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Flag Salute.

Roll Call: Dineen, Humphrey, Intrabartola, Johnson, Karsh, Traphagen, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

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

Mayor Kovach welcomed the public to the public 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!

APPROVAL OF MINUTES – August 25, 2021 - TABLED

APPROVAL OF MONTHLY REPORTS

A motion was made by Mr. Humphrey, seconded by Ms. Karsh, to approve the monthly reports for the month of August as submitted:

Vote all ayes
Motion carried

PUBLIC COMMENTS

MAYOR’S COMMENTS

1. Mayor Kovach asked for a moment of silence in recognition of the passing as former Business Administrator and friend, Bob Cutter. Bob was the administrator from 1995 to 2010.
2. League of Municipalities is scheduled for November 16 through November 19, 2021. Ticketed events for interested attendees, please speak to the clerk if interested.
3. Hurricane Ida severely impacted the Town of Clinton and surrounding municipalities the evening of September 1, 2021. Clinton businesses and homes were flooded but with the help of Police,

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Fire and Rescue and all the volunteers, Clinton recovered from the devastation. Dumpsters will be available for residents and businesses in the municipal building parking lot. Republic Services is unable to handle all the debris so the dumpsters will certainly help residents dispose of their items. FEMA Resources will be available on the Town website for businesses and residents.

4. Hunterdon County will be holding a remembrance ceremony for the 20th Anniversary of 9/11 Terror Attack on Saturday, September 11, 2021 beginning 8:30 a.m. First responders to be honored. Guest speaker Dr. Jean Kanokogi. .
5. As a result of Hurricane Ida, Mayor Kovach encouraged consumers to be careful of price gauging by contractors.

PUBLIC HEARING ORDINANCE #21-21 – CLUB LICENSES

A motion was made by Ms. Johnson, seconded by Ms. Dineen, to open the public hearing of Ordinance #21-21:

ORDINANCE #21-21

**ORDINANCE PERMITTING NON-PROFIT CLUBS, LODGES, AND FRATERNAL, CIVIC,
AND CHARITABLE ORGANIZATIONS IN THE C-1 ZONE AND PERMITTED THE
ISSUANCE OF A CLUB LIQUOR LICENSE**

Vote all ayes
Motion carried

There being no public comment, a motion to close the public portion of the meeting was made by Mr. Humphrey, seconded by Ms. Intrabartola.

Vote all ayes
Motion carried

A motion was made by Mr. Traphagen seconded by Ms. Dineen to adopt Ordinance #21-21 on final reading.

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

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #21-22 – DEMOLITION OF HISTORIC STRUCTURES

Attorney St. Angelo revised the original ordinance and has reviewed the changes with council. A motion was made by Mr. Traphagen, seconded by Mr. Humphrey, to introduce Ordinance #21-22 as amended and submitted:

ORDINANCE #21-22

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF CLINTON TO ADD ARTICLE
XV TO REQUIRE REVIEW BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO
THE ISSUANCE OF DEMOLITION PERMITS**

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WHEREAS, the Clinton Historic District was entered on to the New Jersey Register of Historic Places on March 3, 1995; and

WHEREAS, in accordance with N.J.S.A. 13:1B-15.131, designation as an historic place in the New Jersey Register of Historic Places prevents the state, a county or municipality, or any of their agencies or instrumentalities, from undertaking any project that would encroach upon, damage or destroy the property listed without approval from the Commissioner of the Department of Environmental Protection.

WHEREAS, the Historic District includes 277 historic resources that reflect 18th and 19th century architecture, industries and the quality of life.

WHEREAS, the Historic District is shown on a map filed as part of the application for historical district designation with the State of New Jersey and prepared by Studer & McEldowney, last revised September of 1992, on file with and available from the Town of Clinton.

WHEREAS, the Town has shown a significant interest in preserving historic properties and the quality and look of features significant in American history, architecture and culture.

WHEREAS, the Town of Clinton believes that it is appropriate to discourage and, to the extent allowed by law, regulate structures or commercial activities that would tend to denigrate, undermine or destroy the ambiance, look and feel of the Historic District; and

WHEREAS, several objectives of the Town's 2008 Master Plan (as reiterated in the 2018 Master Plan Reexamination) reflected the commitment to historic preservation, including the following:

- Adopt an historic district ordinance to provide standards for historic preservation.
- Maintain the housing stock in a safe and sanitary condition, while retaining its historic character.

NOW THEREFORE, 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. Article XV of the Code of the Town of Clinton entitled, "Historic Preservation," is hereby added as follows:

Section 88-107. Short Title, Findings, and Purpose

A. Title. This Ordinance shall be known as the Historic Preservation Ordinance of the Town of Clinton.

B. Findings and Purpose.

(1) The Town Council of the Town of Clinton ("Town") finds and determines as follows:

a. The historical, cultural, architectural, and social heritage of the Town is given in trust from generation to generation to be used, enriched, and then passed on;

b. The character, lifestyle, and very quality of life in the Town depends in great measure upon the Town protecting this heritage of the past;

c. The ongoing presence of historic districts and landmarks, as an essential element of municipal character and identity, is an important factor in the economy of the municipality and the property values therein;

d. Such historic districts and landmarks are vital to the education and civic mindedness of the Town's young people;

e. A number of critical factors such as deterioration, demolition, redevelopment, and re-subdivision threaten such landmarks and districts; and

f. The welfare of the municipality is enhanced by the preservation of its historic heritage for the reasons set forth above.

(2) The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-65.1, permits municipalities to adopt a zoning ordinance that designates and regulates historic landmarks or historic districts and provides design criteria and guidelines therefor.

(3) In adopting this Ordinance, it is the intention of the Town Council to regulate historic structures and historic districts within the Town consistent with and pursuant to authority granted under the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1, *et seq.* The controls herein established are compatible with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and are responsive to the Historic Preservation Plan Element of the Town of Clinton Master Plan and the applicable provisions of the MLUL, including but not limited to N.J.S.A. 40:55D-2(j), 40:55D-28(b)(10), 40:55D-65(i), 40:55D-65.1, and 40:55D-107 through -112.

(4) Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with requirements of any other state statutes or municipal Ordinances or regulations.

Section 88-108. Definitions.

APPLICATION. An application to the Construction Official for a demolition permit as defined by this Section.

COMMISSION. The Historic Preservation Commission of the Town of Clinton.

CONSTRUCTION OFFICIAL. The Construction Official of the Town of Clinton.

DEMOLITION APPROVAL OR DEMOLITION PERMIT. Any approval or permit issued by the Construction Official which is required by the Code of the Town of Clinton and / or Uniform Construction Code (N.J.A.C. 5:23-1 *et seq.*) and which authorizes the total or partial demolition of a building or structure (excluding interior demolition).

HISTORIC DISTRICT. The Historic District of the Town of Clinton designated as of the date of the adoption of Article XV and as described in § 99-3 of this chapter.

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HISTORIC PRESERVATION OFFICER (HPO). The administrative Officer for processing applications submitted pursuant to Article XV and drafting the required report. I

HISTORIC STRUCTURE. Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

[1] By an approved state program as determined by the Secretary of the Interior; or

[2] Directly by the Secretary of the Interior in states without approved programs.

PARTIAL DEMOLITION. The dismantling, razing, or removal of structural members, floors, interior bearing walls, and/or exterior walls or portions thereof, including all operations incidental thereto.

TOTAL DEMOLITION. The dismantling, razing, or removal of all of a building or structure, including all operations incidental thereto.

ZONING OFFICIAL. The Zoning Official of the Town of Clinton.

Section 88-109. Special Requirements for Demolition of Historic Structures or Portions Thereof.

A. Procedure.

(1) No approval or permit shall be issued by the Construction Official for the total or partial demolition of a Historic Structure, except in conformity with the provisions of this Section and any other applicable law, statute, ordinance or regulation. This provision shall apply to the total or partial demolition of an accessory structure as well as the principal structure. This provision shall not apply to structures that are not listed in the historic district inventory or listed as non-contributing structure.

(2) Within five (5) business days of the submission, Construction Official (or his or her designee) shall certify that the application is complete and the applicant shall be so notified in writing. If the application is found to be deficient, the Construction Official (or his or her designee) shall provide written or verbal notice of the deficiency to the applicant.

(3) After an application for total or partial demolition of a Historic Structure is deemed complete, the Construction Official shall deliver a copy of such application to the Historic Commission

and Historic Preservation Officer. The Commission shall review the Application at its next regularly scheduled meeting or schedule an emergency meeting if necessary and issue a written report and recommendation in consultation with the Historic Preservation Officer. Said report and recommendation shall be issued no later than fifteen (15) business days after the Application is deemed complete.

(4) Failure of the Historic Commission to issue a report within the prescribed time period will be deemed a certification to the Construction Code Official that the subject building or structure possesses no cultural, historical or architectural significance which would merit its preservation consistent pursuant to subsection C hereunder.

B. Content of Application.

In addition to the information required on the standard permit application for demolition, an application for demolition of a Historic Structure shall include the following:

(1) A map, site plan or survey showing the location of the structure on its property with reference to neighboring properties;

(2) Photographs of all street facade elevations and significant features on that block's frontage;

C. Review by Commission and Historic Preservation Officer; Report

Prior to the issuance of a permit to totally or partially demolish any Historic Structure, the Commission must review the permit application and certify to the Construction Code Official that the subject building or structure possesses no cultural, historical or architectural significance which would merit its preservation consistent with the standards set forth herein. The Commission shall consult with the Historic Preservation Officer and the Town Construction Official in the drafting of the required report.

The report issued by the Commission and Historic Preservation Officer shall include, but shall not be limited to:

1. A description of the age (noting if the building and/or structure was constructed more than 50 years ago), architectural style, historical associations and significance of the building or structure;

2. A statement as to whether the structure is included in any surveys of historic structures by the Town of Clinton or New Jersey Department of Environmental Protection Environmental Protection - Historic Preservation Office: List of New Jersey and National Registers of Historic Places;

3. A determination of whether the structure is associated with events that have made a significant contribution to the broad patterns of our local, state, and/or national history;

4. A determination of whether the structure was associated with the life of a person who made a significant contribution to local, state and/or national history;

5. A determination of whether the structure embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack

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individual distinction; most especially if no other, or very few, buildings or structures with the same association has survived;

6. A determination of whether the structure yielded, or may not be reasonably likely to yield, information important in prehistory or history;

7. A determination of whether the structure maintains integrity of:

i. Location: the place where the historic property was constructed or the place where the historic event occurred; and/or

ii. Design: the combination of elements that create the form, plan, space, structure, and style of a property; and/or

iii. Setting: the physical environment of a historic property; and/or

iv. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property; and/or

v. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory; and/or

vi. Feeling: the property's expression of the historic sense of a particular period of time; and/or

vii. Association: the property's direct link between an important historic event or person and a historic property.

If, after the consideration of the above, the Commission concludes that the structure possesses no cultural, historical or architectural significance which would merit its preservation, or if the Commission fails to file its report within 45 days, the Construction Official may issue a demolition permit.

If, after the consideration of the above, the Commission concludes that the subject structure does possess sufficient cultural, historical or architectural significance which merits its preservation, and the Commission files its report containing its findings and recommendation for denial within the required 45-day period, then the Construction Official shall deny the permit application request.

It shall be unlawful for the applicant to intentionally remove, destroy or deface historic components of a structure, or to make such changes to a structure so as to render it unfit prior to applying for a demolition permit, or while an application is pending, in order to render it historically insignificant and/or structurally unsound and therefore more suitable for demolition. doing so shall constitute a violation of this Article and subject the applicant and/or owner of the property to the penalties, as enforced by the Construction Official, set forth in §88-110 of the Code of the Town of Clinton.

D. Appeals.

Any decision by the Historic Preservation Commission not to certify a demolition permit for a Historic Structure may be appealed to the Superior Court. The applicant shall also be required to provide

the Historic Preservation Commission with written notice of such an appeal simultaneously with the filing of the appeal.

E. Exemptions; Preservation of Historic Elements.

(1) Exemptions. Demolition permits in the following circumstances shall be exempt from the requirements of this article:

(i) An order issued by the Fire Official or the Construction Official to demolish an unsafe structure is exempt from the requirements of this article.

(ii) Notwithstanding any decision by the Historic Commission, the Construction Official can approve a demolition permit if the subject structure poses a threat to the public health and safety pursuant to the Uniform Construction Code.

(2) Preservation of Historic Elements. Prior to the demolition of any historic structure or structure within the Historic District exempt from the requirements of this article pursuant to subsection (1) above, the Historic Commission shall be notified in writing by the Construction Official (or his or her designee) the at least 10 days prior to said demolition and be given the opportunity to request that certain articles of historic significance, which may include building materials, be preserved and donated to the Historic Commission.

Section 88-110. Penalties.

A. If any person shall demolish a Historic Structure without first having obtained a demolition permit, such person shall be deemed to be in violation of this Ordinance.

B. Upon learning of the violation, the Zoning Official or Construction Official shall personally serve upon the owner of the lot wherein the violation has occurred or is occurring, a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the structure to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted upon the structure, and a copy shall be sent by both regular mail and certified mail, return receipt requested, to the owner at his, her, or its last known address as it appears on the municipal tax rolls. Copies of all such notices shall be sent to the Chairperson of the Commission.

C. In the event that the violation is not abated within ten (10) days of service or posting upon the subject structure, whichever is earlier, the Zoning or Construction Official shall cause to be issued a Summons and Complaint, returnable in the municipal Court, charging violation of this ordinance. The Zoning or Construction Official shall also notify the Chairperson of the Historic Preservation Commission of this action.

D. If a violation involves ongoing unauthorized construction or demolition work, the Construction Official shall immediately issue a stop work order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119, *et seq.*

E. The penalty for violations shall be as follows:

(1) For each day, up to ten (10) days: not more than one thousand dollars (\$1,000.00) per day;

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(2) For each day, eleven (11) to twenty-five (25) days: not more than one thousand and five hundred dollars (\$1,500.00) per day;

(3) For each day beyond twenty-five (25) days: not more than two thousand dollars (\$2,000.00) per day; and

(4) In the case of a demolition without a permit therefor, a violation shall be punishable by fine of up to ten thousand dollar (\$10,000.00).

F. In the event that the Zoning Official or Construction Official is made aware that demolition or removal of a Historic Structure of structure in the Historic District is about to occur without a proper permit having been issued, he or she is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of any Historic Structure. The Chairperson of the Historic Preservation Commission shall be informed immediately of this action.

SECTION 2. Section 12-3 of the Code of the Town of Clinton regarding responsibilities of the Historic Preservation Commission is amended as follows (Deletions noted with strikethrough ~~thus~~ and additions noted in bold italic *thus*):

§ 12-3 Responsibilities.

The Historic Preservation Commission shall have the responsibility to:

- A. Prepare a survey of historic sites.
- B. Coordinate with the Land Use Board as appropriate on historic sites.
- C. Work with individuals, groups and other political entities to further historic interests.
- D. Study the advisability of historical districts within the town.
- E. Carry out such other advisory, educational and informational functions as will promote historic preservation in Clinton.
- F. Establish a home for historic artifacts and provide leadership in the community for the collection, display of and enjoyment of historic memorabilia and events.
- G. In consultation with the Historic Preservation Officer, review of applications for permits to demolish or partially demolish Historic Structures as set forth in Article XV.*

SECTION 3. Section 73-3(G)(10) regarding permit fees for demotion shall be amended as follows (Deletions noted with strikethrough ~~thus~~ and additions noted in bold italic *thus*):

- (10) Demolition fees shall be as follows:

(a) For one- and two-family structures less than 5,000 square feet and less than 30 feet in height, and structures on farms used exclusively for storage of food or grain or sheltering of livestock, the fee shall be \$200 per building.

(b) For all other use groups, the fee shall be \$200.

(c) *In addition to the nonrefundable demolition application fees, for all Historic Structures subject to Section 88-109, the applicant shall be required to establish, at the time of application, an escrow account with the Town to cover the cost of professional services in connection with the review of said application, including all engineering, planning, expert review, and consultation fees and services of the Town. Such fee shall be payable by cash, check or money order.*

[1] At the time of submitting an application for the demolition of a Historic Structure, the applicant shall be required to execute an escrow agreement, in a form approved by the Town Attorney, to cover all necessary and reasonable costs incurred by the approving authority for technical and professional review of the application.

[2] Initial escrow deposits. The initial escrow deposit shall be \$1,000.

[3] Replenishment of escrow. The escrow associated with each application shall be replenished whenever the original escrow is reduced by charges against the account to 35% (i.e. \$350) or less of the original amount. The account administrator shall notify the applicant to replenish the escrow, and the applicant shall, upon request, replenish the account to the original escrow amount. No further consideration, review, processing or inspection shall be performed by or on behalf of the Town until the additional escrow has been deposited.

[4] Accounting. The applicant may request an accounting of the expenses or fees paid for professional review. Such request shall be in writing to the administrative officer. The applicant shall be responsible for any cost incurred by the municipality in having its professional and administrative staff prepare an accounting of the fees expended. Any remaining balances shall be returned to the applicant within 60 days after a request in writing from the applicant and issuance or denial of a demolition permit.

SECTION 5. Town of Clinton Code Section 4-28, entitled "Historic Preservation Officer" is added as follows:

A. Appointment; term. There shall be an Historic Preservation Officer appointed by the Council for a term of one year. The Historic Preservation Officer shall receive such compensation as may be agreed upon and determined by the Council. He or She shall be a duly licensed professional architect of the State of New Jersey.

B. Duties. The Historic Preservation Officer shall perform the following duties:

(1) Review of applications pursuant to Article XV and drafting of necessary reports.

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(2) Provide technical advice and assistance to all Town departments concerning historic architecture as needed.

(3) Upon the termination of his or her service with the Town, surrender all papers, documents, memoranda, reports and other materials relating to the administration of his or her duties.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 7. 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 8. This Ordinance shall take effect upon final passage and publication, all in accordance with the law.

Vote all ayes
Motion carried

Notices of this ordinance will be mailed to all residents in the designated Historic District of the Town of Clinton.

A notice of this ordinance will be published in the Hunterdon Review. A public hearing will be held October 13, 2021.

INTRODUCTION OF ORDINANCE #21-23 – REVISED INDUSTRIAL TRACT

Attorney St. Angelo revised the original ordinance and has reviewed the changes with council. A motion was made by Ms. Johnson, seconded by Ms. Intrabartola, to introduce Ordinance #21-23 as amended and submitted:

ORDINANCE #21-23

ORDINANCE RESCINDING AND VACATING ORDINANCE 21-17 AND AMENDING SECTION 88-56 OF THE CODE OF THE TOWN OF CLINTON PROHIBITING WAREHOUSE USES AS A PRINCIPAL USE IN THE INDUSTRIAL DISTRICT AND PERMITTING WAREHOUSE USES ONLY AS AN ACCESSORY USE IN THE INDUSTRIAL DISTRICT

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

WHEREAS, the Council previously adopted Ordinance 21-17 on July 14, 2021, which amended Section 88-56 of the Code of the Town of Clinton (the “Code”) prohibiting warehouse uses in the Industrial District and only permitting such uses as accessory uses; and

WHEREAS, litigation has been initiated challenging the sufficiency of the notices issued regarding the public hearing for Ordinance 21-17; and

WHEREAS, the Town Council has

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determined that it is in the best interest of the Town to adopt the within Ordinance regarding warehouse uses in the Industrial District and publish and issue more detailed notices regarding the public hearing for the within Ordinance; and

WHEREAS, the Town Council, after introduction of the within Ordinance, referred the Ordinance for its review pursuant to the requirements of N.J.S.A. **40:55D-26 and N.J.S.A. 40:55D-64**; and

WHEREAS, the Town Land Use Board issued an opinion regarding the Ordinance's consistency with the goals and objectives of the Town's Master Plan Reexamination adopted on December 6, 2018; and

WHEREAS, the Town's Industrial District encompasses one approximately 73-acre area known as "the Industrial Tract;"

WHEREAS, the "Periodic Reexamination of the Master Plan and Development Regulations" dated December 16, 2018 notes that the "Industrial Tract" has limited vehicle access and states:

- The intersection providing access to the tract, which includes Interstate 78's off-ramp to Clinton-Pittstown Road, is beyond capacity and, therefore, experiences severe vehicle congestion.
- Vehicle access to the tract is limited to one street which only connect to Clinton-Pittstown Road.

WHEREAS, the Mayor and Council have determined, based upon advice from the Town Planner, that warehouse uses are inappropriate for a tract with limited vehicular access; and

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

SECTION 1. Section 88-56(A) of the Code of the Town of Clinton ("Code") regarding permitted uses in the "Industrial Districts" is amended to delete subsection (5), "Warehouses and wholesale distribution centers," as permitted uses.

SECTION 2. Section 88-56(B) of the Code of the Town of Clinton ("Code") regarding accessory uses in the "Industrial Districts" is amended to include certain warehousing uses as accessory uses by adding subsection (6) as follows:

- (6) Warehousing, directly related and customarily accessory to the principal use for the storage of any type of goods, materials, products, supplies, or equipment used in connection with the principal permitted use or any products produced in connection with the principal permitted use.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies. Specifically, Ordinance 21-17 is rescinded and vacated.

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

SECTION 5. The Town Clerk is hereby directed, upon adoption of this ordinance after public

hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

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

Vote all ayes
Motion carried

A copy of this ordinance will be published in the Courier News edition of September 11, 2021 and a public hearing is scheduled for September 22, 2021. Certified mailing sent to interested parties advising them of the introduction and public hearing date.

RESOLUTION #137-21 – AMENDMENT TO AGREEMENT – LOCAL 469

A motion was made by Ms. Dineen, seconded Ms. Johnson, to adopt Resolution #137-21 as submitted:

RESOLUTION #137-21

**RESOLUTION AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWN OF CLINTON AND THE TEAMSTERS LOCAL 469**

WHEREAS, on April 28, 2021, the Mayor and Council of the Town of Clinton ratified the Collective Bargaining Agreement between the Town and the Teamsters Local 469 via Resolution #84-21; and

WHEREAS, the Town of Clinton and Teamsters Local have subsequently agreed to make certain changes to the terms and conditions of the Collective Bargaining Agreement, specifically amendments to “Schedule A” and “Schedule B” by creating the position of Crew Leader and an associated annual stipend for that position: and

WHEREAS, the following amendments have been agreed upon:

- The current version of “Schedule A”, entitled “Rates of Pay” will now include an annual (prorated) stipend of \$2,500 for any employee who is appointed to the position of Crew Leader.
- The current version of “Schedule B” is amended to include the job description and requirements for the position of Crew Leader.
- Article 17 – Probationary Period is amended to include the following Paragraph 2: “The probationary period for employees appointed to the position of Crew Leader is set forth in ‘Schedule B.’”
- Article 20 – Post and Bid Procedure, Paragraph 1, is amended to add the following sentence: “Notwithstanding the foregoing, employees appointed to the position of Crew Leader will be given a trial period of six (6) months as set forth in ‘Schedule B.’”; and

WHEREAS, upon adoption of this resolution,

1. All references to “Schedule A” and “Schedule B” in the Collective Bargaining Agreement shall now refer to the amended versions referenced herein.

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2. All existing terms and conditions not referenced in this Resolution shall remain in full effect and cannot be altered or amended without the mutual consent of the Town of Clinton and the Teamsters Local 469.; and

WHEREAS, Teamsters Local 469 has approved the amendments to the Collective Bargaining Agreement as described in the preceding paragraphs.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby authorize and ratify the amendments to the Collective Bargaining Agreement between the Town of Clinton and Teamsters Local 469 as more fully described in the preceding paragraphs in this Resolution, which are expressly incorporated herein by reference.

BE IT FURTHER RESOLVED that the Town of Clinton shall enter into and execute an amended Collective Bargaining Agreement incorporating the amendments set forth in this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are expressly conditioned on Teamsters Local 469 having approved the aforesaid amendments to the Collective Bargaining Agreement, and the provisions contained herein shall have no force or effect absent such approval by Teamsters Local 469.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Town of Clinton Chief Financial Officer and the Teamsters Local 469.

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

Vote all ayes
Motion carried

RESOLUTION #138-21 – DISCHARGE OF MORTGAGE – 6 WOODCREST LANE

A motion was made by Mr. Humphrey, seconded by Ms. Johnson, to adopt Resolution #138-21 as submitted:

**RESOLUTION # 138-21
A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE**

WHEREAS Kathy L. Fillingness purchased a home at 6 Woodcrest Lane, Clinton, New Jersey, on June 16, 2005; and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton; and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Kathy L. Fillingness executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on August 21, 2005 in Deed Book 2878 on page 439 (the “COAH Mortgage”); and

WHEREAS Kathy L. Fillingness died testate, a resident of Hunterdon County, on February 11, 2021, and Todd L. Bolig was appointed as Executor of her estate; and

WHEREAS, on July 15, 2021, the Estate of Kathy L. Fillingness' sold the home to Katelin Savacool who has executed a mortgage to the Affordable Housing Authority, which mortgage has been duly recorded;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Kathy L. Fillingness to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #139-21 – DISCHARGE OF MORTGAGE – 3 ROLLING HILL ROAD

A motion was made by Ms. Karsh, seconded by Ms. Intrabartola, to adopt Resolution #139-21 as submitted:

**RESOLUTION # 139-21
A RESOLUTION CONCERNING DISCHARGE OF
AFFORDABLE HOUSING MORTGAGE**

WHEREAS Peter Postma purchased a home at 3 Rolling Hill Road, Clinton, New Jersey, on February 27, 2009; and

WHEREAS this home was designated as an Affordable Housing unit in the Town of Clinton; and

WHEREAS pursuant to the State of New Jersey Department of Community Affairs, Division of Housing regulations, Tara Wean executed a mortgage to the Town of Clinton Affordable Housing Authority which was recorded in Hunterdon County, New Jersey, on March 5, 2009 in Deed Book 3318 on page 812 (the "COAH Mortgage") ; and

WHEREAS, on June 18, 2021, the said Peter Postma sold the home to Andrew J. Seidorf, who has executed a mortgage to the Affordable Housing Authority, which mortgage has been duly recorded;

NOW THEREFORE BE IT RESOLVED that the Mayor has the authority to execute a Discharge of the Mortgage given by Peter Postma to the Town of Clinton Affordable Housing Authority.

Vote all ayes
Motion carried

RESOLUTION #140-21 – COMMUNITY CENTER AND FIELD FEES

A motion was made by Ms. Intrabartola, seconded by Ms. Johnson, to adopt Resolution #140-21 as submitted:

RESOLUTION #140-21

WHEREAS, §4-20.I.2 of the Code of the Town of Clinton (the Code) provides that the user charge for participation in the rental of the Community Center and the fields shall be established by yearly resolution of the Mayor and Council; and

WHEREAS, setting the fees is the responsibility of the Recreation Committee; and

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WHEREAS, the Town's current practice is to accept and review the fees as recommended by the Recreation Committee; and

WHEREAS, the Mayor and Council have received a schedule for the field rentals and community center rentals as follows:

Field Rentals

One-off rentals: \$35/field

Seasonal rentals: \$250 per field for 8-game season

Community Center suggested fee schedule

- Hourly exercise class rental fees: \$35/for-profit; \$25 non-profit
- Monthly exercise class rental fees: \$500/3-4 classes per week; \$750/5-6 classes per week; \$1000/7+ classes a week (Pricing includes cost to Town to clean multiple times weekly.)
- Key copy deposit (For weekly instructors only): \$20 for one key to be refunded upon return of key.
- Equipment storage rental: \$50 – onetime fee includes copy of key to Town's padlock
- Private parties (half-day rental): \$50/resident; \$75/nonresident with a \$50 deposit for events without food and \$150 for events with food.
- Non-profit events: Charge a resident fee \$50.
- For-profit events: \$100/half day; \$200/full day

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the proposed fees are hereby accepted.

Vote all ayes
Motion carried

RE-OPENING OF MUNICIPAL BUILDING

Mayor Kovach reported the State plans to re-open offices on October 18, 2021 and would like the Town of Clinton maintain the same schedule. A motion was made by Mr. Humphrey, seconded by Ms. Karsh, to follow the State's re-opening schedule, October 18, 2021.

Vote all ayes
Motion carried

SPECIAL EVENT APPLICATIONS

Two event applications were received from Eric Eisenhart of Base Camp 31. Main Street Half Marathon for October 10, 2021 and Santa Con 8K for December 18, 2021. Council was not able to review the applications and questions regarding the events and insurance exist. The applications will be tabled and revisited at the September 22, 2021 council meeting.

BANNER REQUEST - HUNTERDON ART MUSUM

A motion was made by Ms. Johnson, seconded by Mr. Humphrey, to approve the banner request for the Hunterdon Art Museum to display a banner September 20 through September 25, 2021.

Vote all ayes
Motion carried

ANSUYA SEWER DISCUSSION

Mr. and Mrs. Hemant Desai, owners of the Marriott on Route 31, Town of Clinton, attended this evening with their realtor, Jim Scordo and Attorney Howard Apgar to discuss the current sewer billing. As the agreement states, Mr. Desai was being charged for sewer usage consistent with Town of Clinton Ordinances, the agreement between the Town and Clinton Township Sewer Authority and Ansuya. The Agreement states that the Town agrees to accept up to 21,052 gallons of wastewater per day from the “TRACT” in accordance with the Town’s standard rates and in accordance with any ordinance that was then in effect of the Town. Attorney Apgar stated that only Phase I of the project has been completed and therefore feels his client should not be paying the entire reservation, rather than its actual usage for the hotel only.

Attorney St. Angelo explained that if Mr. Desai wishes to reduce his sewer allocation, than can submit an amended sewer allocation application to reduce the allocation to be just for the hotel. However, it was further explained that Ansuya would lose the right to the sewer allocation for the other two phases of the project and would have to reapply. This could possibly create a potential for the sewer capacity not to be available at the time they reapply. Furthermore, such an amendment would not entitle Mr. Desai to a refund of sewer fees already paid and still outstanding. Ansuya would be required to pay new application fees and connection fees if he chooses to reduce allocation and eventually request the increase.

Land Use Board requires proof of utilities paid to date.

CORRESPONDENCE - NONE

REPORTS OF COUNCIL

Richard Phelan, Business Administrator

Mr. Phelan reported that Department of Public Works has been working hard to clean up from Hurricane Ida and doing a wonderful job! Two dumpsters will be delivered to the municipal parking lot for residents use in disposing of flood damaged property. Phones have been down in areas of Town as well as the Wastewater Treatment Plant, Century Link station was underwater and they are working on restoring service.

Councilwoman Johnson

Recreation Committee – park update – ordered a new activity board for the slide, 10-12 week lag in delivery. Holding steering committee on Monday, September 20, 2021 at 7:00 p.m. Email blast going out inviting interested parties. Took count on inventory at the community center, 12 tables and lots of chairs.

Week of September 6 is Suicide Awareness Week. There are multiple hot lines for people suffering from depression. Suicide Prevention number is 1-855-654-6735 or text 741741. For adolescents the number is 888-222-2228. Please reach out for help, there are many services available.

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Base Camp 31 is looking for volunteers to continue the cleanup in the Hunterdon Art Museum and thank you to those who have already come out to help.

Councilwoman Dineen

Land Use Board next meeting will be September 21, 2021, Moebus Tract application to begin.

Roads – Georges Place milling and paving to begin soon. 21 feet of gas lines installed and 14 service lines connected.

Monday September 13, 2021 concrete sidewalk to be installed on Union Road.

Two new solar signs have been received for Union Road, a new one will replace the existing one on Halstead Street.

Councilwoman Karsh

All committee meetings will be held within the next two weeks.

Councilman Traphagen

The Platinum Brunch will be held Sunday, September 12, 2021, doors open at 11:30 a.m. Food will be served buffet style. There will also be music performed by one of the musicians from Music on Main. Round tables will be set up in the bays of the fire house to provide plenty of ventilations and six guests per table. Numbers are increasing every day! Looking forward to a great turnout!

STANDBY AND OVERTIME

A motion was made by Mr. Humphrey seconded by Ms. Johnson, to approve the standby and overtime attached to these minutes for the period of August 19 through September 2, 2021.

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

Vote all ayes
Motion carried

PAYMENT OF BILLS

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

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

Vote all ayes
Motion carried

ADJOURNMENT

There being no further business, a motion was made by Ms. Johnson, seconded by Mr. Humphrey to adjourn the meeting at 8:39 p.m.

Cecilia Covino, RMC/CMC
Municipal Clerk

Janice Kovach, Mayor

