

6239
Flag Salute.

Roll Call: Bruno (7:36), Dineen, Humphrey, Johnson, Perloff, Traphagen, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

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

Mayor Kovach welcomed the public to the hybrid meeting and explained how the meeting will be run by reading the following statement :

NJSA 10:4-8(b) authorizes municipalities to conduct public meetings through use of streaming services and other online meeting platforms. Recently adopted P.L. 2020, c.11 amends OPMA to clarify that in times of emergency public bodies may vote, accept public comment and cause a meeting to be open to the public via electronic means.

The Town of Clinton is a public meeting as well as using ZOOM Video Meetings. Please be aware that this meeting is being recorded for the public record.

Please use the chat feature in ZOOM to indicate that you wish to be recognized for a comment or a question. You must provide your name and address to be recognized. You can also type in your questions. Feel free going forward to email councilmeeting@clintonnj.gov with any questions or concerns between meetings.

Please feel free to reach out with a note at jkovach@clintonnj.gov anytime!

PUBLIC COMMENTS – NONE

INTRODUCTION OF ORDINANCE #22-09 – VEHICLES AND TRAFFIC

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to introduce Ordinance 22-09 on first reading as submitted:

ORDINANCE #22-09

**ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 135, ENTITLED
VEHICLES AND TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE
TOWN OF CLINTON**

WHEREAS, the Town of Clinton is desirous to amend several sections of Chapter 135, entitled Vehicles and Traffic to regulate the manner in which large vehicle and trailers may be parked in all zones and adjacent to residential uses;

WHEREAS, the Chief of Police has recommended to the Mayor and Council that the Code of the Town of Clinton be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that the Code of the Town of Clinton (“Code”) is hereby amended to create a new section entitled § 135-8, “Restrictions on Parking Commercial Vehicles Overnight” as follows:

SECTION 1

A. No Overnight Parking of Commercial Vehicles in Residential Areas. Notwithstanding of any regulations codified in Chapter 88 of the Code of the Town of Clinton or any exceptions listed in § 135-8C, no person shall park any commercial vehicles (as defined in Section 135B below), trailers, or equipment on either side of any public road in front of any residential use or directly across the street from any residential use, between the hours of 7:00 PM and 7:00 AM. At the discretion of the Chief of Police, short-term, temporary exceptions to these parking time limits may be granted.

No commercial vehicles (as defined below in Section 135B) of any kind shall be parked on any street, lot, avenue, highway or portion thereof that is located adjacent to a residential use in any zone, as well as on both sides of the street in front of any residential use or directly across the street from any residential use, that contains any form of advertising or display beyond the requirement of N.J.S.A. 39:4-46 not permanently affixed by paint, stencil, or comparable process onto the body of the vehicle.

B. Definition of “Commercial Vehicle.” For the purposes of this section, “commercial vehicle” shall mean a car, truck, bus, van, trailer, equipment, and/or vehicle that is intended for and primarily used for commercial purposes, whether or not said vehicle is registered as a commercial vehicle with any State Division of Motor Vehicles. For the purposes of this section, all trucks, vans, buses, trailers, equipment, or other vehicles containing advertising matter intending to promote the interest of any business shall be considered “commercial”.

C. Permitted Overnight Parking of Certain “Commercial Vehicles.” The following commercially registered vehicles are permitted to park overnight on a residential property or in a residential zone subject to the following conditions:

1. Vehicles with a gross vehicle weight rating of 10,000 pounds or less and excluding trucks commonly identified as "box" and "walk-in" trucks of any gross vehicle weight.

- a. Examples of permitted vehicles include, but are not limited to, minivans, full-size and heavy-duty pickups, utility vans, multipurpose vehicles.

6241

- b. These types of vehicles must be owned or used by a resident of the premises and used as the customary means of transportation to and from work.
 - c. The resident must demonstrate that the vehicle cannot be parked in a garage or other permanent enclosed structure on site.
2. Heavy-duty pickup trucks and van conversions with a gross vehicle weight rating of 14,000 pounds or less are permitted, provided that such vehicles are to be used as utility vehicles (used for trade purposes), and further provided that such vehicles have either an open or enclosed bed with neither racks nor stakes.
3. The vehicle shall not obstruct any pedestrian or vehicular traffic and be no closer than five feet from a side or rear property line. To the extent feasible, the vehicle shall be screened by a combination of fencing and/or landscaping to provide year-round screening. Wherever possible, the vehicle shall be parked in a side or rear yard.
4. The vehicle shall not be parked on a grassed area, lawn area, or an otherwise landscaped area.
5. The outside storage of any materials or equipment associated with the commercial vehicle is prohibited.

D. Parking Restrictions for Commercial Vehicles in All Zones. The following types of commercial vehicles are prohibited from being parked on any street in any zone between the hours of 7:00 PM and 7:00 AM except when engaged in providing emergency repair services or actively engaged in moving the residents of the premises.

- a. All commercial vehicles (as defined above in Section 135B) with a gross vehicle weight of more than 10,000 pounds including but not limited to, large walk-in trucks, box trucks, dump trucks, rack and stake body trucks, grain body trucks, tractors and tractor-trailers;
- b. Buses or vans registered for more than 11 passengers, with the exception of school buses registered for 16 or fewer passengers that comply with applicable USDOT Federal Motor Vehicle Safety Standards, provided that same are parked on a lot and not on the street;

E. Enforcement officers and procedure

The Town of Clinton Police Department and its Police Officers may act individually or in conjunction with any other Municipal, County or State enforcement agencies in accordance with local, County or State ordinances, statutes, and/or regulations as applicable.

F. Violation and penalties

Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this chapter, including attached schedules, or any supplements thereto, amendments thereto or revisions thereto shall be liable to a penalty of not less than \$100 and more than \$500 or imprisonment for a term not exceeding 90 days, or both.

SECTION 2. Section § 135-25 of the Code of the Town of Clinton entitled “Schedule III: No Stopping or Standing”, is amended as follows:

In accordance with the provisions of § 135-5 and § 135-8, no person shall stop or stand a commercial vehicle between the hours specified upon any of the following-described streets or parts of streets:

Name of Street	Side	Time Limits	Location
Any street in front of any residential use or directly across the street from any residential use. *Excluding exceptions noted in § 135-8C	Either side of any public road in front of any residential use or directly across the street from any residential use	Between 7PM and 7AM	Within the municipal boundaries of the Town of Clinton

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

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

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

Vote all eyes
Motion carried

A copy of this ordinance will be published in the July 17, 2022 edition of the Courier News. A public hearing will be held July 27, 2022.

6243

RESOLUTION #114-22 – OPPOSITION TO NJ ABC LIMITS ON BREWERY LICENSES

Mayor Kovach gave clarification of the proposed special conditions being imposed on craft breweries as to the number of events they can hold, the type of television programming they can air, the music they can play and other restrictions being imposed as of July 1, 2022. Councilwoman Johnson stated that conditions such as this will affect towns trying to bring visitors to Town and will negatively impact communities.

On motion by Ms. Johnson, seconded by Mr. Traphagen, the following resolution was adopted by the Mayor and Council of the Town of Clinton, Hunterdon County at a meeting held July 27, 2022.

RESOLUTION #114-22

RESOLUTION IN OPPOSITION OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL'S SPECIAL CONDITIONS ON LIMITED BREWERY LICENSEES

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (“NJABC”) issued new special conditions on each limited brewery licensee (aka “craft brewery”) in the state beginning Friday, July 1, 2022; and

WHEREAS, under the license conditions, craft breweries are limited to hold only 25 on-site activities open to the general public annually, as well as only 52 private parties annually.

WHEREAS, under the license condition, craft breweries are limited to only attend 12 off-premises events, such as municipal, charitable and holiday celebrations; and

WHEREAS, under these license conditions, craft breweries are subject to the following restrictions:

- Restrictions on the types of television programming they can air in their tasting rooms;
- Restrictions on what types of live or recorded music they can play or host;
- Limitations on food options they can make available to customers;
- Banning the sale of coffee; and
- Prohibiting the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

WHEREAS, according to the National Brewers Association, the one-hundred and forty-one craft (141) breweries operating in New Jersey in the calendar year 2021 contributed almost \$2 billion to the State's economy, and created over 11,000 jobs with an average annual income of more than \$55,000 per employee; and

WHEREAS, the Town of Clinton has been attempting to attract craft breweries to locate in its downtown and other commercial areas in order to attract visitors and customers to the Town; and

WHEREAS, these new conditions will greatly reduce the possibility that the Town will be able to attract craft breweries to become a part of its downtown; and

WHEREAS, local craft breweries participate in local events, such as parades and street fairs, and these new conditions will hinder their ability to participate in and enhance these events; and

6244

WHEREAS, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

WHEREAS, visiting these craft breweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

WHEREAS, the Governor and State Legislature should work with breweries to development smart and fair laws and regulations that will guide state regulators at the New Jersey Division of Alcoholic Beverage Control on how to oversee the state's craft beer industry; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton strongly opposes the New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licensees, and requests the conditions be removed immediately; and

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to neighboring municipalities, the leaders of the New Jersey Legislature and Governor Phil Murphy and the New Jersey League of Municipalities promptly.

Vote all ayes
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Mr. Humphrey, seconded by Ms. Dineen to adjourn the meeting at 7:38 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor