

CLINTON TOWN COUNCIL

APRIL 13, 2022

7:30 P.M.

HYBRID

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: March 23, 2022
2. APPROVAL OF MONTHLY REPORTS – MARCH
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS
5. PRESENTATION OF CAROLINE CONBOY, INSURANCE ADVISOR
6. PUBLIC HEARING OF ORDINANCE #22-02 – AMENDMENT TO C-1 ZONE
7. RESOLUTION # 68-22 – VENDOR AGREEMENT – LOW INCOME
8. RESOLUTION #69-22 – TONNAGE GRANT
9. RESOLUTION #70-22 – HOMESTEAD CREDIT
10. RESOLUTION #71-22 – NEW HIRE - WWTP
11. RESOLUTION #72-22 – APPROVING PBA CONTRACT
12. RESOLUTION #73-22 - POLICE SALARIES
13. SPECIAL EVENT APPLICATION – HAM IT UP!! Hunterdon Art Museum
14. BANNER REQUEST – IMMACULATE CONCEPTION CARNIVAL – June 20-27, 2022
15. CORRESPONDENCE
16. REPORTS OF COUNCIL
17. STANDBY AND OVERTIME
18. PAYMENT OF BILLS
19. EXECUTIVE SESSION – IF NECESSARY
20. ADJOURNMENT

ORDINANCE #22-02

ORDINANCE AMENDING TOWN OF CLINTON CODE SECTION 88-53 TO PERMIT WINERY, BREWERY, AND DISTILLERY USES IN THE C-1 DOWNTOWN COMMERCIAL DISTRICT AND DELETING REFERENCES TO AFFORDABLE HOUSING

WHEREAS, amendments to N.J.S.A. 33:1-10.1 created the “limited brewery license,” which authorizes licensees to sell malt alcoholic beverages at retail to consumers on the licensed premises, but only in connection with a tour of the brewery; and

WHEREAS, the Town believes that the location of craft brewery and distillery and winery salerooms in the C-1 Downtown Commercial District would attract other retail outlets, increase pedestrian traffic, and serve as an economic engine to Clinton’s downtown; and

WHEREAS, Chapter 88, Article X, entitled “Affordable Housing Requirements” was amended on March 11, 2020 by Ordinance 2020-02 in compliance with the Town’s Housing Element and Fair Share Plan dated November 21, 2019 and adopted on December 3, 2019; and

WHEREAS, affordable housing requirements within the C-1 District are governed by the updated Chapter 88, Article X, therefore, subsection (E) of Section 88-53 regarding affordable housing can be deleted in its entirety; and

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

SECTION 1. Section 88-4 of the Code of the Town of Clinton, entitled “Definitions and Word Usage” shall be amended to add the following definitions:

BREW PUB

An establishment licensed as a restricted brewery by the State of New Jersey under N.J.S.A. 33:1-10, where malt alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use that possesses a plenary retail consumption license. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities

CIDER AND MEADERY

An establishment licensed by the State of New Jersey as a cider and meadery under N.J.S.A. 33:1-10, producing hard cider and/or mead, including the sale and distribution of the product to licensed wholesalers and retailers, and including the retail sale of the product at retail to consumers on the licensed premises for consumption on or off the premises, and the offering of samples for consumption on the premises.

CRAFT BREWERY

An establishment licensed by the State as a limited brewery under N.J.S.A. 33:1-10, to manufacture malt alcoholic beverages to sell and distribute the products to licensed wholesalers and retailers. The craft brewery may sell and serve the product at retail to

consumers on the licensed premises for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises, and to offer samples for sampling purposes only pursuant to an annual permit issued by the State. A craft brewery shall not sell food or operate a restaurant on the licensed premises

CRAFT DISTILLERY

An establishment licensed by the State of New Jersey as a craft distillery under N.J.S.A 33:1-10, to manufacture distilled alcoholic beverages to rectify, blend, treat and mix distilled alcoholic beverages, and to sell and distribute the products to licensed wholesalers and retailers. The distillery may sell the product at retail to consumers on the licensed premises for consumption off the premises or, in connection with a tour of the distillery, the retail sale or offering of samples for consumption on the premises

WINERY SALESROOM

An establishment licensed by the State as a winery sales room under N.J.S.A 33:1-15, that is owned and operated by the holder of a plenary winery license or out of state winery license issued by the State under N.J.S.A. 33:1-10, where wine produced by the licensee is sold at retail in original packages for consumption on or off the premises, and for the offering of samples.

SECTION 2. Section 88-53(B) of the Code of the Town of Clinton (“Code”) regarding permitted uses in the “Downtown Commercial District” is amended as follows (Additions noted in bold italics *thus* and deletions noted with a strikethrough ~~thus~~):

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

- (1) Stores and shops for retail business, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided to the ultimate consumer and further provided that not more than five employees are involved in any such process. The foregoing shall not be deemed to include laundries, ~~or~~ dry-cleaning establishments *and winery, brewery and distillery uses*.
- (2) Offices for business, executive, professional and administrative purposes.
- (3) Restaurants, cafes and taverns in which patrons are seated at tables or counters and are served food and drink by waiters or waitresses for consumption on the premises.
- (4) Studios for art, dancing, music, language, photography, and similar activities.
- (5) Museums.
- (6) Municipal buildings and municipal uses, but not including municipal garages and storage and maintenance yards.
- (7) Apartments, provided that no such apartment shall be located on the first floor.
- (8) Beauty salon, barbershop, day spa.
- (9) Federal reserve banks, commercial banks, savings institutions, credit unions, lending and financing offices, securities brokerage services, portfolio management companies, insurance carrying companies, insurance advisory companies, insurance fund managers,

estate management services and similar activities, except drive-up windows for vehicles are not permitted in any such uses.

(10) Nonprofit clubs, lodges and fraternal, civic and charitable organizations.

(11) Brewpubs, winery sales rooms, and other winery, craft brewery, cider and meadery, and craft distillery uses conducted under license from the New Jersey Division of Alcoholic Beverage Control and including such facilities for wine, spirit or beer making, tasting rooms and retail sales. To the extent allowed under licensing by the New Jersey Division of Alcoholic Beverage Control, preparation and service of food to patrons seated at tables or counters by waiters or waitresses for consumption on the premises shall be permitted.

SECTION 2. Section 88-53(E) of the Code of the Town of Clinton regarding affordable housing in the C-1 Downtown Commercial District is deleted in its entirety.

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

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

SECTION 5. The Town Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 6. This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

RESOLUTION # 68-22

Authorizing a Vendor Agreement with the New Jersey Department of Community Affairs Regarding the Low Income Household Water Assistance Program

WHEREAS, state law now requires municipalities to offer residential ratepayers the opportunity to enter into an installment plan for satisfying the unpaid balance of their utility bills; and

WHEREAS, the State of New Jersey has opened the Low Income Household Water Assistance Program to assist customers in paying their arrears; and

WHEREAS, the attached vendor agreement allows LIHWAP to pay arrears for Town of Clinton utility customers;

NOW, THEREFORE, BE IT RESOLVED that the Council authorizes a vendor agreement with the state Department of Community Affairs regarding participation in the Low Income Household Water Assistance Program, in substantially the same form as attached.

BE IT FURTHER RESOLVED that the Mayor and other Town officials as required are authorized to sign such vendor agreement.

Cecilia Covino, RMC/CMC
Municipal Clerk

DATED: April 13, 2022

RESOLUTION #69-22

RESOLUTION AUTHORIZING THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2021 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Mayor and Council of the Town of Clinton to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard Phelan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

TOWN OF CLINTON

RESOLUTION # 70-22

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for following block and lot due to Homestead Rebate Credit,

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 the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
8.04	12	Burkhour, Ekaterina	\$984.67

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 2nd quarter 2022.

I, Cecilia Covino, Clerk of the Town of Clinton, do hereby certify the foregoing to be a true copy of a resolution adopted by the Town of Clinton Mayor & Council at a meeting on April 13, 2022.

Cecilia Covino, RMC, CMC
Town Clerk

RESOLUTION #71-22

WHEREAS, the Town of Clinton Sewer Utility requires the hiring of one new laborer, and;

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

WHEREAS, the Public Works/Business Administrator and the Sewer Superintendent recommend that the following person be hired to fill the open position at a rate of \$19.84 per hour;

Jozef Sudnik

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton hire Jozef Sudnik to fill the open position at the Town of Clinton Sewer Utility.

Mayor Janice Kovach

Adopted: April 13, 2022

RESOLUTION # 72-22

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWN OF CLINTON AND THE P.B.A. LOCAL 188**

WHEREAS, the PBA Local 188 (“PBA”) had a Collective Bargaining Agreement in place which expired on December 31, 2021; and

WHEREAS, the Town of Clinton and PBA have engaged in collective negotiations for a successor agreement; and

WHEREAS, the PBA has informed the Town in writing on April 7, 2022 that its members have approved the terms and conditions of the proposed Agreement.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Clinton do hereby ratify the Collective Bargaining Agreement between the Town and the PBA in accordance with the agreed-upon changes.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the finalized Collective Bargaining Agreement between the Town of Clinton and PBA Local 188.

Janice Kovach, Mayor

ATTEST:

Cecilia Covino, RMC/CMC
Town Clerk

RESOLUTION #73-22

2022 SALARY RESOLUTION

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

That the following position titles within the Town of Clinton in the County of Hunterdon, the respective salaries or compensation set forth below are hereby fixed as the maximum amounts to be paid for the year 2022:

<u>POSITION</u>	<u>2022 SALARY</u>
Sergeant	121,578.92
Patrolman-First Class	111,540.28
Patrolman-Second Class	105,805.18
Patrolman-Third Class	100,070.03
Patrolman-Fourth Class	94,334.90
Patrolman-Fifth Class	88,599.75
Patrolman-Sixth Class	82,864.60
Patrolman-Seventh Class	77,129.46
Patrolman-Eighth Class	71,394.32
Patrolman-Ninth Class	65,659.18
Patrolman-Tenth Class	59,924.04
Patrolman-Eleventh Class	54,188.89
Recruit	48,453.75

The foregoing resolution shall take effect immediately upon passage and publication thereof according to law.

MAYOR JANICE KOVACH