

**CLINTON TOWN COUNCIL**

**JUNE 12, 2024**

**7:00 P.M.**

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: Regular Council Meeting May 22, 2024
2. APPROVAL OF MONTHLY REPORTS – MAY
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS
5. PUBLIC HEARING OF ORDINANCE #24-05 – TREE REMOVAL AND REPLACEMENT
6. PUBLIC HEARING OF ORDINANCE #24-06 – GENERAL CAPITAL IMPROVEMENTS
7. PUBLIC HEARING OF ORDINANCE #24-07 – WATER CAPITAL IMPROVEMENTS
8. PUBLIC HEARING OF ORDINANCE #24-08 – SEWER CAPITAL IMPROVEMENTS
9. PUBLIC HEARING OF ORDINANCE #24-09 – AMENDING WATER RATES
10. PUBLIC HEARING OF ORDINANCE #24-10 – AMENDING FEE SCHEDULE
11. PUBLIC HEARING OF ORDINANCE #24-11 – ACQUISITION OF A FIRE TRUCK
12. RESOLUTION #94-24 – HOLIDAY INN LIQUOR LICENSE RENEWAL
13. RESOLUTION #95-24 – CHAPTER 159
14. RESOLUTION #96-24 – CANCELLATION OF LIEN
15. RESOLUTION #97-24 – PURCHASE OF BOOM LIFT FOR WATER/SEWER DEPARTMENTS
16. RESOLUTION #98-24 – PUBLIC QUESTION TO ESTABLISH OPEN SPACE TRUST FUND
17. RESOLUTION #99-24 – HUNTERDON COUNTY TREE GRANT
18. INTRODUCTION OF ORDINANCE #24-12 – AMENDING THE ZONING MAP (7/10)
19. CORRESPONDENCE
20. REPORTS OF COUNCIL
21. STANDBY AND OVERTIME
22. PAYMENT OF BILLS
23. RESOLUTION # 100 - 24 - EXECUTIVE SESSION – LITIGATION
24. ADJOURNMENT

**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE # 24-05**

**ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF THE TOWN OF  
CLINTON, ENTITLED “TREES AND SHURBS” TO ADD ARTICLE II, ENTITLED,  
“REMOVAL AND PRESERVATION OF TREES ON PRIVATE PROPERTY”**

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

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

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

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

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

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

**§130-9. Intent and Purpose.**

A. Trees and shrubs are natural resources that provide aesthetic, economic, ecological, environmental, and health benefits to the Town of Clinton and its residents. The treatment of trees on individual properties can have significant impacts not only on those individual properties but also on neighboring properties, the streetscape, the tree canopy, and the entire Town.

B. The purpose of this article is to control and regulate indiscriminate and excessive removal, injury, and destruction of trees to prevent conditions that may cause reduced ecological and social benefits, including increased stormwater runoff, soil erosion, sedimentation of watercourses; reflected heat, air or noise pollution; diminished aquifer recharge; decreased soil fertility; increased risk to persons and property by failures of trees or their parts, and increased risk to real property and real property values from flash floods and other intense precipitation events.

**§130-10. Permit Required.**

In all zoning districts of the Town, any of the following types of tree removal shall require a permit, unless exempt under §130-11.

In the following instances, a permit is required with a fee collected, and mitigation is required based on the Tree Replacement Table in §130-14:

- (1) Removing or otherwise destroying a tree with a DBH of six inches or more.
- (2) Removing or otherwise destroying a tree with a canopy extending over a public right-of-way.
- (3) Removing or otherwise destroying any tree within a stream corridor as defined in § 130-12.
- (4) Removing or otherwise destroying any tree that was planted or preserved as part of any landscape plan or in accordance with any tree requirements approved in conjunction with a subdivision or site plan shall be removed.

B. In the following instances, a permit is required with no fee collected, and no mitigation is required:

- (1) On properties zoned for single family or two-family residential use, removing up to two (2) trees with a DBH of six inches or more within a twenty-four (24) month period. [The number of trees removed is a rolling count across a twenty-four (24) month period. For example, if 2 trees are removed in July 2024, the 'count' resets to zero in July 2026. However, if 1 tree is removed in July 2024 and another in July of 2025 the first tree will come off the count in July 2026 and the second in July 2027.]
- (2) Removing or otherwise destroying a tree with a DBH of six inches or more that is dead, diseased, or dying as confirmed in writing by a certified arborist or licensed tree expert.
- (3) Removing or otherwise destroying a tree with a DBH of six inches or more that poses a threat to an existing structure.
- (4) Removing or otherwise destroying a tree with a DBH of six inches or more that is on the list of invasive species that is updated annually by the Shade Tree Commission.
- (5) Trees removed during the replacement or repair of a residential individual subsurface sewage disposal system and/or the replacement or repair of a domestic water supply.
- (6) Trees removed that are within 10 feet of an existing building.

### **§130-11. Permit Exemptions.**

The following shall be exempt from the requirements of this section and do not require a permit:

- (1) Trees with a DBH of less than six inches.
- (2) Commercial nurseries, orchards, and farms.
- (3) Trees that are deemed to be removed by the Town Engineer or Department of Public Works that are on or are impeding a public right-of-way upon consultation with Shade Tree Commission.
- (4) Public rights-of-way or parklands owned by the Town of Clinton where trees are under the jurisdiction of the Shade Tree Commission (see § 4-19 Shade Tree Commission).
- (5) Trees that have been determined by the Shade Tree Commission or Town Arborist to constitute a threat to the health, safety or welfare of the general public, or to any existing structure.
- (6) Powerline rights-of-way by companies regulated by the New Jersey Board of Public Utilities.
- (7) Properties devoted to forest management and the practice of silviculture for which farmland assessment has been approved.
- (8) Pruning or maintenance of trees in a manner that is not harmful to the health of the tree.
- (9) Trees removed in the course of an emergency declared by the federal, state, or Town government.

- (10) The removal of any trees that are part of an approved woodland management program pursuant to the provisions of the New Jersey Farmland Assessment Act of 1964, provided such plan and WD-1 form is filed with the Tax Assessor.

## **§130-12. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. The use of the word "shall" means the requirement is always mandatory and not merely directory.

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

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

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

**Dripline** means the area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.

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

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

**Licensed Tree Expert (LTE)** means an arborist or other tree care professional that has been licensed by the New Jersey Board of Tree Experts.

**Person** means any individual, resident, corporation, utility, company, partnership, firm, or association.

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

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

**Stream Corridor** means within 50 feet from the banks of the South Branch of the Raritan River, Beaver Brook, Spruce Run, or any waterway receiving C-1 designation by the NJ Department of Environmental Protection.

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

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

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

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

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

### **§130-13. Tree Escrow Fund.**

A. There is hereby established a reserve in the Town's general capital fund which shall be known and designated as the Tree Escrow Fund. A separate bank account shall be opened and maintained for this purpose.

B. The primary purpose of the Tree Escrow Fund is to provide for the planting and maintenance of trees and shrubs on public property and street trees in the right-of-way.

C. The funds will also pay administrative costs to implement the provision of this section, including but not limited to fees for processing permits, site inspections, consultants, and supervisors of tree replacements. Administrative costs imposed in accordance with this section shall not exceed 30% of the fund, as determined on an annual basis.

D. Appropriations from the Tree Escrow Fund shall be authorized by the Town Council in accordance with a municipal tree planting plan based solely on the recommendations of the Shade Tree Commission.

E. The Tree Escrow Fund shall be maintained by the Chief Financial Officer.

F. If a tree removal permit is granted for tree removal necessary for adding a patio, sundeck, outdoor private swimming pool, tennis court, sports court, or other permitted accessory use on an already developed single-family residential lot, the cash contribution to the Tree Escrow Fund in lieu of planting on the property in respect of such removal shall not exceed \$2,000.

G. The Tree Escrow Fund may also be used as a repository of funds received for memorial or commemorative tree planting administered by the Shade Tree Commission and approved by the Town Council.

#### **§130-14. Regulated Activities.**

##### **A. Application Process.**

Any person planning to remove a tree shall submit an application in writing to the Shade Tree Commission. The Shade Tree Commission (or a subcommittee designated by the Shade Tree Commission to review such applications) will consider the application and any mitigation required. No tree shall be removed until the Shade Tree Commission (or the designated subcommittee) has reviewed and approved the removal. The Shade Tree Commission shall notify the applicant and the Zoning Officer of the approval or denial of the request within five business days of the receipt of the application. A failure of the Shade Tree Commission (or the designated subcommittee) to approve or deny an application within such time period shall be deemed an approval of the application. The application shall include the following information:

1. Name, address, and telephone number of the owner of the premises and the party performing the removal;
2. Description of the premises where removal is to take place, including lot and block numbers, and street address if assigned;
3. A list of all trees to be removed with a DBH equal to or greater than six inches identified by size, genus, including total number of each species to be removed. All trees to be removed shall be clearly marked with at least one inch wide colored tape tied around the trunk;
4. Purpose for tree removal (construction, street or roadway, driveway, utility easement, recreation area, patio, parking lot, trees that are diseased, dead or potentially hazardous, etc.);
5. A sketch of the property showing the location of each marked tree to be removed;

For removal of trees in conjunction with a Land Use application, the Zoning Officer shall submit the application to the Shade Tree Commission allowing at least 10 days notice prior to next scheduled Shade Tree Commission meeting to review application and inspect the site before making recommendations.

Applicants will be subject to an application fee as follows:

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

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

1. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any.
2. Locations of all forest types which are subject to this Article, identified by common or botanical name. (Trees proposed to remain, to be transplanted or to be removed shall be identified.)

3. A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a protective barrier as defined herein.
4. Locations and dimensions of all setbacks and easements required by the Zoning Ordinances of the Town.
5. Statements as to grade changes proposed for the lot or parcel and how such changes will affect these regulations.
6. Any proposed tree replacement.
7. All trees to be retained shall also be identified by some method, such as painting, flagging, etc., prior to field inspection. (Where protective barriers are necessary to prevent damage to a tree that is not to be removed, such barriers shall be erected before work starts.)
8. Trees must be planted at intervals of 30 feet where practical from the list provided by the Shade Tree Commission where the property borders a public roadway. At least a five foot tree lawn must be maintained for the planting of trees in these developments. Will provide specified list.

**C. Tree Replacement Requirements.**

1. Any person who removes one or more tree(s) with a DBH of 6" or more per acre, unless otherwise exempt under §130-12 shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. The species type and diversity of replacement trees shall be in accordance with a list of the types of permitted trees created by the Shade Tree Commission and maintained in the office of the Town Clerk, which may be updated as necessary from time to time.
3. Replacement tree(s) shall be:
  - a. replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
  - b. planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Town;
  - c. monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
  - d. planted in the ground (not in temporary containers or pots, as these do not count towards tree replacement requirements).
  - e. planted with the adequate space required for the species selected to grow to maturity.
  - f. planted using the latest the standards set forth in ANSI Z60, American Standard for Nursery Stock.

**Tree Replacement Requirements Table**

<b>Category</b>	<b>Size of Tree Removed (DBH)</b>	<b>Tree Replacement Criteria</b>	<b>Replacement Alternative Fee</b>
1	DBH of 6" to 12.99"	Replant 1 tree in with minimum caliper of 2.5" for each tree removed	\$400 per tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum caliper of 2.5" for each tree removed	\$800 per tree removed

3	DBH of 23" to 32.99"	Replant 3 trees with minimum caliper of 2.5" for each tree removed	\$1200 per tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum caliper of 2.5" for each tree removed	\$1600 per tree removed

D. Replacement Alternatives:

If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

1. Plant replacement trees in a separate area(s) approved by the Town Shade Tree Commission or Zoning Officer.
2. Pay a fee per tree removed as set forth in the "Tree Replacement Requirements Table." This fee shall be placed into the Tree Escrow Fund.

**§ 130-15. Protection of Existing Trees.**

- A. In connection with any construction, prior to the issuance of a building permit or start of construction, snow fencing, or other protective barrier acceptable to the municipal official charged with the enforcement and administration of this section, shall be placed around trees that are not to be removed.
- B. The protection barriers shall be placed at a distance of at least 10 feet from the trunk of any tree or the tree dripline, whichever distance shall be greater, and shall remain in place until all construction activity on the property has terminated.
- C. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers.
- D. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- E. No person shall:
  - a. Cut down or remove any tree except as permitted by this Article or allow or cause such cutting or removal.
  - b. Cause or allow any willful damage, injury or disfigurement of any tree growing within the property in question. For purposes of this Article, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as the result, but not limited to the following: cutting, gashing or slitting on any tree; the pouring of any liquid or other material on any tree or on the nearby ground; the construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil within 10 feet of any tree.
  - c. Store or pile building materials or debris or place construction equipment within 10 feet of any tree or within the protected zone 10 feet beyond the dripline, whichever is greater. The Code Enforcement Official or other member of the Construction Office may use his or her discretion in determining violations pursuant to this subsection.
- F. In the event that any tree to be saved in connection with construction as set forth above or any tree planted in mitigation shall die within two years after planting, it shall be replaced by the applicant or the property owners within six months following the Tree Replacement Table in **§130-14**.

**§ 130-16. Performance and Maintenance Bond.**



- A. A cash bond for tree preservation and / or removal is required in all cases where tree removal, mitigation, and / or preservation is required in connection with a development application before the Land Use Board. Such bond shall be posted with and held by the Town.
- B. Amount of the Bond. The amount of the bond shall be determined by the Land Use Board Engineer based upon replacement costs of the trees to be planted and / or preserved.
- C. Term of the Bond. Three years following the posting of the bond and upon the satisfactory completion of the required tree preservation and / or mitigation, the Town shall return the cash bond to the applicant. The cash bond shall be retained by the Town for this period to assure survival of the trees preserved or planted by the applicant in satisfaction of the preservation and / or mitigation requirements. Said bond shall be returned upon the recommendation of the Board Engineer and the approval by resolution of the Mayor and Council.
- D. Forfeiture of Bond. Notwithstanding the above, the applicant and/or property owner shall forfeit the cash bond amount if the applicant and/or property owner fails to complete the required mitigation and tree planting within three years of posting of the bond. Prior to the forfeiture of any cash bond monies, the Board Engineer shall cause a written notice to be served upon the applicant and/or property owner who posted the cash bond. Service of the notice shall be made in person or by certified mail, return receipt requested. Upon service of any notice pursuant to this subsection, the applicant and/or property owner shall have 10 days, or such further time as the Mayor and Council shall agree, in writing, to plant the trees that have not been planted, or the applicant and/or property owner shall forfeit any cash bond amounts posted by the applicant and/or property owner. Any monies forfeited by the applicant and/or property owner shall be deposited in the Town's Tree Escrow Fund. The remedy of bond forfeiture shall be in addition to any other enforcement actions permitted to be taken by the Town.
- E. Violations. Failure to comply with the Town Code and conditions of development approval relating to tree preservation, mitigation, and / or removal shall also be considered a violation of this Chapter.
- F. Waiver of Bond Requirement. The Land Use Board may waive this bond requirement if there is minimal or no threat to trees on the subject property.

### **§ 130-17. Inspections**

Prior to taking final action upon any applications for tree removal, an inspection of the site may be made by:

- A. The Shade Tree Commission or a designee in those cases where final determination is to be made as to the granting or denial of an application.
- B. Such inspection may be made of the site referred to in the application, and of contiguous and adjoining lands, as well as lands in the vicinity of the application, for purpose of determining drainage conditions and physical conditions existing thereon.

### **§130-18. Enforcement.**

- A. The Zoning Officer is designated as the enforcing agent for this article, or a designee.
- B. Upon review of as-built plans or site inspection of any major site development application, subdivision or soil movement activity, the Town Engineer shall inform the Zoning Officer of any trees removed in excess of those called for removal in the permit. The Zoning Officer has the power to revoke the permit if the applicant provided false or misleading information within the permit application and/or if there is noncompliance with the approved permit.
- C. When a tree removal permit is issued as a prior approval to obtaining a construction permit, the Construction Official may not issue a certificate of approval or certificate of occupancy until all conditions set forth by the Zoning Officer are met.

### **§130-19. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a minimum fine of \$250.00 and maximum fine of \$1,000 per violation plus:

- 1) Replace trees on said impacted property in accordance with the criteria as set forth in this ordinance and contribute 25% of the alternative fee to the Tree Escrow Fund.
- 2) Pay 125% of the replacement value of trees removed per the replacement value table into the Tree Escrow Fund.

### **§130-20. Hardship Appeal.**

In the event that an applicant believes the standards set forth in Subsections A and B above constitute a hardship which prohibits a reasonable use of all or substantially all of the property in question, an applicant may seek relief from the Mayor and Town Council. In the event that such relief is sought, the applicant shall submit a letter to the governing body stating the factual basis and reasons for the appeal. The governing body, upon submission of the letter to the Town Clerk, shall schedule a public hearing in connection with the requested relief. At the hearing, the applicant may present witnesses under oath, and any other interested parties may do the same. All witnesses shall be subject to cross-examination. The decision of the Mayor and Council shall be binding upon the municipal official in charge of enforcement and administration of this section.

**SECTION 3.** All Ordinances or parts of Ordinances, with the exception of § 4-19 Shade Tree Commission, inconsistent herewith are repealed as to such inconsistencies.

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

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

TOWN OF CLINTON

CAPITAL ORDINANCE NO. 24-06

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

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

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

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

**Section 3.** Said improvements are lawful capital improvements to the Town of Clinton having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

ATTEST:

TOWN OF CLINTON  
IN THE COUNTY OF HUNTERDON

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

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

TOWN OF CLINTON  
WATER UTILITY

CAPITAL ORDINANCE NO.24-07

**CAPITAL ORDINANCE OF THE TOWN OF CLINTON WATER UTILITY, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY AND FOR THE TOWN OF CLINTON WATER UTILITY AND APPROPRIATING THEREFOR THE SUM OF \$368,300.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR WATER UTILITY IMPROVEMENTS**

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Water Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

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

**Section 2.** The aggregate sum of \$368,300.00 is hereby appropriated from the Water Utility Capital Improvement Fund for Water Utility Improvements within the Town of Clinton Water Utility to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements of the Water Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton Water Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

ATTEST:

TOWN OF CLINTON  
IN THE COUNTY OF HUNTERDON

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

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

TOWN OF CLINTON  
SEWER UTILITY

CAPITAL ORDINANCE NO. 24-08

CAPITAL ORDINANCE OF THE TOWN OF CLINTON SEWER UTILITY, IN THE COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF IMPROVEMENTS IN, BY  
AND FOR THE TOWN OF CLINTON SEWER UTILITY AND APPROPRIATING THEREFOR THE SUM OF  
\$204,000.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR SEWER UTILITY  
IMPROVEMENTS

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

**Section 1.** The Town of Clinton in the County of Hunterdon, State of New Jersey, is hereby authorized to make the following improvements to the Sewer Utility in, by and for the Town, including all work, materials and appurtenances necessary and suitable therefore:

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

**Section 2.** The aggregate sum of \$204,000.00 is hereby appropriated from the Sewer Utility Capital Improvement Fund for Sewer Utility Improvements within the Town of Clinton Sewer Utility to the payment of the cost of the improvements as described in Section 1 hereof.

**Section 3.** Said improvements are lawful capital improvements of the Sewer Utility having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

**Section 4.** The capital budget of the Town of Clinton Sewer Utility is hereby amended to conform with provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 5.** This capital ordinance shall take effect after final passage and publication as required by law.

ATTEST:

TOWN OF CLINTON  
IN THE COUNTY OF HUNTERDON

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

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

**TOWN OF CLINTON  
ORDINANCE NO. 24-09**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RATE SCHEDULE

### SCHEDULE 1 – General Metered Service

#### APPLICABILITY:

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

#### CATEGORIES:

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

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

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

**FIXED SERVICE CHARGE:**

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

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

**CONSUMPTION CHARGE\*:**

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

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

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

**B. Multifamily Consumption Charge:**

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

**C. Irrigation Consumption Charge:**

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

**D. Emergency Interconnection Charge:**



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

**E. Fire Protection Charge:**

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

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

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

(a) Hydrant Charge – \$303 per year

(b) Unmetered lines for fire protection

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

**SPECIAL PROVISIONS:**

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

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

**§142-4. Rents and charges.**

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

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

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

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

ATTEST:

TOWN OF CLINTON

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Cecilia Covino, Clerk

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Janice Kovach, Mayor

ORDINANCE #24-10

ORDINANCE AMENDING CHAPTER 73 ENTITLED “FEES” AND CHAPTER 142 ENTITLED  
“REGULATIONS” OF THE GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF  
HUNTERDON, AND THE STATE OF NEW JERSEY REGARDING WATER CAPACITY  
RESERVATIONS

**WHEREAS**, the Water Committee of the Town of Clinton has recommended to the Mayor and Council that Chapter 73 of the Code of the Town of Clinton be amended as follows;

1. Increasing the fee for a water service tap installation for a service line less than two inches in diameter to \$5,000
2. Adding service fees for emergency and fire protection connections.

**WHEREAS**, the Water Committee has also recommended amending regulations of the Water Department found in Chapter 142 of the Code accordingly

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

**Section 1.** Section 73-3(F) of the Code of the Town of Clinton regarding Water Supply System Fees is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

**F. Water supply systems.**

Activity	Fee
Filing application and plans for a permit to locate and construct an individual system	\$10.00
Filing application and plans for a permit to alter an existing individual system	\$10.00
Issuance of a permit to locate and construct or alter an individual water supply	\$15.00
Each reinspection of an individual water supply or part thereof caused by failure of permittee to locate and construct or alter the system in accordance with terms of the permit or terms of the Individual and Semipublic Water Supply Code	\$15.00
Water, temporary discontinuance	
Turned off	Normal hours \$50 Off hours \$150 (3 hours minimum overtime)
Turned on	Normal Hours \$50 Off hours \$150 (3 hours minimum overtime)
Unauthorized operation of water system components (including water meters)	Maximum of \$1,250/occurrence
Testing of meter due to consumer complaint (if meter is found to register against the consumer by more than 3% inaccuracy — no charge)	\$50
Special meter reading	Normal hours \$50 Off hours \$150 (3 hours minimum overtime)
Water rates	As per rates on file in Town Clerk's office

Water Department		Fee
Water main connection		
	Service connection fee	As per rates on file in Town Clerk's office and subject to any reductions and/or credits provided for in § 142-1G(1)(f)
	Water service tap installation fee, service line <del>not exceeding</del> <i>less than</i> 2-inch diameter	<del>\$3,700</del> <b>\$5,000</b> (plus any extraordinary charges for service connections as indicated in § 142-9, if applicable)
	Service line <del>larger than</del> 2-inch diameter <i>or greater</i> (water service tap installation shall be performed by applicant)	Cost of inspections by the Water Department or its agent (\$2,500 initial escrow; to be replenished as necessary/as advised by the Water Department)
	Meter pits (if required)	To be paid by the property owner(s)
	Field service charges repairs (to a leak for a customer or for a contractor)	
	<b><i>Emergency Interconnection Fee</i></b>	<b><i>One (1) day of potable water demand in addition to a fixed fee of one (1) service unit as indicated in § 142-1(L)</i></b>
	<b><i>Fire Protection</i></b>	<b><i>One (1) day of potable water demand in addition to a fixed fee of one (1) service unit as indicated in § 142-1(M)</i></b>
	Equipment hourly rates:	
	Backhoe	\$88
	Dump truck	\$52
	Service truck	\$52
	All parts	115% of the price of the part
	Labor shall be as follows: The current rate in which the Collective Bargaining Agreement stipulates, including time and a half for all non-regular business hours.	

Water Reservation Application		
Activity		Fee
Small project water reservation application/extension		\$250
Small project will serve letter request		\$100
Small project will serve letter extension request (per occurrence)		\$50
Large project water reservation application/extension		\$1,500
Large project will serve letter request		\$250
Large project will serve letter extension request (per occurrence)		\$125

**Section 2.** Section 142-1 entitled “Regulations” is hereby amended by adding subsections (L) and (M) as follows:

#### **L.** Emergency Interconnection Fee

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

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

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

#### **M.** Fire Protection Connection Fee

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

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

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

**Section 3.** Section 142-1(G)(3) of the Code of the Town of Clinton entitled, "Water Service Tap Installation Fee," is hereby amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

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

(a) Water service taps ~~not exceeding~~ *less than* two inches in diameter shall be installed by the Town of Clinton Water Department. The service tap installation fee shall be as indicated in Chapter **73**, Fees.

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

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

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

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

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

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason

held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Vote all ayes  
Motion carried

A copy of this Ordinance will be published in the Hunterdon Review edition of May 15, 2024. A public hearing will be held June 12, 2024.

ORDINANCE # 24-11

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK IN AND BY THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,185,000 BONDS OR NOTES OF THE TOWN TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Clinton, in the County of Hunterdon, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,300,000, including the sum of \$115,000 as the down payment required by the Local Bond Law (\$90,000 of which is from the capital improvement reserve for fire trucks and \$25,000 of which is from the capital improvement fund). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,185,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a fire truck, including all related costs and expenses incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a



general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,185,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$230,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the

Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**RESOLUTION #94-24**

**WHEREAS**, the Town of Clinton Governing Body is in receipt of an Application for the renewal of  
PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION),  
#1005-36-004-009 for:

**A HUNTS MILL ASSOCIATES LLC  
LIYO INN  
111 WEST MAIN STREET  
CLINTON, NEW JERSEY 08809**

**WHEREAS**, the submitted application form is complete in all respects, fees have been paid and clearance  
has been received from the New Jersey Department of the Treasury;

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Clinton Governing Body does hereby  
approve, effective July 1, 2024, renewal of the above captioned license for the 2024-2025 year and that a  
copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the above license is renewed with the following conditions:

1. The license shall only be used to serve a hotel or motel containing at least 100 guest sleeping  
rooms.

I, Cecilia Covino, Clerk of the Town of  
Clinton, do hereby certify the foregoing to  
be a true copy of a resolution adopted by the  
Town of Clinton Mayor and Council  
at a meeting on June 12, 2024



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Cecilia Covino, RMC/CMC, Town Clerk

## **RESOLUTION 95-24**

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

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

**WHEREAS**, the Town of Clinton has received \$7,423.68 for the Clean Communities Grant from the State of New Jersey and wishes to amend its 2024 budget to include this amount as a revenue.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Clinton hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for they year 2024 in the sum of \$7,423.689 which is now available as a revenue from:

Miscellaneous Revenues

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

Public and Private Revenues Off-Set with Appropriations:  
Clean Communities Grant, and

**BE IT FURTHER RESOLVED**, that a like sum of \$7,423.68 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from the .5% Cap  
Public and Private Programs Off-Set by Revenues:  
Clean Communities Grant:  
Other Expenses

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Cecilia Covino, RMC/CMC  
Municipal Clerk

Adopted: June 12, 2024

**TOWN OF CLINTON**

**RESOLUTION # 96-24**

**WHEREAS**, the Tax Collector of the Town of Clinton has been paid \$79,236.16, the amount necessary to redeem Tax Sale Certificate #20-00003 on Block 23, Lot 5, as assessed to Lyna Wiggins, and purchased by Christiana T C/F CE1/Firsttrust.

**NOW THEREFORE BE IT RESOLVED**, on this 12th day of June, 2024 by the Mayor and Council of the Town of Clinton, County of Hunterdon, that the Chief Financial Officer be authorized to issue a check in the amount of \$79,236.16 for the lien redemption and a check in the amount of \$39,500.00 for the premium, to Christiana T C/F CE1/Firsttrust, P.O. Box 5021, Philadelphia, PA 19111-5021, upon receipt of the Original Tax Sale Certificate endorsed for cancellation, and;

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel Lien on Block 23, Lot 5, as assessed to Lyna Wiggins, from the Town of Clinton Tax Records.

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Cecilia Covino, Municipal Clerk

**RESOLUTION # 97-24**

WHEREAS, the Town of Clinton wishes to purchase a Boom Lift from an authorized vender under the Sourcwell Contract;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, United Rentals has been awarded the Sourcwell Contract #062320 URI; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the Boom Lift for the Water Utility and Sewer Utility is not expected to exceed \$81,450.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$81,450.00 under Ordinance #24-07 from the Water Capital Utility and Ordinance #24-08 from the Sewer Capital Utility,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that United Rentals be awarded a contract for the purchase of a Boom Lift.

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Mayor Janice Kovach

Adopted:  
June 12, 2024

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Municipal Clerk

TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 98-24

**RESOLUTION AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING  
THE ESTABLISHMENT OF AN OPEN SPACE TRUST FUND PURSUANT TO N.J.S.A.  
40:12-15.7**

**WHEREAS**, the Town of Clinton desires to establish an Open Space and Recreation Trust Fund to be allocated toward improving recreational facilities, protecting water quality in rivers and streams, historic preservation, conserving natural areas, and developing, maintaining and acquiring lands for recreation and conservation; and

**WHEREAS**, the proposed funds would be dedicated from an annual tax levy not to exceed two cents (\$.02) per \$100 of assessed real property value; and

**WHEREAS**, the proposed annual tax levy would be evaluated by the Town Council after five years for continuation or termination; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-15.7, the question of the annual tax level for Open Space and Recreation Trust funds shall be submitted to the voters of the municipality.

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

1. The Town Council hereby authorizes to be placed on the ballot in the next general election the following referendum and interpretive statement:

**Town of Clinton Open Space Trust Fund**

Shall the Town of Clinton establish an Open Space, Recreation, and Historic Preservation Trust Fund through an annual levy of between half a cent (\$0.005) and two cents (\$0.02) per \$100.00 of assessed real property value for a period not to exceed five years (with an option to be renewed by the Town Council), for the following purposes:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands acquired for recreation and conservation purposes;
- (c) maintenance of lands acquired for recreation and conservation purposes;
- (d) acquisition of farmland for farmland preservation purposes;
- (e) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;
- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth above; or
- (g) Blue Acres projects.

with spending from the Trust Fund to be based on the recommendations of a citizen oversight committee and all funds subject to an annual public audit?

**Interpretive Statement**

A "yes" vote will permit the Town of Clinton to establish an Open Space, Recreation and

Historic Preservation Trust Fund with an annual levy of between a half cent (\$0.005) and two cents (\$0.02) per \$100 of assessed real property value. The average owner, based upon a \$300,000 assessment, would pay between \$15 and \$60 per year, which is equal to between \$1.25 and \$5.00 per month. Funds can only be used for the development, maintenance, and acquisition of lands for recreation; land and water conservation purposes; and historic preservation. The levy would be set by an ordinance introduced and adopted after a public hearing by the Town of Clinton Council. After five years, the Fund would expire and require the Town Council to pass an ordinance to renew the levy. An oversight committee of local citizens would advise the Town on how the funds should be spent. Every year there would be a public audit of all expenditures. The Funds would enable the Town to leverage matching grants from the County and State.

\_\_\_\_\_ YES \_\_\_\_\_ NO

2. The Mayor and Council hereby further request that the Hunterdon County Clerk print the aforementioned question and explanatory statement on the official ballot for the Town of Clinton for the General Election to be held on November 5, 2024
3. A certified copy of this resolution shall be forwarded to the Hunterdon County Clerk.
4. This Resolution shall take effect immediately.

*I hereby certify the foregoing to be a true copy of a Resolution adopted by the Town of Clinton Council at a meeting held on \_\_\_\_\_.*

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

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



**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY  
ORDINANCE # 24-12**

**ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF CLINTON**

**WHEREAS**, upon the recommendations of its Professional Planner and Planning Board, the Town of Clinton desires to supplement, revise and amend the Zoning Map of the Town of Clinton.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that the Zoning Map of the Town of Clinton is supplemented, revised and amended to incorporate the following changes:

**WHEREAS**,

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

**SECTION 1.** Section 88-51(A) of the Code of the Town of Clinton (the “Code”), entitled “Zone districts” (1) is hereby amended to add the following district:

1. AH-1 Affordable Housing District

**SECTION 2.** Section 88-51(B) of the Code, entitled “FP Floodplain District,” is hereby amended to add the following:

Portions of certain of the foregoing zone districts are further incorporated within the following Flood Hazard Areas:

100-Year Flood Hazard Area  
500-Year Flood Hazard Area

**SECTION 3.** Section 88-51(C) of the Code, entitled “Map and schedule,” is hereby amended to incorporate the attached zoning map dated April 2024.

**SECTION 4.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 5.** 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 6.** This Ordinance shall take effect upon final passage and publication according to law.

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Mayor Janice Kovach

ATTEST:

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Cecilia Covino, RMC/CMC  
Municipal Clerk