

Mayor Janice Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Carberry, Pendergast, Shea, Smith, Sosidka, Mayor Kovach
Absent - Rylak

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.”

APPROVAL OF MINUTES

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to approve the council meeting minutes of December 27, 2013 as submitted.

Vote all ayes
Motion carried

A motion was made by Mr. Carberry, seconded by Mr. Shea, to approve the re-organization meeting minutes of January 7, 2014 as submitted.

Vote all ayes
Motion carried

APPROVAL OF MONTHLY REPORTS – DECEMBER

A motion was made by Mr. Carberry, seconded by Mr. Shea, to accept the Monthly Reports for the month of December as submitted: Administrator’s Report, clerk’s Account, Cat and Dog Licensing Accounts, Construction Control/Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report – December and Year End, Water collector’s Report, Treasurer’s Report, Wastewater Treatment Plants Superintendent’s Report, zoning Office Report.

Vote all ayes
Motion carried

PUBLIC COMMENT

1. Mr. Walter Dorf, Chief of the Clinton Fire Department, reported the activity for December and the 2013 totals for the year. For December there were 2 meetings (53 man hours), 6 other details (191 man hours), 2 fund raisers (56 man hours), training (540 man hours), and 20 alarm responses (96.39 man hours). The total for the year 2013 are 16 meetings (376.5 man hours), 55 other details (1173 man hours), 20 fund raisers (685.4 man hours), 38 training sessions (1786.25 man hours), and 296 alarm responses (1318.84 man hours). The grand total numbers for 2013 were 425 events (5339.99 man hours). Chief Dorf thanked the council for all their support throughout the year and the future years.
2. Mr. Philip Richardson, owner of rental property at 31 Halstead Street, requested if something can be done about where the plows move the snow on Halstead Street. Mr. Philip stated when the plows come down the street the snow from the street goes onto the sidewalk. The sidewalks are right next to the

curb. Then he must remove the snow by hand manually from the sidewalk. Mr. Philip suggested the plows not come so close to the curb and leave the snow about two feet from the curb. There are only sidewalks on one side of the street and there is only parking on one side so therefore it may be possible to leave the snow in one lane on Halstead Street. Mayor Kovach responded saying the issue will be brought to the Road Committee for them to discuss. Councilman Shea said will experiment and see if something can be done at the next Road Committee.

3. Mr. Philip, owner of rental property of 31 Halstead Street, also suggested there be lines down the middle of Halstead Street. Drivers have no guideline on which lane to stay in. Councilman Shea responded saying that sometimes having lines on the road causes motorists to drive faster down the street. Mr. Shea stated Clinton Township by Red School House Road removed the lines because of this issue. Town Attorney Cushing commented the lines do not regulate speed. Mayor Kovach stated the Road Committee will also discuss this issue.

4. Mr. Walter Hetzel, 36 West Main Street, brought up the issue of parking. He stated years ago the Clinton Guild, Hunterdon Art Museum and the State did a study back in the 90's about the parking and the result was that there was plenty of parking. The main issue is the inadequate signage to direct the visitors where the parking is. As of now the Town has small historic signs with an antique car on it and in small letters parking. Mr. Hetzel would like different signs and better clarification where the parking is. As of now there is no sign stating you can park at the Municipal Building lot. Mayor Kovach responded that the Town did look into better signs however the cost was over budget at this time. Mayor Kovach will have the Road Committee look into new signs and the placement of signs.

5. Mr. Walter Hetzel, 36 West Main Street, also committed on Mr. Philips issue about the snow plowing. Mr. Hetzel stated his street is maintained by the State Department of Transportation (NJDOT) and has the same issue. The state's plows are much heavier and throw the snow further on the sidewalk. Mr. Hetzel said the crosswalks by Route 173 and Leigh Street as well as Leigh Street and Main Street need to be clear for the children to walk to school.

MAYOR'S COMMENTS

1. Mayor Kovach appointed Dave Kurtiak, 5 Busher Place, to the Newsletter/Web Communication Committee.

PRESENTATION OF PROCLAMATION – PATTY HATALLA

Mayor Kovach presented and read a proclamation to Patty Hatalla for all her time and devotion to the Town's web site as well as the newsletter. Mrs. Hatalla was on the committee from the start of the web site helping to create and design it. Mrs. Hatalla with the assistance of her husband Tony Hatalla also was responsible for the newsletter before it was taken over in house. She remained on the committee and dedicated many years to maintaining and updating the web site and newsletter. The Mayor and Council thanked her for her countless hours. Mrs. Hatalla did a great job and will be missed. Mrs. Hatalla said it was a pleasure working for the Town.

INTRODUCTION OF ORDINANCE #14-01 – AMENDMENTS TO CHAPTER 80

Fuel Tanks and dumpsters

A motion was made by Mr. Carberry, seconded by Ms. Sosidka, to introduce Ordinance 14-01 on first reading as submitted:

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE # 14-01

AMENDING CHAPTER 80 ENTITLED "FUEL TANKS AND DUMPSTERS" OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, the Fire Subcode and Code Enforcement Official of the Town of Clinton has recommended to the Mayor and Council that Chapter 80 of the Code of the Town of Clinton be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 80 entitled "Fuel Tanks and Dumpsters" of the Code of the Town of Clinton ("Code") is hereby amended as follows: (1) those portions of the Code set forth below are hereby amended as follows; and (2) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Section 80-2 of the Code of the Town of Clinton entitled "License Required" is hereby amended to reflect that a license will be required for any fuel tank or dumpster of ten cubic yards or less.

SECTION 2. Section 80-3 of the Code of the Town of Clinton entitled "Anchoring Standards; Inspections" is hereby amended as follows:

Subsection A is deleted in its entirety and replaced with the following:

- A. All aboveground fuel storage tanks and dumpsters of 10 cubic yards or less in volume shall be securely anchored to the ground by an approved method.
1. New Aboveground fuel storage tanks shall be anchored in such a manner that is in accordance with the Uniform Construction Code, N.J.A.C. 5:23-1 et seq.
 2. Existing Aboveground fuel storage tanks shall be anchored in such a manner that will result in the resistance to movement created by an external force being placed upon the fuel storage tank. This external force can be due to, but is not limited to, wind or flood waters. The anchoring system shall be capable of resisting movement based on the associated formula to determine the force exerted on the anchoring system by the fully loaded container.
 3. All dumpsters subject to this chapter shall be anchored in such a manner that will result in the resistance to movement created by an external force being placed upon the dumpster. This external force can be due to, but is not limited to, wind or flood waters. All components of the anchoring system shall be capable of resisting a force of at least 4730 Newtons (1065 pounds) based on a loaded dumpster's total average weight of approximately 431 kilograms (950 pounds).

SECTION 3. Section 80-4 of the Code of the Town of Clinton entitled "Violations and Penalties" is hereby amended to read as follows:

It shall be a violation for failure to comply with any part of this chapter. The Town of Clinton Code Enforcement Officer, Zoning Official or Police Department shall enforce the provisions of this article. Any person who shall violate the provisions of this article shall, upon conviction, be

punished by a fine not to exceed \$2,000, by imprisonment for a term not to exceed 90 days or by a period of community service not to exceed 90 days, or any combination thereof.

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.

A copy of this ordinance will be published in the January 22, 2014 edition of the Hunterdon Review. The second reading and public hearing will be held February 11, 2014.

Vote all ayes
Motion carried

INTRODUCTION OF ORDINANCE #14-02 – AMENDMENTS TO CHAPTER 70

Dwellings, Unit Rental of

A motion was made by Mr. Smith, seconded by Mr. Carberry, to introduce Ordinance 14-02 on first reading as submitted:

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE # 14-02

ORDINANCE AMENDING CHAPTER 70 ENTITLED “DWELLINGS, UNIT RENTAL OF” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY

WHEREAS, the Fire Subcode and Code Enforcement Official of the Town of Clinton has recommended to the Mayor and Council that Chapter 70 of the Code of the Town of Clinton be amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon, that Chapter 70 entitled “Dwellings, Unit Rental of” of the Code of the Town of Clinton (“Code”) is hereby amended as follows: (1) those portions of the Code set forth below are hereby amended as follows; and (2) portions of the Code not set forth below shall remain unchanged:

SECTION 1. Section 70-1 of the Code of the Town of Clinton entitled “Definitions” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions with strike-through ~~thus~~);

Definitions contained within the 2009 International Property Maintenance code shall be used within this chapter unless modified herein as indicated; As used in this chapter, the following terms shall have the meanings indicated:

Section 70-1 (Definitions) is hereby further amended and supplemented to modify the definitions of the following terms as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

DWELLING, STANDARDS TO BE APPLIED - For all dwellings in the Town of Clinton, the following standards are adopted by reference: In accordance with the provisions of N.J.S.A. 40:49-5.1, ~~and the~~ New Jersey State Housing Code N.J.A.C. 5:28-1.11 *et seq.*, ~~and the~~ International Property Maintenance Code, ~~2000~~ **2009** Edition *et seq.*, ~~excluding sections~~ 101.1, 102.3, 103, 106.3, 107.2 #6, 109.6, ~~and 111, Means of Appeal~~, is hereby adopted as the standard governing supplied utilities, facilities and other physical things and conditions to make buildings and dwellings, both residential and nonresidential, safe, sanitary and fit for human habitation, occupancy or use. *Where there is a conflict or discrepancy between the above referenced codes, the provisions and procedures within the 2009 International Property Maintenance Code shall govern.*

RENTAL HOUSING OFFICER - The person authorized by the chapter to issue ~~permits~~ *certificates* and conduct inspections *in accordance with this chapter.*

Section 70-1 (Definitions) is hereby further amended and supplemented to add the following definitions:

NET OCCUPIABLE FLOOR AREA - The area of the room or space in square feet that can physically be occupied and excludes thicknesses of walls, closets, bathrooms and similar spaces or items within the room where simultaneous occupancy would not occur.

GROSS OCCUPIABLE FLOOR AREA - The area of the room or space in square feet that can be occupied including thicknesses of walls, bathrooms, closets, hallways, and similar spaces or items.

UNIFORM FIRE CODE - Uniform Fire Safety Act, N.J.S.A. 52:27D-192 *et seq.*, and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 *et seq.*

SECTION 2. Section 70-2 of the Code of the Town of Clinton entitled "Landlord's Registration Statement Required" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

~~Within 90 days of the effective date of this chapter e~~ *Every residential* landlord in the Town of Clinton shall make application for, and file with the Rental Housing Officer, a landlord registration statement for every building containing one or more dwelling units occupied by one or more tenants. Thereafter, the rental certificate of occupancy shall be renewed annually each March 1. *Every 3 years, every landlord within the Town of Clinton shall file an updated Landlord Registration Statement with the Rental Housing Officer.*

SECTION 3. Section 70-3 of the Code of the Town of Clinton entitled "Application for Landlord's Registration Statement" is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions Indicated with strike-through ~~thus~~):

An application form for a landlord's registration statement shall be available from the Town Clerk and shall not be deemed complete unless the applicant provides the following for each

building containing one or more dwelling units rented to one or more tenants owned by the landlord in the Town:

- A. Name, address and phone number of the landlord.
- B. Address of building ("building").
- C. Number of dwelling units in the building.
- D. **Completed application for rental certificate of occupancy in accordance with section 70-5,**
~~For each dwelling unit in the building:~~
 - ~~(1) Identify the unit number or other identifying information.~~
 - ~~(2) Set forth the gross floor area in square feet of each room occupied for sleeping purposes.~~
 - ~~(3) Set forth the total gross floor area in square feet of habitable rooms.~~
 - ~~(4) Total number of tenants permitted in the dwelling unit.~~
- E. Proof of current payment of property taxes, assessments against property, municipal water and sewer charges, or other municipal charges, or assessments pursuant to N.J.S.A. 40:52-1.2.
- F. Payment of registration fees.
- G. In the event of a change in landlord of the dwelling unit, a new landlord registration statement shall be filed with the ~~Town Clerk~~ **Rental Housing Officer within 30 days of the landlord change.**

SECTION 4. Section 70-4 of the Code of the Town of Clinton entitled "Rental certificate of occupancy required" is hereby amended and supplemented as follows (Additions indicated in boldface and italics **thus**; deletions indicated with strike-through ~~thus~~):

No landlord shall permit a tenant to occupy, let or re-let to a tenant, nor shall any person or persons lease or occupy any vacant dwelling unit, without obtaining a rental certificate of occupancy certifying that the dwelling unit complies with the provisions of ~~the most current, applicable version of the 2000~~ International Property Maintenance Code **referenced in section 70-1**, this chapter and any other applicable laws and regulations.

SECTION 5. Section 70-5 of the Code of the Town of Clinton entitled "Application for Rental Certificate of Occupancy" is hereby amended and supplemented as follows (Additions indicated in boldface and italics **thus**; deletions Indicated with strike-through ~~thus~~):

An application form for a rental certificate of occupancy shall be available from the Town Clerk and shall not be deemed complete unless the applicant provides the following:

- A. Name, **physical and mailing** address, ~~and~~ phone number **and email address** of the landlord.
- B. Address and dwelling unit number or other identifying information for the dwelling unit.
- C. (Reserved)
Editor's Note: Former Subsection C, requiring the names of all tenants to reside in the dwelling unit, was repealed 3-27-2007 by Ord. No. 07-03.
- D. Total number of occupants who are to reside in the dwelling unit.
- E. The date tenancy commenced or will commence.
- F. ~~Total~~ **Gross occupiable** floor area in square feet of **each** habitable rooms **other than rooms occupied for sleeping purposes.**
- G. ~~Total gross~~ **Net occupiable** floor area in square feet of **each** room occupied for sleeping purposes.
- H. Total number of tenants permitted in the dwelling unit **based on the requirements outlined within the International Property Maintenance Code referenced in section 70-1.**

I. A certification from the landlord that the dwelling unit is in compliance with the applicable sections of the ~~2000~~ International Property Maintenance Code ***referenced in section 70-1***, this chapter and all applicable laws and regulations.

J. A certification from the landlord that the dwelling unit to be rented complies with this chapter.

K. A certification from the landlord that he/she will not authorize more than the maximum permitted tenants to occupy the dwelling unit.

L. A certification from each ***adult*** tenant who has signed the lease, or who entered into the oral lease, that the tenants will not permit more than the permitted number of tenants to occupy the premises.

Editor's Note: Former Subsection M, requiring a fully executed copy of each lease agreement, which immediately followed this subsection, was repealed 3-27-2007 by Ord. No. 07-03.

SECTION 6. Section 70-7 of the Code of the Town of Clinton entitled "Limitations of Occupancy" is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~):

The maximum number of persons which may inhabit a dwelling unit shall be computed as follows:

A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

B. Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements as set forth in the ~~2000~~ International Property Maintenance Code ***referenced in section 70-1***.

C. Maximum occupancy. The maximum number of tenants inhabiting a building rented for residential purposes shall be stated in the rental certificate of occupancy.

SECTION 7. Section 70-8 of the Code of the Town of Clinton entitled "Minimum Standards for Room Occupancy: Light, Ventilation, Bath and Kitchen Requirements, and Decks" is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~):

- Light and ventilation. ~~Every room containing habitable space must have at least one window capable of being opened or other opening directly upon a street, yard, court or other open space. The total area of such opening shall be not less than 12% of the floor area of such room and in no case less than 12 square feet as set forth in the 2000 International Property Maintenance Code. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. All other rooms and spaces shall be in accordance with the International Property Maintenance Code referenced in section 70-1.~~

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

- Bathroom and kitchen. Each dwelling unit shall contain a full bathroom (including a water closet, lavatory and either a bathtub or shower) and a kitchen, meaning an area for the preparation of food (including a stove and sink). ***Access to the water closet shall be in accordance with the International Property Maintenance Code referenced in section 70-1.***
- Maximum deck, balcony or porch space. The maximum allowable number of people on any deck, balcony or porch shall be one person per nine square feet in accordance with the maximum standing room space allowed as per the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.
- Structures that preexisted the adoption date of this chapter may continue to be used as a dwelling unit notwithstanding they do not meet the requirements of this chapter, providing their continued use is permitted by the ~~2000~~ **2009** International Property Maintenance Code, Section 105, and the Uniform Fire ~~Code Safety Act, N.J.S.A. 52:27D-192 et seq., and New Jersey Uniform Fire Safety Code, N.J.A.C. 5:70-1.1 et seq.,~~ (jointly referred to as "~~Uniform Fire Safety Code~~"). The landlord shall submit a written request with the application for the rental certificate of occupancy for such continued use along with a written explanation as to how compliance with the ~~2000~~ **2009** International Property Maintenance Code and the Uniform Fire Safety Code creates practical difficulties.

SECTION 8. Section 70-9 of the Code of the Town of Clinton entitled "Violation of Occupancy Requirements, Inspections and Enforcement" is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~):

It shall be unlawful and in violation of this chapter for a landlord, owner or a tenant of a dwelling unit to allow a greater number of people than the permitted maximum number of tenants listed in the rental certificate of occupancy to rent or occupy any dwelling unit.

A. It shall also be unlawful and in violation of this chapter for a tenant, landlord or an owner to allow a number of people greater than the maximum number of people permitted to occupy the deck, balcony or porch of said dwelling unit to occupy the deck, balcony or porch of said dwelling unit.

B. The Housing Enforcement Officer is authorized to issue summons for violations of this chapter to any owner, landlord or tenant found to be in violation of this chapter.

C. Inspections. The Rental Housing Officer or his agents or duly designated designee shall make inspections to determine the condition of dwellings containing a dwelling unit to be rented to a tenant prior to the issuance of a rental certificate of occupancy. An initial inspection shall not be required until a change of tenancy has occurred. For the purpose of making inspections, the Rental Housing Officer is authorized to enter and examine any dwelling, dwelling unit, rooming unit or premises at such reasonable hours as the circumstances of the case permit with the permission of an occupant, tenant, owner or landlord. In the event entry is denied, then, upon advice of the Municipal Attorney, recourse to a court of competent jurisdiction shall be pursued. ***No inspection or re-inspection shall be made until all fees required by this chapter has been paid in full.***

D. Upon inspection by the Rental Housing Official, if violations are found to exist, a Notice of Housing Code Violation and Order to Correct shall be issued identifying the violations to the owner and/or tenant. This form shall be formatted and delivered as prescribed within section 107 of the International Property Maintenance Code referenced in section 70-1.

E. Each dwelling unit shall have immediate access to an approved fire extinguisher installed in accordance with the Uniform Fire Code.

F. Each dwelling unit shall have an approved carbon monoxide detector installed in accordance with the Uniform Fire Code.

SECTION 9. Section 70-10 of the Code of the Town of Clinton entitled “Unlawful Activities” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

It shall be unlawful and in violation of this chapter for a landlord or owner of a dwelling unit or tenant of a dwelling unit or apartment:

- A. To permit or allow people to reside in a dwelling unit in a number in excess of the number of people for which sleeping accommodations are provided in accordance with this chapter.
- B. To lease or rent a dwelling unit where the number of tenants exceeds the total number of sleeping accommodations as set forth in § 70-7 of this chapter.
- C. To knowingly permit a number of people, greater than the maximum number of occupants or tenants permitted, to occupy a dwelling unit.
- D. To rent a dwelling unit without securing a rental certificate of occupancy therefor.
- E. For the landlord to fail to file with the Rental Housing Officer a landlord registration statement as required by § 70-2 of this chapter for each building owned by him/her in the Town of Clinton containing a dwelling unit.
- F. For a landlord to let, lease or permit any adult tenant to occupy a dwelling unit without obtaining a rental certificate of occupancy as required by this chapter.
- G. To violate any other provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq., the ~~2000~~ **2009** International Property Maintenance Code or the Uniform Fire ~~Safety~~ Code.
- H. To enter into a lease agreement without at least one tenant being an adult, and requiring all adult tenants to sign the lease.
- I. To violate any section of this chapter.
- J. To submit false or misleading information within an application for a landlord's registration statement or a rental certificate of occupancy.***
- K. Failure to pay in full any required fee indicated within this chapter.***

SECTION 10. Section 70-13 of the Code of the Town of Clinton entitled “Fees” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

There shall be a \$50 fee to file a landlord registration statement for each building containing one or more dwelling units.

- A. There shall be a \$35 fee paid by each landlord to obtain a rental certificate of occupancy.
- B. There shall be a ~~\$25~~ ***\$15*** fee for ***the initial*** each ***change of tenant*** ~~reinspection~~ of a dwelling unit in connection with an application for a rental certificate of occupancy.
- C. There shall be a \$20 fee for each dwelling unit where there are 5 or more violations of this chapter present and of which a re-inspection to determine abatement and compliance is necessary. This fee shall be due within 30 days of the issuance of a Notice of Housing Code Violation and Order to Correct.***

SECTION 11. Section 70-15 of the Code of the Town of Clinton entitled “Appeals” is hereby renamed “Appeal Rights and Rights and Requests for Extensions of Time” and is further amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

- Any ~~applicant~~ ***owner, agent, landlord, tenant, and any person or corporation*** denied ~~the a~~ rental certificate of occupancy under this chapter ***or aggrieved by a Notice of Housing Code Violation and Order to Correct*** may appeal ***such action*** ~~the denial~~ within ~~10~~ ***15*** days thereof to the Public Works/Business Administrator of the Town of Clinton by a notice of appeal, in writing, served on the enforcing authority and on the Rental Housing Officer. The Rental

Housing Officer shall notify the occupant of the time and place of hearing. The hearing shall be held and the decision made within 20 days of the service of the notice of appeal.

- ***Any owner, agent, landlord, tenant, and any person or corporation served with a Notice of Housing Code Violation and Order to Correct may request an extension of time within 15 days of the issuance of such order. The request shall be in writing to the Rental Housing Officer and state the following:***
 - ***Date of original inspection,***
 - ***The items that have been completed,***
 - ***The items remaining to be completed,***
 - ***The specific reason/s why the uncompleted items need further time for abatement,***
 - ***The date when all uncompleted items will be abated,***
 - ***A statement that the request for an extension of time indicates that the person making the request acknowledges that the violations do or did exist,***
 - ***Signature of the person making the request,***
 - ***A statement of the applicant's rights to an appeal.***

SECTION 12. Section 70-16 of the Code of the Town of Clinton entitled "Violations and Penalties" is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~):

- In addition to the penalties set forth in § 70-12, any owner or agent, landlord, tenant, and any person or corporation who shall ***have been found guilty*** ~~violate any~~ of the provisions of this chapter shall be liable to a fine of ***at least \$250.00 but*** not more than \$1,250, community service or imprisonment for not more than 90 days, or a fine, community service and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation.
- ***Any owner, agent, landlord, tenant, and any person or corporation who having failed to abate any violation of this chapter after having been issued a Notice of Housing Code Violation and Order to Correct shall be subject to a penalty of at least \$50.00 but not more than \$100.00 for each unabated violation. Each unabated violation of this chapter shall be a separate and distinct violation and subject to a penalty.***
- ***The Rental Housing Officer may offer to reduce any penalty provided that such reduction is in the best interest of safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.***
- ***If a penalty order has not been satisfied by the 30th day after its issuance, the Rental Housing Officer may institute a civil penalty action by a summary proceeding under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58- 10 et seq.) in the Superior Court or municipal court.***

SECTION 13. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 14. 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 15. This Ordinance shall take effect upon final passage and publication according to law.

A copy of this ordinance will be published in the January 22, 2014 edition of the Hunterdon Review. The second reading and public hearing will be held February 11, 2014.

Vote all ayes
Motion carried

RESOLUTION #37-14 – TWA – TWIN PONDS

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #37-14 as submitted:

Vote all ayes
Motion carried

**TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION # 37-14**

WHEREAS, Park Valley Clinton, L.L.C., as Owner and Applicant for a Treatment Works Approval Permit before the State of New Jersey Department of Environmental Protection Division of Water Quality, regarding the development known as “Twin Ponds”, located at Village Road, Clinton, New Jersey (Block 1, Lots 60 and 60.02 on the Tax Map of the Town of Clinton, New Jersey), requires the Consent by the Owner of the Wastewater Treatment Facility (being the Town of Clinton), to the proposed gravity sanitary sewer main extension (8 inch main) to serve the development project consisting of sixty (60) units of multi-family residential use in three (3) buildings on the Property; and,

WHEREAS, the project has reserved and committed sewer capacity through the Town of Clinton, and seeks the consent of the Town of Clinton to the sewer line extension as the Town of Clinton is the operator of the Wastewater Treatment Facility; and,

WHEREAS, the Town of Clinton Wastewater Engineer has reviewed the applications submitted for consent and has found same to be in order:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clinton Administrator be and is hereby authorized to sign the TWA Applications (2 in total) as requested, and this Resolution shall be attached to same as indication of the authority of the Administrator to so act.

**RESOLUTION #38-14 – COUNCIL’S SUPPORT OF SUSTAINABLE JERSEY
GRANT SUBMISSION**

A motion was made by Mr. Carberry, seconded by Mr. Smith, to adopt Resolution #38-14 as submitted:

Vote all ayes
Motion carried

RESOLUTION #38-14

RESOLUTION OF SUPPORT FROM THE TOWN OF CLINTON GOVERNING BODY
AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION

WHEREAS a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS the Town of Clinton strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS the Town of Clinton is participating in the Sustainable Jersey Program; and

WHEREAS one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the sustainable Jersey small Grants Program;

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Clinton, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

RESOLUTION #39-14 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #39-14 as submitted:

ROLL CALL: Carberry, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #39-14

WHEREAS, various 2013 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2013 Budget Appropriation Reserve in the last two months of 2013; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$200.00 be made between the 2013 Budget Appropriation Reserves as follows:

FROM

TO

Streets and Roads		
Other Expenses	\$100.00	
Recycling		
Other Expenses		\$100.00
Sewer Utility		
Other Expenses	\$100.00	
Sewer Utility		
Social Security		\$100.00
TOTALS	\$200.00	\$200.00

RESOLUTION #41-14 – MEDICAL LEAVE FOR EMPLOYEE HOWARD DEEMER

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #41-14 as submitted:

ROLL CALL: Carberry, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

**RESOLUTION #41-14
MEDICAL LEAVE FOR EMPLOYEE HOWARD DEEMER**

WHEREAS, Howard Deemer is an employee of the Town of Clinton (the “Town”); and

WHEREAS, Mr. Deemer’s employment relationship with the Towns is governed by the Agreement Between the Town of Clinton and Teamsters Local Union No. 469 dated June 19, 2008 (“Teamster Contract”); and

WHEREAS, Mr. Deemer has requested to take a medical leave of absence from his employment from January 15, 2014 to June 30, 2014 for injuries sustained outside the scope of his employment; and

WHEREAS, pursuant to N.J.S.A. 40A:9-7.3, a municipality may grant leave to a union employee “in accordance with the terms of a collective bargaining agreement...[and] the maximum period for such ...unpaid leaves shall be a subject of negotiation between the employer and union;” and

WHEREAS, pursuant to Article 49 of the Teamster Contract, “Employees of the Union shall have rights with regard to Terminal Leave and other Leaves of Absence as defined in the existing Town Ordinances and their amendments and supplements; and

WHEREAS, the Town Ordinances do not contain a provision governing Terminal Leave or Leaves of Absence, but do state in Section 4-24, “The personnel policy of the Town shall be duly set by

resolution adopted by the Mayor and Council of the Town and shall thereafter be modified and amended by resolution.” and

WHEREAS, Section XIII(B) of the Personnel Policy regarding “Disability Leave” states, “An employee of the Town of Clinton who requests leave without pay for reason of temporary disability shall be granted such leave for the duration of disability for a period not to exceed one year;” and

WHEREAS, Section XIII(B) requires the employee requesting leave to provide a doctor’s report setting forth the need for such leave; and

WHEREAS, Section XIII(B) of the Personnel Policy further provides, “For up to one year during the period disability, the Town of Clinton will pay the medical benefits for the employee which the employee carried as of the last day prior to the disability;” and

WHEREAS, Section XIII(B) of the Personnel Policy further provides, “An employee’s continuing service will accrue during a disability leave, as well as the privileges to which the employee is entitled by virtue of such continuous service. An employee will not accrue holidays, sick leave, other types of leaves, or vacation pay while out on temporary disability;” and

WHEREAS, Section XIII(B) of the Personnel Policy further provides, “An employee shall use all available sick leave before beginning a disability leave.”

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

- Contingent upon providing the required doctor’s report to the Town Clerk, Howard Deemer is hereby granted permission to take unpaid leave from his employment with the Town of Clinton from January 15, 2014 to June 30, 2014; and
- The Town will pay Mr. Deemer’s medical benefits in compliance with the Personnel Policy, but Mr. Deemer will be responsible for payment of his contribution on/before the first day of the month in which payment of the premium is due by the Town to the State; and
- Mr. Deemer will accrue continuing service and associate privileges during his unpaid leave; and
- Mr. Deemer will not accrue holidays, sick leave, other types of leaves, or vacation pay during his unpaid leave; and
- Mr. Deemer will use all of his available sick leave before beginning his unpaid leave.

CORRESPONDENCE

1. Mayor Kovach stated the 2014 Governor’s conference on Housing and Economic Development will be held in Atlantic City at the Convention Center on March 11th and 12th 2014.
2. Mayor Kovach received an invitation from the American Cancer Society for the Relay For Life of Hunterdon 2014 Kick Off to be held on February 5, 2014 at Hunterdon Central High School. Mayor Kovach will be attending and anyone else is welcome to attend also.
3. Mayor Kovach received a letter from NJ League of Municipalities announcing the Louis Bay 2nd Future Municipal Leaders Scholarship Competition for high school Juniors and Seniors planning to

continue their education after high school. Mayor Kovach requested this letter be sent to North Hunterdon High School and Voorhees High School.

4. Mayor Kovach presented a letter she received from Jonathan Wall pertaining to the application for an Amended Preliminary and Final Site Plan thanking the Planning Board for allowing what once were parking spaces near the Hunterdon Art Museum into an alternative use space.

REPORTS FROM COUNCIL & TOWN OFFICIALS

Rich Phelan, PW/BusAdm

1. The public works department will continue to pick up the Christmas trees through January 24, 2014.
2. The Town's Annual Bonfire will be held on January 25, 2014 with a rain date of February 1, 2014.

Councilman Smith

1. Mr. Smith reported the Clinton Rescue Squad had a 4% increase in total calls from 2012. For the year 2013 there were 293 man hours for mandatory training.
2. The Buildings and Grounds have three capital projects. First is the new pole barn. Committee is running into issues with the State Department of Environmental Protection concerning the flood plane. Second is the installation of the gas diesel tanks. Third project is getting estimates for the repair to the porches on the municipal building.
3. The Water Committee will be meeting tomorrow morning, January 15, 2014 at 8:00am.
4. There will be a pre-construction meeting for the Lebanon Borough Myrtle Avenue /Brunswick Avenue Water Main Replacement project on Thursday, January 16, 2014.

Councilman Shea

1. Mr. Shea reported there will be no Roads meeting.

Councilwoman Sosidka

1. Mrs. Sosidka reported the annual Rabies Clinic will take place this Saturday, January 18, 2014 at the Clinton barn from 8:00am to 11:00am.
2. Mrs. Sosidka stated the annual Clinton Bonfire will be on January 15, 2014 beginning at 6:00pm.
3. There are openings on the Board of Recreation, the Website/Newsletter committee, and the Historic Preservation Committee. If anyone knows of someone who would like to volunteer have them fill out a Citizen Involvement Application.
4. Mrs. Sosidka reported the website committee submitted their ideas for the web site changes to City Connection and is waiting for their response.

Councilman Pendergast

1. Mr. Pendergast reported the Sewer Committee will be meeting this Friday, January 17, 2014.

Attorney Richard Cushing

1. Town Attorney Cushing had a discussion with Mayor Kovach previously on “d” variance appeals. Mr. Cushing wanted to bring this up the attention of the Council about “d”variance appeals. The Town’s ordinance now reads that anyone who has an issue with the Board of Adjustment concerning “d” variance that applicant brings the appeal to the Governing Body. If the council wishes an ordinance can be prepared by his office eliminating the option of appealing the grant of a “d” variance to the governing body and the applicant will appeal directly to the Superior Court.

PAYMENT OF BILLS

A motion was made by Mr. Carberry, seconded by Mr. Smith to approve the voucher list attached to these minutes.

ROLL CALL: – Ayes: Carberry, Pendergast, Shea, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 40-14 - EXECUTIVE SESSION – Potential Litigation/Contract Negotiations

A motion was made by Mr. Pendergast, seconded by Mr. Shea, to enter into Executive Session at 8:15 p.m. to discuss Potential Litigation and Contract Negotiations.

Vote all ayes
Motion carried

RESOLUTION # 40-14

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A.* 10:4-6 *et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A.* 40:4-12; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A.* 40:4-12:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

X Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____ OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any

right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: (estimated length of time) OR upon the occurrence of

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Mr. Smith, seconded by Mr. Pendergast to return to the Regular Meeting with no action to be taken at 8:50 p.m.

Vote all ayes
Motion carried

ADJOURNMENT: There being no further business, a motion was made by Ms. Sosidka, seconded by Mr. Pendergast to adjourn the meeting at 8:51 A.M.

Vote all ayes
Motion carried

Nancy A. Burgess, Deputy Clerk

Mayor Janice Kovach