

**CLINTON TOWN COUNCIL**  
**MAY 8, 2024      7:00 P.M.**

FLAG SALUTE  
ROLL CALL  
STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Regular Council meeting April 24, 2024
2. APPROVAL OF MONTHLY REPORTS – APRIL
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS
5. INTRODUCTION OF ORDINANCE #24-05 – TREE REMOVAL AND REPLACEMENT
6. PUBLIC HEARING OF ORDINANCE #24-04 – STORMWATER MANAGEMENT
7. RESOLUTION #79-24 – NEW HIRE – KALE MOWDER
8. RESOLUTION #80-24 – RECYCLING TONNAGE GRANT
9. RESOLUTION #81-24 – NJ CLEAN ENERGY PROGRAM
10. RESOLUTION #82-24 - 2024 AFFORDABLE HOUSING ADMINISTRATIVE AGENT
11. RESOLUTION #83-24 – OVERPAYMENTS
12. RESOLUTION #84-24 – CANCELLATION OF LIEN
13. RESOLUTION #85-24 – DPW CREW LEADER
14. RESOLUTION #86-24 – CHANGE ORDER FOR GARCIA/CONTRACT ADJUSTMENT
15. RESOLUTION #87-24 – AWARD OF SLUDGE CONTRACT
16. INTRODUCTION OF ORDINANCE #24-06 – GENERAL CAPITAL IMPROVEMENT
17. INTRODUCTION OF ORDINANCE #24-07 – WATER CAPITAL IMPROVEMENT
18. INTRODUCTION OF ORDINANCE #24-08 – SEWER CAPITAL IMPROVEMENT
19. INTRODUCTION OF ORDINANCE #24-09 – WATER RATES
20. INTRODUCTION OF ORDINANCE #24-10 – FEES
21. WATER REFUND - ZHANG
22. CORRESPONDENCE
23. REPORTS OF COUNCIL
24. STANDBY AND OVERTIME
25. PAYMENT OF BILLS
26. EXECUTIVE SESSION ( if necessary)
27. ADJOURNMENT

**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY**

**ORDINANCE #24-05**

**WHEREAS**, in order to prevent pollutants from being transported to local water bodies from Municipal Separate Storm Sewer Systems (MS4s), federal stormwater regulations require MS4 operators to obtain a National Pollutant Discharge Elimination System (NPDES) permit and implement a stormwater management program; and

**WHEREAS**, trees play a critical, often overlooked, role in the water cycle and in the mitigation of stormwater runoff issues such as soil erosion, pollutant reduction, infiltration, quantity reduction, and thermal effects; and

**WHEREAS**, the 2024 Tier A MS4 permit renewal requires permittees (such as the Town) to, at a minimum, adopt and enforce a community-wide ordinance to control tree removal and replacement for all types of properties where the municipality has jurisdiction.

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

**SECTION 1.** Chapter 130 of the Code of the Town of Clinton (the “Code”), entitled “Trees and Shrubs” is hereby amended to add Article I, entitled “Removal of Trees and Shrubs within the public right-of-way or on public property” and place Sections 130-1 through 130-8 under such new Article.

**SECTION 2.** Chapter 130 of the Code of the Town of Clinton, entitled “Trees and Shrubs” is hereby amended to add Article II, entitled, “Removal and Replacement of Trees on Private Property,” as follows:

**§130-9. Purpose.**

An ordinance to establish requirements for tree removal and replacement in the Town of Clinton to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare.

**§130-10. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.

B. “Critical Root Radius (CRR)” means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.

F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

K. “Tree removal” or “removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does

not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

L. “Tree Survey” means an aerial photograph or survey at a minimum scale of one inch equals 200 feet or a drawing to scale, which provides the following information: location of all trees or forested areas, the common name of all trees, the average diameter breast height, and indication of trees proposed to be removed, and the location of any proposed tree replacements.

**§130-11. Regulated Activities.**

A. Application Process.

1. Any person planning to remove a street tree with DBH of 2.5” or more, or any other tree with DBH of 6” or more on private property, shall submit a Tree Removal Application to the Town Zoning Officer. The Zoning Officer shall be empowered to consult with other municipal officials as needed, including the Town Engineer and / or Town Administrator. No tree shall be removed until the Zoning Officer has reviewed and approved the removal.

2. For the removal of five or more trees, a tree survey, as defined in §130-10 above, shall be submitted as part of the application.

3. Applicants will be subject to an application fee as follows:

One (1) to Five (5) Trees	\$50.00
Six (6) trees or more	\$10.00 per tree

B. Development Applications before the Land Use Board. In the case of an application for development for major or minor site plan, major or minor subdivision, or a variance that may involve tree removal regulated by this ordinance, no separate application shall be filed and no separate fee shall be required in addition to the fees charged for the application for development. The application for development shall include the following information at a scale sufficient to enable the determination of matters required under these regulations:

1. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.

2. Locations of all forest types which are subject to this chapter, identified by common or botanical name. (Trees proposed to remain, to be transplanted or to be removed shall be identified.)

3. A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.

4. Locations and dimensions of all setbacks and easements required by the Zoning Ordinances of the Town.

5. Statements as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.

6. Any proposed tree replacement.

7. All trees to be retained shall also be identified by some method, such as painting, flagging, etc., prior to field inspection. (Where protective barriers are necessary to prevent damage to a tree that is not to be removed, such barriers shall be erected before work starts.)

C. Tree Replacement Requirements.

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under §130-12, shall be subject to the requirements of the Tree Replacement Requirements Table below.

2. Any person who removes one or more any other tree(s) with a DBH of 6” or more per acre, unless otherwise exempt under §130-12 shall be subject to the requirements of the Tree Replacement Requirements Table below.

3. The species type and diversity of replacement trees shall be in accordance with a list of the types of permitted trees created by the Town and maintained in the office of the Town Clerk, which may be updated as necessary from time to time.

4. Replacement tree(s) shall:

a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;

b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Town;

c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

d. Not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table**

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria</b>	<b>Replacement Alternative Fee</b>
1	DBH of 2.5” (for street trees) or 6” to 12.99” (for other trees)	Replant 1 tree in with minimum caliper of 1.5” for each tree removed	\$250 per tree
2	DBH of 13” to 22.99”	Replant 2 trees with minimum caliper of 1.5” for each tree removed	\$500 per tree removed
3	DBH of 23” to 32.99”	Replant 3 trees with minimum caliper of 1.5” for each tree removed	\$750 per tree removed
4	DBH of 33” or greater	Replant 4 trees with minimum caliper of 1.5” for each tree removed	\$1,000 per tree removed

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the Town.
  - b. Pay a fee per tree removed as set forth in the “Tree Replacement Requirements Table.” This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

**§130-12. Exemptions.**

Except as specifically provided below, all persons shall comply with the permit and fee requirement and tree replacement standard outlined above. While the following categories are exempt from the requirements above, the person removing the trees shall submit sufficient documentary evidence (such as photographs or written advice from an arborist or LTE) demonstrating the exemption prior to the tree removal:

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period;
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Town;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife; and
- G. Hazard trees.
- H. Any street trees or trees located within a sight easement required to be removed pursuant to §130-7.

**§130-13. Enforcement.** This ordinance shall be enforced by the Zoning Officer during the course of ordinary enforcement duties.

**§130-14. Violations and Penalties.** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a minimum fine of \$50.00 and maximum fine of \$1,000 per violation.

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

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

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

**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE # 24-04**

**ORDINANCE AMENDING ARTICLE XIII OF THE CODE OF THE TOWN OF  
CLINTON, ENTITLED “STORMWATER CONTROL”**

**WHEREAS**, by Ordinance No. 21-20, the Mayor and Town Council of the Town of Clinton adopted new stormwater management regulations; and

**WHEREAS**, in July 2023, the New Jersey Department of Environmental Protection published a simplified Model Stormwater Control Ordinance to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8; and

**WHEREAS**, based on the foregoing, the Mayor and Town Council seeks to amend its stormwater control ordinance to ensure its full compliance with the current requirements of N.J.A.C. 7:8, as may be amended.

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

**SECTION 1.** Article XII of the Code of the Town of Clinton (the “Code”), entitled “Stormwater Control” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

**§88-89. Scope and Purpose.**

A. Policy Statement. Unchanged.

B. Purpose. Unchanged.

C. Applicability

(1) This article shall be applicable to the following major developments:

(a) Nonresidential major developments; and

(b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This article shall also be applicable to all major developments undertaken by the Town of Clinton.

(3) *An application required by ordinance pursuant to subsection C(1) above that has been submitted prior to May 8, 2024, shall be subject to the stormwater management requirements in effect on May 7, 2024.*

(4) *Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.*

D. Compatibility with Other Permit and Ordinance Requirements – unchanged.

**SECTION 2.** Section 88-90, entitled “Definitions,” is hereby amended by adding the following definitions:

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

**SECTION 3.** , §88-92(E) of the Code of the Town of Clinton is amended to update the referenced website to <https://dep.nj.gov/stormwater/bmp-manual/>.

**SECTION 4.** §88-92(P) of the Code of the Town of Clinton entitled “Groundwater Recharge Standards,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

A. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the ***projected 2-year storm, as defined and determined pursuant to Section 88-93(D) of this ordinance,*** is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan ***approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C,*** or ***Department*** landfill closure plan and areas; ***and***



- areas* with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
- ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**SECTION 5.** §88-92(R) of the Code of the Town of Clinton entitled “Stormwater Runoff Quantity Standards,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the ***current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance,*** do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the ***current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 88-93(C) and (D), respectively, of this ordinance,*** and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the ***current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 88-93(C) and (D), respectively, of this ordinance,*** are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

**SECTION 6.** §88-93 of the Code of the Town of Clinton entitled "Calculation of Stormwater Runoff and Groundwater Recharge," (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using ~~one of~~ the following methods:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

~~[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf) or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873;~~  
~~or~~

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

*or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.*

- ~~i. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:~~

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating ~~runoff coefficients~~ *curve numbers* and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "~~runoff coefficient~~ *curve number*" applies to ~~both~~ the NRCS methodology above at Section V.A.1.i ~~and the Rational and Modified Rational Methods at Section V.A.1.ii.~~ A ~~runoff coefficient~~ *curve number* or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition

has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover ~~have~~ **has** existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at <https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>, or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

**<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>**

***or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.***

C. ***The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:***

1. ***The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:***

**[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and**

2. *The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county where the drainage area(s) of the site is located.*

**Table 5: Current Precipitation Adjustment Factors**

<i>County</i>	<i>Current Precipitation Adjustment Factors</i>		
	<i>2-year Design Storm</i>	<i>10-year Design Storm</i>	<i>100-year Design Storm</i>
<i>Hunterdon</i>	<i>1.02</i>	<i>1.05</i>	<i>1.13</i>

- D. *Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county where the drainage area(s) of the site is located.*

**Table 6: Future Precipitation Change Factors**

<i>County</i>	<i>Future Precipitation Change Factors</i>		
	<i>2-year Design Storm</i>	<i>10-year Design Storm</i>	<i>10-year Design Storm</i>
<i>Hunterdon</i>	<i>1.19</i>	<i>1.23</i>	<i>1.42</i>

**SECTION 7.** §88-94 of the Code of the Town of Clinton entitled “Sources for Technical Guidance,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department’s website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

*The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.*

**SECTION 8.** §88-96(C)(2) of the Code of the Town of Clinton entitled “Safety Standards for Stormwater Maintenance Basins,” (1) is hereby amended as follows (additions noted in bold italics *thus* and deletions noted in strikethrough ~~thus~~); and (2) portions of the Code not set forth below shall remain unchanged:

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - b. The overflow grate spacing shall be no ~~less~~ *greater* than two inches across the smallest dimension
  - c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

**SECTION 9.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 10.** 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 11.** This Ordinance shall take effect upon (1) approval by the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-15. b and -16; and (2) passage and publication according to law.

**RESOLUTION # 79-24**

**WHEREAS**, the Town of Clinton Water/Roads Department requires the hiring of one new Laborer, and;

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

**WHEREAS**, the Water Superintendent/Public Works Director recommends that the following person be hired to fill the open position at a rate of \$22.05 per hour;

KALE MOWDER

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton hire Kale Mowder to fill the open position of Laborer effective May 22, 2024.

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Mayor Janice Kovach

Adopted: May 8, 2024

**RESOLUTION 80- 24**

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

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and,

**WHEREAS**, the Town of Clinton has received \$4,797.75 for the Recycling Tonnage Grant from the State of New Jersey and wishes to amend its 2024 budget to include this amount as a revenue.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2024 in the sum of \$4,797.15 which is now available as a revenue from:

Miscellaneous Revenues

Special Item of General Revenue Anticipated with Prior Written  
Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:  
Recycling Tonnage Grant, and

**BE IT FURTHER RESOLVED**, that a like sum of \$4,797.75 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap

Public and Private Programs Off-Set by Revenues:

Recycling Tonnage Grant:

Other Expenses

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Cecilia Covino, RMC/CMC  
Municipal Clerk

**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY**

**RESOLUTION # 81-24**

**RESOLUTION AUTHORIZING THE APPLICATION TO THE  
NJ CLEAN ENERGY PROGRAM COMMUNITY ENERGY PLANNING GRANT PROGRAM**

**WHEREAS**, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, [Municipality] strives to assure clean land, air and water for current and future generations; and

**WHEREAS**, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

**WHEREAS**, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

**WHEREAS**, the Town of Clinton is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

**WHEREAS**, the Community Energy Plan Grant program will help the Town of Clinton to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

**THEREFORE**, the Mayor and Council of the Town of Clinton has determined that [Municipality] should apply for the aforementioned Community Energy Planning Grant program; and

**THEREFORE**, the Town of Clinton will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Clinton, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

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Signature

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Approved Date



TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION # 82-24

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH  
COMMUNITY GRANTS PLANNING & HOUSING (CGP&H) FOR THE TOWN'S AFFORDABLE  
HOUSING ADMINISTRATION REQUIREMENTS**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Town of Clinton is implementing a program to provide affordable housing units for very low, low- and moderate-income households within the Town; and

**WHEREAS**, the Town's Affordable Housing Ordinance and Town Code Section 4-28 set forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units, including rehabilitated units, be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Town has previously appointed its Administrator Richard Phelan to be the administrative agent and municipal housing liaison for the purposes of providing affordability control services for affordable housing within the Town; and

**WHEREAS**, the Town intends to have Mr. Phelan remain as the housing liaison and continue acting as the administrative agent for the two existing accessory apartments and certain existing, for-sale affordable units (known as the Alton Place development); and

**WHEREAS**, the Town requires private rental developments to self-administer affordable units, including the developments known as Twin Ponds, Halstead, Place, and those to be built in the future at the Holiday Inn site and the two redevelopment zones designated in the Town; and

**WHEREAS**, the Town requires an administrative agent to provide services relating to rehabilitation units (18 units) and affordability assistance; and

**WHEREAS**, CGP&H has been appointed annually since 2021 to provide such services and has continued to do so; and

**WHEREAS**, the Town desires to enter into a contract for the calendar year 2024 with CGP&H, a copy of which is attached hereto.

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

1. The Mayor and Clerk and hereby authorized to execute said contract, which shall be valid for the calendar year 2024.

3. CGP&H is appointed as the Town's affordable housing administrative agent for its rehabilitation and affordability assistance programs for the year 2024.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

**TOWN OF CLINTON**

**RESOLUTION # 83-24**

**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>	
21	16	Simone, Salvatore & Anna M	\$ 1,270.81	22
	3	Kaeser, Steven W	\$ 3,184.46	
31.01	7.01 C2612	Tell, Christa & Alexander Minter	\$ 2,427.30	

**BE IT FURTHER RESOLVED** that the Tax Collector remove the overpayments on the above block and lots for the 1st quarter 2024.

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 May 8, 2024.

\_\_\_\_\_  
Cecilia Covino, RMC, CMC  
Town Clerk

**TOWN OF CLINTON**

**RESOLUTION # 84-24**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$4,925.72, the amount necessary to redeem Tax Sale Certificate #23-00001 on Block 14, Lot 4, as assessed to Francis & Deborah Gallagher, and purchased by Bala Partners, LLC.

**NOW THEREFORE BE IT RESOLVED**, on this 8th day of May, 2024 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$4,925.72 for the lien redemption and a check in the amount of \$1,300.00 for the premium, Bala Partners, LLC, P.O. Box 303, Pottersville, NJ 07979, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and;

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien on Block 14, Lot 4, as assessed to Francis & Deborah Gallagher, from the Town of Clinton Tax Records.

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Cecilia Covino, Municipal Clerk

**RESOLUTION #85-24**

**APPOINTMENT OF CREW LEADER WITHIN THE DEPARTMENT OF PUBLIC  
WORKS, DIVISION OF WATER & ROADS**

WHEREAS, the Town of Clinton Department of Water and Roads requires the appointment of someone to the newly-created position of Crew Leader, and;

WHEREAS, the Public Works/Business Administrator, Water/Road Superintendent and Water/Road Foreman recommend that the following employee be appointed to the position;

Kyle Monthony

WHEREAS, pursuant to the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469, the annual stipend for this assignment is \$5,000.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton appoint Kyle Monthony to fill the position of Crew Leader within the Department of Water and Roads effective May 9, 2024 pursuant to the applicable terms and conditions as outlined in the Organized Labor Agreement between the Town of Clinton and Teamsters Local 469.

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Mayor Janice Kovach

TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION #86-24

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 RELATED TO THE  
CONTRACT WITH JOHN GARCIA CONSTRUCTION CO., INC. FOR THE WATER  
VALVE EXERCISING AND REPLACEMENT PROJECT IN ACCORDANCE WITH THE  
REQUIREMENTS SET FORTH IN N.J.A.C. 5:30- 11.9 ET SEQ.**

**WHEREAS**, the Town of Clinton awarded a Contract in the amount of \$1,255,515.00 to John Garcia Construction Co. Inc. (“JGC”) on October 8, 2019 by Resolution #133-19 for the Town of Clinton Water Department’s Water Valve Exercising and Replacement Project; and

**WHEREAS**, modifications to the original Contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid resulting in additional work in the amount of \$584,666; and

**WHEREAS**, this change order reflects additional costs associated with the replacement of an existing structurally compromised water main and its support brackets to prevent a catastrophic failure; and

**WHEREAS**, the sum of such change order results in an increase in excess of twenty percent (20%) to the original Contract amount; and

**WHEREAS**, whenever a change order exceeds twenty percent (20%) of the Contract price, the Town is obligated to follow the procedures set forth in N.J.A.C. 5:30-11.9; and

**WHEREAS**, in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and N.J.A.C. 5:30-11.9, a written certification dated April 26, 2024 was provided by the Town Water Engineer to justify the additional work; and

**WHEREAS**, the Town Engineer, has reviewed the itemized breakdown of labor and materials submitted by JGC and agreed that the itemized breakdown of labor and materials required to complete the water main replacement are justified base on the amount of work required and recommends that the Town Council pass a resolution to approve the change order and execute the required documents.

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

1. Change Order No. 1 to the Water Valve Exercising and Replacement Project, dated May 8, 2024 which amends the original Contract with John Garcia Construction Co., Inc. is hereby approved with a supplementary price increase not to exceed \$584,666.00.
2. The Chief Financial Officer has certified that the funds are currently available.
3. The Town Attorney is authorized to draft a standard contract addendum to incorporate Change Order No. 1.
4. The Mayor and Clerk and/or the appropriate professionals are hereby authorized to execute any and all documents associated with Change Order No. 1.
5. The Clerk and Chief Financial Officer shall follow the procedures set forth in N.J.A.C. 5:30-11.9.

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the Town of Clinton Council at a meeting held on May 8, 2024.*

\_\_\_\_\_  
Cecilia Covino, Clerk

\_\_\_\_\_  
Janice Kovach, Mayor

TOWN OF CLINTON  
COUNTY OF HUNTERDON, NJ

RESOLUTION #87-24

RESOLUTION TO AWARD CONTRACT TO  
ENVIRONMENTAL PROTECTION & IMPROVEMENT CO., LLC  
THE MAYOR AND COUNCIL OF  
THE TOWN OF CLINTON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

WHEREAS, the Town of Clinton did solicit bids for Sludge Removal and Delivery;  
and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1  
et seq., and upon recommendation of the Purchasing Agent, Environmental Protection &  
Improvement Co., LLC has been determined to be the lowest responsible bidder; and

WHEREAS, a certificate of available funding has been presented;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of  
Clinton, County of Hunterdon, State of New Jersey, that a contract is hereby awarded to  
Environmental Protection & Improvement Co., LLC in the amount of \$448,200.00 for a  
five year contract for Sludge Removal and Delivery, and that the Mayor and Town Clerk  
of the Town of Clinton are hereby authorized, respectively, to execute and attest to an  
agreement with Environmental Protection & Improvement Co., LLC pursuant to bid  
specifications, and subject to approval by the Town Attorney.

TAKE NOTICE, that the foregoing Resolution was adopted by the Mayor and  
Council of the Town of Clinton, County of Hunterdon, at a regular meeting held on May  
8, 2024.

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Mayor Janice Kovach

TOWN OF CLINTON

CAPITAL ORDINANCE NO. 24-06

**CAPITAL ORDINANCE OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON AND APPROPRIATING THEREFOR THE SUM OF \$230,400.00 FROM THE CAPITAL IMPROVEMENT FUND**

**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, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
2024 SUV FOR POLICE DEPARTMENT	\$ 66,900.00
FIELD GROOMER	\$ 10,000.00
DOUBLE DOORS BUILDING-BACK OF BLEACHERS	\$ 10,000.00
DOORS FOR PUBLIC WORKS BUILDING	\$ 10,000.00
REPAIRS TO CURRENT DPW BUILDING	\$125,000.00
THERMAL IMAGING CAMERAS	\$ 6,500.00
MISCELLANEOUS COSTS	\$ 2,000.00
 TOTAL	 \$230,400.00

**Section 2.** The aggregate sum of \$230,400.00 is hereby appropriated from the Capital Improvement Fund of the Town of Clinton to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements to the Town of Clinton 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 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, Clerk



TOWN OF CLINTON  
WATER UTILITY

CAPITAL ORDINANCE NO.24-07

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 \$368,300.00 FROM THE WATER CAPITAL IMPROVEMENT FUND 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>
UPGRADE ELECTRIC SERVICE - WELL#1	\$ 30,000.00
SKADA UPGRADES	\$ 20,000.00
LEAK DETECTION EQUIPMENT	\$ 11,300.00
F350 PICKUP TRUCK	\$ 70,000.00
GIS EQUIPMENT	\$ 8,000.00
F250 PICKUP TRUCK	\$ 60,000.00
REPAIRS TO CURRENT DPW/WATER BUILDING	\$125,000.00
BOOM LIFT (1/2 COST)	\$ 42,000.00
MISCELLANEOUS COSTS	\$ 2,000.00
 TOTAL	 \$368,300.00

**Section 2.** The aggregate sum of \$368,300.00 is hereby appropriated from the Water Utility Capital Improvement Fund 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

\_\_\_\_\_  
Cecilia Covino

\_\_\_\_\_  
Mayor Janice Kovach

TOWN OF CLINTON  
SEWER UTILITY

CAPITAL ORDINANCE NO. 24-08

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$204,000.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR SEWER 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 Sewer Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

<u>PURPOSE</u>	<u>ESTIMATED COST</u>
BOOM LIFT (1/2 COST)	\$ 42,000.00
NEW CENTRIFIGUL BLOWER	\$ 60,000.00
DRIVES AND PANELS EFFLUENT PUMPS	\$100,000.00
MISCELLANEOUS COSTS	\$ 2,000.00
<b>TOTAL</b>	<b>\$204,000.00</b>

**Section 2.** The aggregate sum of \$204,000.00 is hereby appropriated from the Sewer Utility Capital Improvement Fund for Sewer Utility Improvements within the Town of Clinton Sewer 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 Sewer 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 Sewer 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  
ORDINANCE NO. 2024-09**

**AN ORDINANCE AMENDING THE RATE SCHEDULE OF THE WATER DEPARTMENT  
OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, NEW JERSEY**

**WHEREAS**, the Town of Clinton through its Water Department supplies water to the residents of the Town and to customers located in other municipalities; and

**WHEREAS**, the Town's water rates were subject to review and approval by the New Jersey Board of Public Utilities (the "BPU") because the Water Department supplies water to customers who are located outside of the Town; and

**WHEREAS**, P.L. 2005, c. 267, §1, codified at *N.J.S.A. 40A:31-23(e)*, became effective on January 5, 2006, exempting from BPU rate regulation the rates and charges of a municipal water utility which charged the same rates to customers who reside within the municipality and those who reside outside the municipality; and

**WHEREAS**, the annual rates and charges currently assessed by the Town for water are set forth in a tariff filed with and approved by the Board of Public Utilities in 1994; and

**WHEREAS**, the rates in the 1994 tariff are the same for customers who reside within the town and those who reside outside the Town; and

**WHEREAS**, the Town, as provided by *N.J.S.A. 40A:31-23(e)*, is therefore exempt from BPU regulation as to rates although still subject to BPU jurisdiction with respect to service and reliability; and

**WHEREAS**, the BPU requires municipalities enacting rate changes pursuant to *N.J.S.A. 40A:31-23(e)* to file with the BPU for informational purposes both the ordinance revising the tariff and the revised tariff; and

**WHEREAS**, the Water Department faces increased costs of providing water service to its customers, and additional revenues are needed to cover the costs of various system improvements; and

**WHEREAS**, the Mayor and Council have been advised that without rate increases the water utility would not be adequately funded and the public would be at risk; and

**WHEREAS**, the Water Department serves customers in the Town of Clinton, the Township of Clinton, the Borough of Lebanon and the Township of Union, and these municipalities are located in the Highlands Region and are therefore subject to the provisions of the Highlands Water Protection and Planning Act ("Highlands Act", P.L. 2004, c. 120); and

**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council ("Highlands Council") and charged the Highlands Council with the task of developing a Regional Master Plan; and

**WHEREAS**, the Highlands Regional Master Plan identifies the availability of water in each subwatershed in the Highlands Region, and the Water Department draws water from groundwater wells located in subwatersheds which are in water supply deficit; and

**WHEREAS**, the Highlands Regional Master Plan calls for the development of a municipal Water Use and Conservation Management Plan for subwatersheds in water supply deficit, to consist

of measures aimed at reducing and eliminating water supply deficits, and one of the recommended measures is the modification of water rates to enhance financial incentives for water conservation by end users; and

**WHEREAS**, the Town of Clinton wishes to encourage water conservation by revising the water rate structure; and

**WHEREAS**, a rate study has been performed in accordance with standard water supply industry practices, and

**WHEREAS**, the Mayor and Council wish to ameliorate the impact of increased water rates on the customers of the Water Department; and

**WHEREAS**, to that end they have balanced the need to raise funds to meet rising costs and construct system improvements against the impact of rate increases on customers and elected to phase in the increased water usage rates over a three year period; and

**WHEREAS**, in accordance with the provisions of *N.J.S.A. 40A:31-23(e)*, the Town of Clinton will continue to charge the same rates to the billed customers outside of the Town of Clinton as are charged to customers within the Town of Clinton;

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

Section 1. The Rate Schedule of the Town of Clinton Water Company Tariff for Water Service is amended as follows (deletions are shown as and additions are shown as thus):

## RATE SCHEDULE

### SCHEDULE 1 – General Metered Service

#### APPLICABILITY:

Applicable to the use of water supplied through meters in the entire territory served by the Company.

#### CATEGORIES:

Customers of the Town of Clinton Water Company are categorized into user classes as follows:

- a. Residential – One-family and two-family residential dwellings, and individually-metered condominium units;
- b. Commercial – Properties engaged in commercial or industrial activities;
- c. Multifamily – Multifamily dwellings, e.g. condominiums, where the units are not individually-metered;
- d. Irrigation – Metered accounts dedicated solely to irrigation, e.g. lawn sprinklers;
- e. Emergency Interconnection – Metered accounts dedicated solely for the purpose of an emergency event;

f. Fire Protection – Metered accounts dedicated solely for the purpose of fire suppression.

**FIXED SERVICE CHARGE:**

All general metered water service customers shall pay a fixed service charge based on the size of each meter installed by the Company. Customers with multiple meters shall be charged for each meter at the indicated rate. Whenever service is established or is discontinued all applicable fixed charges shall be prorated to date of establishment or discontinuance of service.

<b><u>Size of Meter</u></b>	<b><u>Per Quarter 7/1/ 2024</u></b>	<b><u>1/1/2025</u></b>	<b><u>1/1/2026</u></b>	<b><u>1/1/2027</u></b>	<b><u>1/1/2028</u></b>	<b><u>1/1/2029</u></b>
5/8"	\$47.82	\$53.80	\$60.53	\$68.09	\$76.60	\$86.18
¾"	\$51.94	\$58.43	\$65.74	\$73.96	\$83.20	\$93.60
1"	\$75.38	\$84.80	\$95.40	\$107.32	\$120.74	\$135.83
1 ½"	\$150.71	\$169.54	\$190.74	\$214.58	\$241.40	\$271.58
2"	\$241.12	\$271.26	\$305.17	\$343.32	\$386.23	\$434.51
3"	\$452.13	\$508.64	\$572.22	\$643.75	\$724.22	\$814.75
4"	\$753.55	\$847.74	\$953.71	\$1,072.92	\$1,207.04	\$1,357.92
6"	\$1,507.08	\$1,695.47	\$1,907.40	\$2,145.83	\$2,414.06	\$2,715.81
8"	\$2,411.34	\$2,712.75	\$3,051.85	\$3,433.33	\$3,862.49	\$4,345.31
10"	\$3,014.17	\$3,390.94	\$3,814.81	\$4,291.66	\$4,828.11	\$5,431.63
12"	\$3,767.72	\$4,238.68	\$4,768.51	\$5,364.58	\$6,035.15	\$6,789.54

**CONSUMPTION CHARGE\*:**

In addition to the Fixed Service Charge set forth above, a charge will be made for all water used as registered by the meter.

**A. Residential & Commercial Consumption Charge:**

<b><u>Quantity (gallons)</u></b>	<b><u>Rate per thousand gallons</u></b>						
<b><u>Year:</u></b>	<b><u>7/1/2024</u></b>	<b><u>1/1/2025</u></b>	<b><u>1/1/2026</u></b>	<b><u>1/1/2027</u></b>	<b><u>1/1/2028</u></b>	<b><u>1/1/2029</u></b>	
0 to 25,000	\$6.85	\$7.71	\$8.67	\$9.76	\$10.97	\$12.35	
25,001 to 50,000	\$8.92	\$10.04	\$11.29	\$12.70	\$14.29	\$16.08	
50,001 and >	\$11.60	\$13.05	\$14.68	\$16.51	\$18.58	\$20.90	

**B. Multifamily Consumption Charge:**

<b><u>Quantity (gallons)</u></b>	<b><u>Rate per thousand gallons</u></b>						
<b><u>Year:</u></b>	<b><u>7/1/2024</u></b>	<b><u>1/1/2025</u></b>	<b><u>1/1/2026</u></b>	<b><u>1/1/2027</u></b>	<b><u>1/1/2028</u></b>	<b><u>1/1/2029</u></b>	
All Usage	\$8.92	\$10.04	\$11.29	\$12.70	\$14.29	\$16.08	

**C. Irrigation Consumption Charge:**

<b><u>Quantity (gallons)</u></b>	<b><u>Rate per thousand gallons</u></b>						
<b><u>Year:</u></b>	<b><u>7/1/2024</u></b>	<b><u>1/1/2025</u></b>	<b><u>1/1/2026</u></b>	<b><u>1/1/2027</u></b>	<b><u>1/1/2028</u></b>	<b><u>1/1/2029</u></b>	
All Usage	\$11.60	\$13.05	\$14.68	\$16.51	\$18.58	\$20.90	

**D. Emergency Interconnection Charge:**

<u>Quantity (gallons)</u>	<u>Rate per thousand gallons</u>						
<u>Year:</u>	<u>7/1/2024</u>	<u>1/1/2025</u>	<u>1/1/2026</u>	<u>1/1/2027</u>	<u>1/1/2028</u>	<u>1/1/2029</u>	
All Usage	\$11.60	\$13.05	\$14.68	\$16.51	\$18.58	\$20.90	

**E. Fire Protection Charge:**

<u>Quantity (gallons)</u>	<u>Rate per thousand gallons</u>						
<u>Year:</u>	<u>7/1/2024</u>	<u>1/1/2025</u>	<u>1/1/2026</u>	<u>1/1/2027</u>	<u>1/1/2028</u>	<u>1/1/2029</u>	
All Usage	\$11.60	\$13.05	\$14.68	\$16.51	\$18.58	\$20.90	

\* Consumption charges reflect a water tax of \$0.01 per 1,000 gallons of water consumed pursuant to Chapter 443 of the Laws of New Jersey 1983 concerning the periodic testing of public water supplies.

**SCHEDULE II – Fire Protection Service – Public and Private**

(a) Hydrant Charge – \$303 per year

(b) Unmetered lines for fire protection

3-inch	\$ 708.75 per year
4-inch	1,063.13 per year
6-inch	1,417.50 per year
8-inch	2,126.25 per year
10-inch	2,835.00 per year
12-inch	3,543.75 per year

**SPECIAL PROVISIONS:**

1. Certified Residential Health Care Facilities and rooming or boarding homes which are required to install private fire sprinkler systems pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1, et seq.) and P.L. 1979, c. 496 (N.J.S.A. 55:13B-1, et seq.) and regulations promulgated under these two statutes shall be exempt from payment of the private fire protection service charges as detailed in the Rate Schedule II. Such exemption shall not be granted until the applicant has submitted to the Company, and the Company has reviewed and approved, evidence that the applicant is a licensed Residential Health Care Facility or rooming or boarding house and has been required to install a private fire sprinkler system pursuant to the above statutes and regulations.
2. In cases where fire hydrants are placed after the meter there will be no annual hydrant charge as detailed in Schedule II but will be subject to consumption charges as detailed in Rate Schedule I.

Section 2. Section 142-4 entitled “Rents and Charges” of Chapter 142 entitled “Water” of the Code of the Town of Clinton is amended to read as follows (deletions are shown as and additions are shown as thus):

§142-4. Rents and charges.

The annual rentals or charges hereby fixed and officially established by the Town of Clinton as the rates or rentals to be charged to all customers of the water system, both private and municipal, shall be those rates set forth in the most recent tariff adopted by ordinance and filed

with the Board of Public Utilities. A copy of the most recent tariff shall be kept on file and available for inspection by the Town Clerk.

Section 3. Upon adoption, a copy of this ordinance and a copy of the revised tariff shall be filed with the BPU. The Town shall continue to pay an assessment to the Board for those billed customers outside of the Town pursuant to *N.J.S.A. 40A:31-23(g)*. The Town shall continue to file its BPU Annual Report and Statement of Gross Operating Revenues pursuant to *N.J.A.C. 14:3-6.3* and *N.J.S.A. 48:3-62*.

Section 4. This ordinance shall become effective following its final passage and publication as required by law. The new Fixed Service Charge and the 2024 Consumption Charge shall become effective July 1, 2024 and apply to usage after that date.

ATTEST:

TOWN OF CLINTON

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Cecilia Covino, Clerk

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Janice Kovach, Mayor

## Chapter 73

### D. Sewer and Water Departments.

Sewer Department	Fee
Sewer connection [Added 11-22-2005 by Ord. No. 05-13]	\$750.00 new home
Each flat rate sewer rental unit [Amended 4-12-1983 by Ord. No. 83-4; 4-23-2019 by Ord. No. 19-04]	
Sewer rentals and charges	Based on annual operating costs per § 112-10 and established annually by Town Council and subject to any reductions and/or credits provided for in § 112-9H

### E. Sewage disposal systems.

[Amended 4-9-1991 by Ord. No. 91-3; 11-22-2005 by Ord. No. 05-13]

Activity	Fee
Filing application and plans to locate and construct an individual sewage disposal system, plan review, septic, site inspection, issuance of permit and installation inspections	\$500.00
License for operating an individual subsurface sewage disposal system for three years	\$25.00
License to operate an individual subsurface sewage disposal system (annually)	\$10.00
Filing application and plans for a permit to alter an existing individual sewage disposal system and issuance of said permit	\$150.00
Filing application for repair	\$50.00
Application renewal	\$50.00

### F. Water supply systems.

[Added 3-26-1985 by Ord. No. 85-4]

Activity	Fee
Filing application and plans for a permit to locate and construct an individual system	\$10.00
Filing application and plans for a permit to alter an existing individual system	\$10.00
Issuance of a permit to locate and construct or alter an individual water supply	\$15.00
Each reinspection of an individual water supply or part thereof caused by failure of permittee to locate and construct or alter the system in accordance with terms of the permit or terms of the Individual and Semipublic Water Supply Code	\$15.00
Water, temporary discontinuance [Amended 11-22-2005 by Ord. No. 05-13 ; 7-28-2015 by Ord. No. 15-13]	
Turned off	Normal hours \$50 Off hours \$150 (3 hours minimum overtime)



Activity	Fee
Turned on	Normal Hours \$50 Off hours \$150 (3 hours minimum overtime)
Unauthorized operation of water system components (including water meters)	Maximum of \$1,250/occurrence
Testing of meter due to consumer complaint (if meter is found to register against the consumer by more than 3% inaccuracy — no charge)	\$50
Special meter reading	Normal hours \$50 Off hours \$150 (3 hours minimum overtime)
Water rates	As per rates on file in Town Clerk's office

Water Department	Fee
Water main connection [Amended 8-13-2002 by Ord. No. 02-09; 7-28-2015 by Ord. No. 15-13]	
Service connection fee [Amended 4-23-2019 by Ord. No. 19-04]	As per rates on file in Town Clerk's office and subject to any reductions and/or credits provided for in § 142-1G(1)(f)
Water service tap installation fee, service line less than 2-inch diameter	\$5,000 (plus any extraordinary charges for service connections as indicated in § 142-9, if applicable)
Service line 2-inch diameter or greater (water service tap installation shall be performed by applicant)	Cost of inspections by the Water Department or its agent (\$2,500 initial escrow; to be replenished as necessary/as advised by the Water Department)
Meter pits (if required) [Added 4-23-2019 by Ord. No. 19-04]	To be paid by the property owner(s)
Field service charges repairs (to a leak for a customer or for a contractor) [Added 7-28-2015 by Ord. No. 15-13]	
Emergency Interconnection Fee	One (1) day of potable water demand in addition to a fixed fee of one (1) service unit as indicated in § 142-1(L)
Fire Protection	One (1) day of potable water demand in addition to a fixed fee of one (1) service unit as indicated in § 142-1(M)
Equipment hourly rates:	
Backhoe	\$88
Dump truck	\$52
Service truck	\$52
All parts	115% of the price of the part
Labor shall be as follows: The current rate in which the Collective Bargaining Agreement	

<b>Water Department</b>	<b>Fee</b>
stipulates, including time and a half for all non-regular business hours.	
<b>Water Reservation Application</b> <b>[Added 3-24-2015 by Ord. No. 15-02; amended 9-9-2020 by Ord. No. 20-18]</b>	
<b>Activity</b>	<b>Fee</b>
Small project water reservation application/extension	\$250
Small project will serve letter request	\$100
Small project will serve letter extension request (per occurrence)	\$50
Large project water reservation application/extension	\$1,500
Large project will serve letter request	\$250
Large project will serve letter extension request (per occurrence)	\$125

142-1 **Regulations.**

The following regulations shall be considered a part of the contract with every person who uses water, and the fact of using water shall be considered as expressing assent on the part of the user to be bound thereby:

**A.** All applications for the use of water shall be made by the owner of the property on blank forms furnished by the Water Department and shall state fully all uses to which the water is to be applied, and should it subsequently be required for other purposes, notice shall be given by the owner before any change is made.

**B.** A supply of water for building or other special purposes shall be separately applied for.

**C.** Service connection shall mean a pipe or pipes connected to the main and extending into privately or publicly owned property or premises for supplying Town water thereto.

[Added 7-28-2015 by Ord. No. 15-12]

**D.** Tapping or making a tap shall mean the physical act of breaking into a main to install a service connection.

[Added 7-28-2015 by Ord. No. 15-12]

**E.** Water service tap installation shall mean the curb box and the portion of the service connection which connects the curb box to the water main and lies generally within the street right-of-way.

[Added 7-28-2015 by Ord. No. 15-12]

**F.** User service line shall mean the length of pipe, lying generally outside of the street right-of-way, which connects the curb box to the building to be served with water, and shall include a water meter installed in an underground pit, as directed by and to the specifications of the

Town of Clinton Water Department. Installation of meters in any building shall be performed only when, and as permitted by the Water Department, upon the Department's determination that the meter installation in an underground pit is not feasible. The user or property owner shall be responsible for installation of the user service line, except that water meters on all user service lines not exceeding two-inch diameter shall be provided and installed by the Water Department.

[Added 7-28-2015 by Ord. No. 15-12]

**G.** Where a tap for a service connection to any water main is required, application shall be made either by the property owner or by the licensed plumber contracting or doing the plumbing work on triplicate blank forms furnished by the Water Department, and the applicant shall pay a connection charge consisting of two separate fees: a service connection fee, and a water tap installation fee.

[Amended 11-14-1972; 5-8-1979 by Ord. No. 79-4; 4-22-1980 by Ord. No. 80-3; 3-26-1985 by Ord. No. 85-4; 7-28-2015 by Ord. No. 15-12]

**(1)** Service connection fee shall be as indicated in Chapter **73**, Fees, and shall be computed in the following manner to represent a fair payment toward the cost of the system:

**(a)** The amount representing all debt service, including but not limited to sinking funds, reserve funds, the principal and interest on bonds, and the amount of any loans and interest thereon, paid by the Town of Clinton to defray the capital cost of developing the system as of the end of the immediately preceding fiscal year of the Town shall be added to all capital expenditures made by the Town not funded by a bond ordinance or debt for the development of the system as of the end of the immediately preceding fiscal year.

**(b)** Any gifts, contributions or subsidies to the authority received from, and not reimbursed or reimbursable to any federal, state, county or municipal government or agency or any private person, and that portion of amounts paid to the Town of Clinton by a public entity under a fully executed water service agreement which is not repaid to the public entity by the authority, shall then be subtracted.

**(c)** The remainder shall be divided by the total number of service units served by the Town of Clinton at the end of the immediately preceding fiscal year of the Town, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector, to produce the connector's contribution to the cost of the system. In attributing service units to each connector, the estimated average daily flow of water for the connector shall be divided by the average daily flow of water to the average single family residence in the authority's district, to produce the number of service units to be attributed.

**(d)** The service connection fee shall be recomputed at the end of each fiscal year of the Town of Clinton, after a public hearing is held, and shall be indicated

in Chapter **73**, Fees. The revised connection fee shall be imposed upon those who subsequently connect in that fiscal year to the system.

**(e)** The foregoing notwithstanding, the Town of Clinton shall not impose any charges or fees in excess of the cost of water actually used for any sprinkler system required to be installed in any residential health care facility pursuant to the Health Care Facilities Planning Act, P.L. 1971, c. 136 (C. 26:2H-1 et seq.) and regulations promulgated thereunder or in any rooming or boarding house pursuant to the Rooming and Boarding House Act of 1979, P.L. 1979, c. 496 (C. 55:13B-1 et al.) and regulations promulgated thereunder.

**(f)** Affordable housing.

[Added 4-23-2019 by Ord. No. 19-04]

**[1]** For the purposes of this section, "affordable housing unit" shall mean a residential housing unit that is deed-restricted and credited pursuant to N.J.A.C. 5:97-4**[1]** (or order of a court of competent jurisdiction) and subject to the affordability controls set forth in N.J.A.C. 5:80-26.1.

*[1]Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, Chapter **97**, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 2, 2008, expired on 6-2-2015.*

**[2]** Pursuant to N.J.S.A. 40:14B-22.3, as amended by P.L. 2005, c. 29, effective January 26, 2005, public housing authorities and nonprofit organizations building affordable housing shall be allowed a 50% reduction in the connection fee assessed hereunder for new connections to the water system attributable to an affordable housing unit. Pursuant to N.J.S.A. 40:14B-22.3a, as amended by P.L. 2018, c. 74, effective August 10, 2018, the above-referenced 50% reduction shall apply to any other affordable housing units, including affordable housing units in inclusionary projects. This 50% reduction shall not apply to extraordinary charges incurred for such connection, including but not limited to infrastructure improvements required to serve the project or costs and charges incurred in acquiring water allocation from a third-party contractual user of the water system to serve the project.

**[3]** For units previously connected to the water system that were demolished or refurbished to allow for new affordable housing units for which a connection fee was previously paid, public housing authorities and nonprofit organizations and, effective for applications received after August 10, 2018, other affordable housing, including affordable housing units in inclusionary projects, shall be entitled to a credit against the connection fee assessed hereunder equal to the connection fee previously assessed and paid when the former units were previously connected to the water system.

**[4]** The connection fee assessable against a public housing authority or nonprofit organization and, effective for applications received on and after August 10, 2018, other affordable housing owners, for units previously connected to the water system that were demolished or refurbished to allow for new affordable housing units, shall be the lesser of the reduced rate provided for in Subsection **G(1)(f)3** above or the current connection fee applicable to market-rate units of the same type minus the credit provided under Subsection **G(1)(f)3** above, provided that the public housing authority, nonprofit organization, or other affordable housing owner can establish that a connection fee was previously assessed and paid for connecting to the water system. If the public housing authority, nonprofit organization, or other affordable housing owner cannot establish that a connection fee was previously assessed and paid for connecting to the water system, the reduced rate provided for in Subsection **G(1)(f)2** above (i.e., 50% of the regular connection fee) shall be assessed.

**(2)** The Mayor and Council shall have the right to modify or eliminate the connection fee herein described if the Mayor and Council determine and find that the applicant for the service connection has in the course of his installation of improvements contributed to an increase in the water reserve capacity of the Town, the amount of such modification of service connection charge being in proportion to the value of the increase of water reserve capacity. As herein used, "water reserve capacity" shall constitute storage towers, pressure tanks or other above- or below-ground reserve sources but shall not include transmission lines or other lines designed for the conducting of water from place to place.

**(3)** Water service tap installation fee.

**(a)** Water service taps less than two inches in diameter shall be installed by the Town of Clinton Water Department. The service tap installation fee shall be as indicated in Chapter **73**, Fees.

**[1]** Additional charges, as indicated in § **142-9**. Extraordinary charges for service connections, shall be paid by owner or applicant, where applicable.

**(b)** Water service taps two inches or greater in diameter shall be performed under the supervision of the Water Department Superintendent or his agent. It shall be the owner's or applicant's responsibility to hire a private contractor to perform the installation at the owner's or applicant's expense.

**[1]** Owner or applicant shall be responsible for reasonable inspection fees, and shall post with the Town of Clinton an initial inspection escrow in the amount set forth in Chapter **73**, Fees. Owner or Applicant shall be advised of any anticipated shortage in escrow account of inspection fees, and shall post and pay such fees in escrow and as determined by

the Water Department before any further inspection shall be conducted or final approval granted.

**[2]** Where a road opening permit is required by local municipal ordinance, owner or applicant shall be responsible to secure the road opening permit.

**H.** No water service tap or user service line shall be installed unless it conforms to specifications promulgated by the Water Department. A copy of such specifications shall be kept on file with the Water Department and shall be open to inspection by any person interested. The installation shall be done by a plumber qualified to do plumbing work under municipal regulations.

[Added 7-28-2015 by Ord. No. 15-12]

**I.** Type K copper lines shall be used for all service lines from the meter to the curb box if said lines do not exceed two inches in diameter. Larger diameter service lines shall be Class 52 ductile pipe.

[Added 5-8-1979 by Ord. No. 79-4; amended 7-28-2015 by Ord. No. 15-12]

**J.** Any run of copper water line two inches in diameter or less and less than 100 feet in length shall be one continuous run without couplings unless otherwise approved, in writing, by the Public Works/Business Administrator.

[Added 9-11-1979 by Ord. No. 79-9; amended 12-12-1995 by Ord. No. 95-16; 7-28-2015 by Ord. No. 15-12]

**K.** The service connection fee and the water service tap installation fee shall be due and payable upon the filing of an application for a water connection permit with the Town of Clinton Water Department on such forms and subject to such information, documentation and data as may be required by the Water Department. Any extraordinary charges as defined in **§ 142-9** Extraordinary charges for service connections, and any extra inspection costs shall be due and payable prior to the water service being activated.

[Added 7-28-2015 by Ord. No. 15-12]

**L.** Emergency Interconnection Fee

(1) An emergency interconnection is defined as a service connection used for the purpose of an emergency event, to supply the applicant with water for a temporary duration.

(2) Emergency interconnection fee shall be due at the time of connection as indicated in Chapter **73**, Fees, and shall be computed in the following manner:

(a) Consumption charge equivalent to 1-Day billing of the applicant's estimated potable water demand in addition to a connection fee of 1-service unit as provided in **§ 142-1G(1)**.

**M.** Fire Protection Connection Fee

(1) Fire protection connection is defined as a service connection used for the purpose of fire suppression for a finite duration.

(2) Fire Protection connection fee shall be due at the time of connection as indicated in Chapter **73**, Fees, and shall be computed in the following manner:

(a) Consumption charge equivalent to 1-Day billing of the applicant's estimated potable water demand in addition to a connection fee of 1-service unit as provided in § **142-1G(1)**.