be hired to fill the open positions at a rate of \$19.90 per hour;

Holly Smith
Tara Fioto

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Holly Smith and Tara Fioto to fill the open position of Crossing Guard effective October 26, 2022.

Mayor Janice Kovach

Adopted: October 26, 2022

RESOLUTION # 146-22

REALLOCATE SEWER CAPITAL RESERVE FUNDS

WHEREAS, the Town of Clinton Sewer Utility has certain Capital Reserve Funds; and

WHEREAS, from time to time those funds are no longer required for the specific projects they were intended; and

WHEREAS, the Town of Clinton Sewer Utility wishes to use the following Capital Reserve Funds for Sewer Utility Improvements;

Reserve for Plan Expansion - \$100,000.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton requests that the Chief Financial Officer reallocate \$100,000.00 from the Capital Reserve Funds listed above for Sewer Utility Improvements to the Sewer Capital Improvement Fund.

Mayor Janice Kovach

Adopted: October 26, 2022

TOWN OF CLINTON, HUNTERDON COUNTY

ORDINANCE #22-11

WHEREAS, Governor Murphy signed P.L. 2022, c.92. on August 5, 2022, which requires business owners and rental unit owners to maintain certain liability insurance policies and to register the compliant certificate of insurance with the municipality annually in which the business or rental units are located; and

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

SECTION 1. Chapter 49 of the Code of the Town of Clinton, entitled “Business Insurance Registration”, is added as follows:

CHAPTER 49 BUSINESS INSURANCE REGISTRATION

Section 49-1. Business insurance registration required. It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Town of Clinton without first registering its certificate of insurance demonstrating compliance with Section 1 of P.L. 2022, c. 92 and paying the registration fee required herein.

Section 49-2. Entities covered by this Chapter. The following entities are required to register their certificate of insurance under this Chapter:

- a. Businesses, which shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Town of Clinton. This shall include businesses operating on a temporary basis within the Town of Clinton such as peddlers, solicitors, and transient vendors licensed pursuant to Town of Clinton Code Chapter 107 and any retail food establishments licensed pursuant to Town Code Chapter 157.
- b. Owners of single rental dwelling units.
- c. Owners of multiple dwelling rental units.
- d. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

Section 49-3. Registration official.

- a. Rental Dwelling Units. The Housing Officer of the Town of Clinton, or his or her designee in his or her absence, shall accept, approve, and file registration applications, and collect registration fees hereunder for rental dwelling units.
- b. Businesses. The Fire Official of the Town of Clinton, or his or her designee in his or her absence, shall accept, approve, and file registration applications, and collect registration fees hereunder for businesses.

Section 49-4. Registration Fees; Expiration; Renewal. The registration fees of this chapter shall be \$15.00 annually. Registrations shall expire on December 31 of each year. Renewals must be submitted by December 1 of each year. After the effective date of this Section, entities covered under this Section shall be required to register by March 1, 2023 and such registration shall be valid for the 2023 calendar year.

Section 49-5. Application and insurance requirements.

An application for a business insurance registration shall be accompanied by the required fee and shall be made to the Housing Officer or Fire Official (as applicable), or his or her designee in his or

her absence, upon forms provided by the Housing Officer or Fire Official (as applicable). It shall contain the following information:

- a. Name and address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- b. The address of the rental dwelling units or business as applicable. If the registration applies to a transient business or a mobile food unit, a general description of the time frame for operation and area where the business will be operated
- c. A description of the nature of the business and the goods, property or services to be sold or supplied.
- d. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92.
 - i. Except as provided in subsection ii. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
 - ii. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

Section 4-15.6. Violations and penalties.

Any person who violates the terms of this Chapter shall pay the license fee plus a fine of not less than \$500.00 but no more than \$5,000.00 plus court costs.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. This Ordinance shall take effect after passage and publication in the manner provided by law

TOWN OF CLINTON
SEWER UTILITY

CAPITAL ORDINANCE NO. 22-12

CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$125,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND RESERVE FOR PUBLIC WORKS EQUIPMENT FOR WATER UTILITY IMPROVEMENTS

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

Section 1. The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Water Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
Backhoe	\$125,000.00
TOTAL	\$125,000.00

Section 2. The aggregate sum of \$125,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund Reserve for Public Works Equipment for Water Utility Improvements within the Town of Clinton Water Utility to the payment of the cost of the improvements as described in Section 1 hereof.

Section 3. Said improvements are lawful capital improvements of the Water Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Town of Clinton Water Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

ATTEST:

TOWN OF CLINTON
IN THE COUNTY OF HUNTERDON

Mayor Janice Kovach

Cecilia Covino

**TOWN OF CLINTON
COUNTY OF HUNTERDON**

ORDINANCE #22-13

AN ORDINANCE ESTABLISHING A SOLID WASTE UTILITY

WHEREAS, the Mayor and Council of the Town of Clinton desires to create a solid waste utility to provide the mechanism to award a municipal solid waste collection contract; and

WHEREAS, N.J.S.A. 40A:-34 through 40A:4-26 provides for the establishment of a dedicated utility fund; and

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

SECTION 1. Chapter 82 of the of the Code of the Town of Clinton, entitled “Garbage, Rubbish, and Refuse,” is deleted in its entirety and replaced with the following:

Garbage Rubbish and Refuse

§ 82-1. Establishment of Solid Waste Utility.

A. There is hereby established in the Town a public Solid Waste Utility, which shall be a self-liquidating agency with a dedicated budget, whose purpose shall be to transact solid waste collection and disposal services within the Town.

B. It shall be operated by the Town as a municipal public utility, as defined in and subject to the provisions of Title 40A of the New Jersey statutes. All fees and charges received by the Town in connection therewith shall be kept in a fund separate from other Town revenues, and are to be used only for the purposes of the Solid Waste Utility.

C. Pursuant to the provisions of N.J.S.A. 40:66-1 *et seq.*, all residents and residential properties within the Town are covered by the operations of the Solid Waste Utility and are subject to all ordinances applicable to the management of the Solid Waste Utility.

§ 82-2. Definitions.

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

BULK WASTE

Solid waste types I.D. 13 as set forth in N.J.A.C. 7:26-2.13(g) and includes large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such items as tree trunks, automobile parts, tires, demolition or construction materials, appliances, and furniture.

DESIGNATED RECYCLABLE MATERIAL

Those items designated as recyclable in the Hunterdon County Solid Waste Management Plan as it may be amended from time to time.

RESIDENTIAL PROPERTY

Any building or structure or complex of buildings in which less than three dwelling units are owner-occupied or rented or leased, or offered for rental or lease, or for residential purposes.

SOLID WASTE

Garbage, refuse, and other discarded materials resulting from domestic and community activities, and shall include all other I.D. Type 10 waste materials, including liquids. Also included are I.D. Type 1 – 6 materials designated for recycling, particularly set forth and defined in Chapter 109 of this Code.

SOLID WASTE COLLECTION

The activity related to pick-up and transportation of solid waste from its source or location to a transfer station or other authorized solid waste facility or recycling facility.

VEGETATIVE WASTE

As used herein, grass clippings only.

§ 82-3. Collection and disposal of solid waste.

- A. Power of Council to contract. The Town Council may make provision, by contract or otherwise, as circumstances may require, for the collection and disposal of solid waste. By resolution, it may also establish and promulgate reasonable regulations as to such collection and disposal.
- B. Requirements and regulations. The Mayor and Council shall have the authority to make necessary and reasonable rules and regulations concerning the days and times of collections, type and location of waste containers, and such other matter pertaining to the collection, conveyance and disposal of refuse and other materials as the Mayor and Council find necessary in the public interest. Definitions and requirements as to the preparation of solid waste, including recyclables, for collection, when set forth in contracts for collection made by the Town, shall also be considered regulations adopted pursuant hereto. These contracts, as well as all other regulations adopted pursuant hereto, shall be on file in the office of the Town Clerk and may be examined on request during normal office hours.
- C. Supervision by Administrator. Solid waste accumulated in the Town shall be collected, conveyed and disposed of by the collector under the supervision of the Town Administrator. The Town Administrator shall be responsible for implementing any rules and regulations as adopted.
- D. Quarterly Fee. Each residential unit shall pay to the Town a quarterly fee to be established not less than annually by resolution of the governing body for removal of solid waste as defined herein. Such fee shall be calculated to take into consideration the total number of residential units served by the utility and the projected cost of operating the utility. The Town, or its contractor, shall not collect and dispose of solid waste from non-residential facilities. Any multifamily residential complex consisting of three units or more wishing to opt out of garbage and refuse collection shall be permitted to do so by providing proof of service in the form of a current and valid contract with a solid waste hauler holding a current and valid solid waste license issued by the State of New Jersey. Further, the proof of service must indicate solid waste and recycling pickup at least one per week. .
- E. Past due amounts as lien. Fees for solid waste collection and disposal as provided herein shall be a first lien or charge against the property billed for the services rendered. Any part of the amount due and payable interest shall accrue at a rate of interest equivalent of that established for delinquent fees pursuant to N.J.S.A. 40:48-2.14. Liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in Section 5 of Title 54 of the Revised Statutes.

§82-4. Preparation of solid waste, recyclables, and vegetative waste; frequency of collection.

A. Curbside collection of Solid Waste, including recyclable materials, in all areas of the Town shall be conducted once per week.

1. Solid waste, excluding recyclables, shall be placed curbside the night before the scheduled collection day in plastic bags or containers.

2. Recyclables shall be prepared for collection in compliance with Chapter 109 of the Town of Clinton Code.

B. Curbside collection of vegetative waste in all areas of the Town shall be conducted once per week seasonally with the exact dates of collection to be determined annually by the Town Administrator in consultation with the Town Council and Department of Public Works Supervisor.. Vegetative Waste must be placed in a recyclable brown bag.

C. Curbside collection of Christmas trees shall be conducted once per week during the month of January in all areas of the Town.

D. The Town shall not collect bulk waste. The Town reserves the right to schedule Town-wide bulk collection days at its discretion.

§ 82-5. Prohibited Acts

A. No person shall place or deposit any garbage, litter, refuse, rubbish or other waste in or upon the private property of another or on public property, except as authorized by law.

B. No person shall place or deposit any garbage, litter, refuse, rubbish or other waste in the private waste receptacles of another.

C. No person shall bring garbage, litter, refuse, rubbish or other waste into the Town of Clinton for the purpose of disposing of the same in any public waste receptacle in the Town of Clinton or in any private waste receptacle subject to collection and disposal by the Town of Clinton or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings and other similar items, in public waste receptacles.

D. No person shall deposit household or commercial garbage in the public waste receptacles of the Town of Clinton, except as otherwise provided by law.

E. No person who has his garbage, litter, refuse, rubbish or other waste collected by the Town of Clinton shall accept for disposal garbage, litter, refuse, rubbish or other waste generated outside the town for the purpose of having it collected and/or disposed of by the Town of Clinton or its duly authorized contractor.

§ 82-6. Violations and penalties; Enforcement

A. Any person who shall violate the provisions of subsection A, B, or C of § 82-4 shall, upon conviction, be punished for each such offense by a fine not to exceed \$1,250, by imprisonment for a term not to exceed 90 days in the county jail or by a period of community service not to exceed 90 days, or any combination thereof.

B. Any person who shall violate Subsection C or E of § 82-4 shall, upon conviction, be punished for each such offense by a fine in the amount of not less than \$250 nor more than \$10,000,

by imprisonment for a term not to exceed 90 days in the county jail or by a period of community service not to exceed 90 days, or any combination thereof.

C. The Recycling Coordinator, the Zoning Officer, the Building Inspector, the Housing Officer, or other code enforcement officer, the Police Department, and the Hunterdon County Department of Health are hereby individually and severally empowered to enforce the provisions of this chapter.

§ 82-7. Recycling.

Nothing in this chapter shall be construed to nullify or replace any of the provisions of Chapter 109 of this Code, and it is the intent of this chapter that the provisions of Chapter 109 shall be administered by the Solid Waste Utility where appropriate.

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

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

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

RESOLUTION #148-22

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Town Council of the Town of Clinton, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Town Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Town of Clinton, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the North Hunterdon Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$ <u>10,070.00</u>
Cash Match	\$ <u>2,517.50</u>
In-Kind	\$ <u>7,552.50</u>
2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Mayor Janice Kovach

CERTIFICATION

I, Cecilia Covino, Municipal Clerk of the Town of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Town Council on this 26th day of October, 2022 .

Cecilia Covino, RMC/CMC
Municipal Clerk