MEETING MINUTES

Township of Clinton Mayor and Council
October 28, 2026, | 7:01 p.m.
1370 Route 31 North, Annandale, New Jersey 08801

To ensure access to this meeting any member of the public with special needs requiring accommodation is asked to notify the Township Clerk at least 24 hours in advance so any necessary arrangements can be made.

Mayor Mullay read the following statement into record: "Adequate notice and electronic notice of this meeting were provided in accordance with the requirements of the Open Public Meetings Act. A copy of this agenda for this meeting was sent to the Hunterdon Review and posted on the bulletin board on October 23, 2026, and was made available to the public for download on the Township's website prior to the meeting."

SALUTE TO THE FLAG

ROLL CALL

Councilman Rhinehart	Present
Councilman Hardiman	Absent
Councilman Kochanowski	Present
Council President Glaser	Present
Mayor Mullay	Present

Also Present:
Trishka Waterbury-Cecil, Township Attorney
William Close, Township Administrator
Jeffrey Jotz, Township Clerk

APPROVAL OR CORRECTIONS OF MINUTES

1. Special Meeting Minutes from October 14, 2026
2. Executive Session Minutes from October 14, 2026
3. Regular Meeting Minutes from October 14, 2026

Councilman Rhinehart motioned to approve the above Meeting Minutes from October 28, 2026; Councilman Kochanowski seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY – Comments should be limited to three (3) minutes.

Steve Kolesar, Town of Clinton, wished a happy birthday to his wife.

There were no more comments from the public.

CONSENT AGENDA

The items listed below are considered to be routine by the Mayor and Council and will be enacted by a single motion. There will be no separate discussion of these items unless requested by the Mayor, a Council Member, or member of the public, in which event the item will be removed from the Consent Agenda and voted on separately.

Council President Glaser removed the approval of bills/vouchers from the Consent Agenda.

Councilman Kochanowski motioned to approve the Consent Agenda; Councilman Rhinehart seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

1. Resolution 2026-215 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE RETURN OF PREMIUM REFUNDS

   WHEREAS, liens on properties located in the Township of Clinton have been redeemed; and

   WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

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

   1. Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

Block	Lot	Certificate	Vendor	Premium
60	62	2024-005	BALA PARTNERS LLC	10,000.00
			PO BOX 303	
			POTTERSVILLE, NJ 07979	
74	13	2025-008	PRO CAP 8 LLC	1,200.00
			PO BOX 774	

			Fort Washington, PA 19034	
			TOTAL	**$11,200.00**

2. Resolution 2026-216 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING RELEASE CERTAIN PERFORMANCE GUARANTEES AND ESCROWS

   BE IT RESOLVED that certain performance guarantees and escrows have been recommended by the Planning Board and Zoning Board of Adjustment to be released.

   NOW, THEREFORE BE IT RESOLVED that the following refunds be issued:

Amount	Block / Lot	Street Address	Applicant	Type of Permit
$2,000.00	9/17	161 Cokesbury Rd	Jodi Serra	Building

3. Resolution 2026-217 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE REFUND OF Q3 2026 TAXES DUE TO A 100% DISABLED VETERAN EXEMPTION

   WHEREAS, pursuant to N.J.S.A. 54:5-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

   WHEREAS, a veteran has been determined to have suffered a 100% service related disability; and

   WHEREAS, the determination of the said disability, is effective September 3, 2026; and

   WHEREAS, real estate taxes on this property known as Block 11 Lot 18.05 at 9 Northstar Drive in Annandale, NJ have been paid for 3rd quarter 2026; and

   WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were levied; and

   NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to $740.33 of 3rd quarter taxes already paid and to cancel 2026 remaining taxes billed.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Owner	11	18.05	9 Northstar Dr	26/3	740.33
9 Northstar Drive					
Annandale, NJ 08801					

4. Resolution 2026-218 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE REFUND OF Q3 2026 TAXES DUE TO A 100% DISABLED VETERAN EXEMPTION

   WHEREAS, pursuant to N.J.S.A. 54:5-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

   WHEREAS, a veteran has been determined to have suffered a 100% service related disability; and

   WHEREAS, the determination of the said disability, is effective August 21, 2026 and

   WHEREAS, real estate taxes on this property known as Block 79.05 Lot 1.2002 Qual C2002 at 4 Pinehurst Circle in Annandale, NJ have been paid for 3rd quarter 2026; and

   WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were levied; and

   NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to $548.59 of 3rd quarter taxes already paid and to cancel 2026 remaining taxes billed.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Owner	79.05	1.2002 C2002	4 Pinehurst Circle	26/3	548.59
4 Pinehurst Circle					
Annandale, NJ 08801					

5. Resolution 2026-219 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE CANCELLATION OF 2025 AND 2026 TAXES FOR BLOCK 26, LOT 1

   WHEREAS, on block 26 lot 1 located within the Township of Clinton, the property had been acquired by the Township of Clinton on March 6, 2024 by donation from Hunter Partners LLC; and

   WHEREAS, taxes on block 26 lot 1 are uncollectible while a Township owned property; and

   WHEREAS, taxes had been billed in the amount of $1759.97 for 2025 and $1915.33 for 2026; and

WHEREAS, the property transferred ownership with a deed date of March 6, 2024, which was recorded in the office of Hunterdon County Clerk on June 18, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to cancel 2025 and 2026 taxes.

6. Resolution 2026-220 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE RELEASE IN FULL OF A PERFORMANCE GUARANTEE AND ENGINEERING INSPECTION ESCROW DEPOSITS, INCLUDING INTEREST THEREON, PROVIDED BY CLINTON AGRICULTURAL ASSOCIATES, LLC IN CONNECTION WITH DEVELOPMENT APPROVALS GRANTED BY THE CLINTON TOWNSHIP PLANNING BOARD ON DECEMBER 16, 2013 FOR PROPERTY LOCATED ON ROUTE 22 AND DESIGNATED ON THE CLINTON TOWNSHIP TAX MAPS AS BLOCK 7, LOT 3

   WHEREAS, the Township of Clinton is the beneficiary of a performance guarantee posted by Clinton Agricultural Associates, LLC ("Developer") in connection with development approvals granted by the Clinton Township Planning Board on December 16, 2013 for property located NJ State Highway Route 22 and designated on the Clinton Township tax maps as Block 7, Lot 3 (see CTPB Resolution No. 2013-29 adopted April 7, 2014); and

   WHEREAS, the specific improvements for which the guarantee was posted are identified in a letter dated December 4, 2024 from then-Township Engineer Cathleen F. Marcelli, PE of Hatch Mott MacDonald, a copy of which letter is attached hereto as Exhibit A; and

   WHEREAS, the total amount of the performance guarantee is $593,718.00, of which $534,346.20 was provided in the form of Irrevocable Standby Letter of Credit No. UB0001132 issued by Unity Bank on July 14, 2015 and $59,371.80 was posted in cash (see Exhibit B attached hereto); and

   WHEREAS, Developer also provided a cash escrow deposit for engineering inspection fees in the amount of $6,184.66; and

   WHEREAS, Developer has completed the installation of the bonded improvements and requested that the performance guarantee be released in full and all cash deposits, including interest thereon, returned to Developer (see letter dated May 13, 2026 from Steven P. Gruenberg, Esq. to Lindsay Heller, attached hereto as Exhibit C); and

   WHEREAS, current Township Engineer Stanley Schrek, PE/AIA/PP/CME of Van Cleef Engineering has indicated that the site work has been satisfactorily completed and

therefore recommends that all guarantees and escrows associated with the development be released (see email dated July 20, 2026 from Stanley Schrek to Township Construction Official Tom Petto, included in the email chain attached hereto as Exhibit D); and

WHEREAS, an email exchange between Mr. Schrek and Developer's counsel appears to indicate that none of the bonded improvements are public improvements (see Exhibit D); and

WHEREAS, the provisions of sections 165-49E and -49J of the Township Code notwithstanding, Mr. Schrek has not identified the need for, or amount, a maintenance bond or engineering inspection escrow deposit;

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

1. The findings set forth in the preamble to this resolution are hereby incorporated as if fully restated herein.

2. The completed improvements identified on the spreadsheet included with the December 4, 2024 letter from Hatch Mott McDonald are hereby approved.

3. As recommended by the Township Engineer, the performance guarantee shall be released in full, and all cash returned to Developer, including engineering inspection escrow deposits and any other escrow funds being held by the Township in connection with this project, together with interest thereon.

4. The provisions of sections 165-49E and -49J of the Township Code notwithstanding, no maintenance guarantee or engineering inspection escrow deposit shall be required.

5. This resolution shall take effect immediately.

7. Resolution 2026-221 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON APPROVING THE COMPLETED CY 2026 BEST PRACTICE WORKSHEET

   WHEREAS, The State's Fiscal Year 2026 Appropriations Act (P.L. 2017, c.99) requires the Division of Local Government Services to determine whether some portion of a municipality's CMPTRA and ETR aid will be withheld based on the results of a Best Practices Inventory to be completed by each municipality; and

   WHEREAS, the inventory encourages municipalities to embrace practices that promote financial accountability, sound management and transparency; and

WHEREAS, the Clinton Township Chief Financial Officer and Township Administrator have completed the CY 2026 Best Practice Spreadsheet and presented same to the Mayor and Council.

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

1. The Best Practice Worksheet prepared by the Chief Financial Officer is hereby accepted.

2. The Clerk is hereby authorized and directed to certify the worksheet for transmittal to Trenton.

3. This resolution shall take effect immediately.

Mayor Mullay stated that Resolution 2026-222 has been removed from the agenda and consent agenda.

REPORTS FROM MAYOR AND COUNCIL MEMBERS

Councilman Rhinehart had no report.

Councilman Kochanowski had no report.

Council President Glaser stated that the Planning Board met last Monday to consider and approved an application school for the Expansion of Immaculate Conception School for a new gym and additional classrooms. He added that there will be no Planning Board meeting next week, but the remainder of the meeting schedule for 2026 should be busy. He said that the Sewerage Authority will meet next month to consider a 17% rate increase.

Mayor Mullay stated that the Environmental Commission will meet shortly.

Mr. Close updated the Council on new hires. He thanked the first responders for participating in Trunk or Treat. He also stated that work at Bundt Park has been completed and that Public Works is installing pavers around the building flagpole. He said that the Township is reviewing shared court proposals and that the digitization of 140 boxes of files is complete. Mr. Close noted that the Clinton Woods extension agreement is on tonight's agenda and that new security cameras for Township buildings are being installed. He also added that the Blossom Hill Road project is underway, the GovDeals online auction is ongoing, the Township's best practices submission will be this week and that preparation on the 2027 budget is underway. He concluded by stating that DPW is proceeding on salt purchases and will be prepared this winter.

BILLS & VOUCHERS

1. Approval of revised bills/vouchers from October 28, 2026

TOTALS:	
CURRENT	$3,082,134.10
TRUSTS	$13,200.00
RECREATION	$1,445.20
OPEN SPACE	$1,500.00
GRAND TOTAL:	$3,098,279.30
BREAKDOWN OF CURRENT:	
BD OF EDUCATION	$2,991,109.30
TOTAL OPERATIONS:	$91,024.80

Council President Glaser motioned to approve the revised list of bills and vouchers from October 28, 2026; Councilman Rhinehart seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

RESOLUTIONS

1. Resolution 2026-223 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE ATTENDANCE OF LIEUTENANT SEAN ROSS AT THE FBI NATIONAL ACADEMY IN QUANTICO, VIRGINIA

   WHEREAS, the Federal Bureau of Investigation (FBI) National Academy located in Quantico, Virginia, provides a premier 10-week residential program of advanced academic, leadership, and physical fitness instruction for selected law enforcement leaders from around the world; and

   WHEREAS, attendance at the FBI National Academy is limited to fewer than one percent of senior law enforcement officers globally, requiring candidates to maintain excellent professional records and undergo a rigorous competitive selection process; and

   WHEREAS, Lt. Sean Ross of the Township of Clinton Police Department has been formally nominated, accepted, and cleared to represent the Township at Session #300 of the FBI National Academy; and

   WHEREAS, Chief of Police Thomas DeRosa has strongly recommended Lt. Ross's attendance, recognizing that the specialized administrative management,

behavioral science, and leadership skills gained will directly benefit the efficiency, leadership structure, and safety operations of the Township of Clinton Police Department; and

WHEREAS, while the FBI provides tuition, lodging, and certain meals during the 10-week term, the Municipality remains responsible for continuing the regular salary and benefits of the attending officer; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Municipal Budget under the line-item Police Department Operating Expenses for any necessary minor incidental expenses not covered by the federal government subject to prior approval by the Township.

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

1. Authorization is hereby granted for Lt. Sean Ross to attend the 10-week training session at the FBI National Academy in Quantico, Virginia, scheduled to run from September 24, 2026 through November 23, 2026.

2. The Municipality shall continue to pay the regular salary and health benefits, other than his matching contribution, to Lt. Sean Ross during the period of attendance, and such time shall be considered active service for pension and seniority purposes.

3. A certified copy of this Resolution shall be forwarded to the Chief of Police, the Chief Financial Officer, and the local FBI Field Office Training Coordinator.

4. This resolution shall take effect immediately.

Councilman Rhinehart motioned to approve Resolution 2026-223; Councilman Kochanowski seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

2. Resolution 2026-224 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE HIRING OF A FULL-TIME LABORER/TRUCK DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

   WHEREAS, there exists a need for a Laborer/Truck Driver in the Department of Public Works; and

   WHEREAS, Brady DeProspero meets the qualifications of a Laborer/Truck Driver in the Department of Public Works.

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

1. Brady DeProspero is hereby hired as a full-time employee to serve as a Laborer/Truck Driver in the Department of Public Works on or about November 2, 2026.

2. Mr. DeProspero 's starting salary shall be $50,000.00 per year (to be increased to $55,000 upon successful completion of probation). Mr. DeProspero shall also be afforded all benefits according to the full-time employees of the Township pursuant to the Township's personnel policies and any applicable collective bargaining agreement.

3. This resolution shall take effect immediately.

Councilman Rhinehart motioned to approve Resolution 2026-224; Council President Glaser seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

Mayor Mullay stated that Resolution 2026-225 has been removed from the agenda.

3. Resolution 2026-226 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AWARDING A PROFESSIONAL SERVICES AGREEMENT TO JON RHEINHARDT OF PHOENIX CONSULTING GROUP, NTE $6000 (FINANCIAL ADVISING SERVICES)

WHEREAS, the Township of Clinton requires the professional services certified municipal finance officer to provide professional financial advising services to the Township's staff and officials for the remainder of calendar year 2026 through the Mayor and Council's 2027 reorganization meeting; and

WHEREAS, Phoenix Consulting Group (Jon Reinhardt, Managing Partner) ("Consultant") has offered to provide the needed services in accordance with the rates set forth in Consultant's proposal contained in a letter from Jon Rheinhardt, CCFO, CMFO, RPPO, QPA, CTC, MPA to Mayor Brian Mullay dated October 5, 2026, for an estimated not-to-exceed cost of $6000; and

WHEREAS, the Township wishes to enter into a professional services agreement ("agreement") with Consultant for the provision of the above-described services; and

WHEREAS, the Township has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law"; and

WHEREAS, Consultant has completed and filed with the Township the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8 and Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 (collectively, the "Pay-to-Play Forms"); and

WHEREAS, the agreement shall be for an amount not to exceed $6000, and a term beginning on October 28, 2026 and ending on January 4, 2027, as more specifically described in the agreement, a copy of which is on file in the Office of the Township Clerk; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes the Township to award this agreement as a professional services agreement, without public bidding; and

WHEREAS, there are or will be sufficient available funds for this award, as set forth in the Certification of Available Funds completed by the Chief Financial Officer;

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

1. The foregoing recitals are hereby incorporated as if restated in full herein.

2. The Mayor and Acting Clerk are hereby authorized and directed to execute a professional services agreement with Consultant for professional financial advising services during the remainder of calendar year 2026 and through the Mayor and Council's January 4, 2027 reorganization meeting.

3. Consultant shall be compensated at the rates set forth in Consultant's above-described October 5, 2026 proposal, for a total not-to-exceed cost of $6000. The term of the agreement shall be from November 1, 2026 to January 4, 2027.

4. The agreement is awarded without competitive bidding as a professional services agreement as authorized under N.J.S.A. 40A:11-5(1)(a)(i).

5. A copy of this resolution, the Pay-to-Play Forms and the agreement shall be maintained on file in the Office of the Township Clerk.

6. A notice of this action shall be published in the Township's official newspaper as required by law.

7. This resolution shall take effect immediately.

Mayor Mullay motioned to approve Resolution 2026-226; Council President Glaser seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING/ADOPTION

1. Ordinance 1238-2026 – AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY REPEALING AND REPLACING CHAPTER 133, "FIRE PREVENTION" OF THE CODE OF THE TOWNSHIP OF CLINTON

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

   SECTION 1. Existing chapter 133 repealed and replaced with a new chapter 133. Chapter 133, "Fire Prevention" of the "Code of the Township of Clinton" ("Code" or "Township Code") is hereby repealed and replaced in its entirety with a new Chapter 133, "Fire Prevention", the contents of which are set forth in Exhibit A attached hereto and made a part hereof.

   SECTION 2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

   SECTION 3. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

   SECTION 4. This ordinance shall take effect 20 days after final passage in accordance with N.J.S.A. 40:69A-181.

   EXHIBIT A

   CHAPTER 133. FIRE PREVENTION

   Article I. Uniform Fire Code

   § 133-1. Local enforcement.

   Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey

Uniform Fire Code, N.J.A.C. 5:70-1.1 et seq., shall be locally enforced in the Township of Clinton.

§ 133-2. Bureau of Fire Safety.

A. The local enforcing agency shall be the Bureau of Fire Safety in the Division of Fire, Department of Public Safety of the Township of Clinton.

B. The Bureau of Fire Safety shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures, and premises within the established boundaries of the Township other than owner-occupied one- and two-family dwellings, and all buildings owned or operated by the Federal Government, State of New Jersey, County of Hunterdon, or interstate agencies, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 133-3. Definitions

The definitions contained within the New Jersey Uniform Fire Code shall be included herein by reference and shall be applicable to this chapter. The following definitions shall also apply to this chapter:

FIRE MARSHAL
A person duly appointed by the local enforcing agency as the Fire Official as defined at N.J.A.C. 5:71-1.4.

NON-LIFE HAZARD USE
Any building, structure, premises, or uses not identified and designated as a life hazard use in accordance with N.J.A.C. 5:70-2.

§ 133-4. Organization.

The Bureau of Fire Safety shall be part of the Division of Fire Safety within the Department of Public Safety in accordance with § 4-11 of the Township Code. The local enforcing agency established by § 133-2 hereof shall be under the direct supervision and control of the Fire Official, who reports to the Township Administrator.

§ 133-5. Fire Marshal; inspectors and employees.

A. Appointment of Fire Marshal. The Fire Marshal shall be appointed by the mayor, with the advice and consent of the Council, following a recommendation by the Township Administrator, who shall receive input from the Fire Chief.

B. Term of office. The Fire Marshal shall serve for a term of four years. If there is a vacancy in the office prior to the end of the four-year term, the new Fire Marshal's four-

year term shall commence upon appointment by the mayor with the advice and consent of the Council pursuant to resolution.

C. Inspectors and employees. Such inspectors and other employees of the Bureau of Fire Safety as may be necessary shall be appointed by the Administrator pursuant to Township policy.

D. Removal from office. All employees of the Bureau of Fire Safety shall be subject to disciplinary action, including but not limited to removal, pursuant to Township personnel policies. An employee so removed shall be afforded an opportunity to be heard by a hearing officer designated by the Mayor and Council. The determination of the hearing officer shall be final.

E. Fire inspectors who are state licensed and possess the credentials of fire official and fire investigator shall be classified as deputy fire marshals.

§ 133-6. Appeals to County Board of Appeals.

Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Safety shall have the right to appeal to the Construction Board of Appeals of the County of Hunterdon.

§ 133-7. Inspection of life-hazard uses.

The Bureau of Fire Safety shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the New Jersey Commissioner of Community Affairs.

§ 133-8. Annual registration of non-life hazard uses

A. Non-life-hazard use registrations shall be processed by the Bureau of Fire Safety in compliance with the Uniform Fire Code.

B. Any Township of Clinton property shall be exempt from the registration fees required under this section except for life-hazard uses, which must be paid to the State in accordance with N.J.A.C. 5:71-2.6(a).

C. In addition to the inspections required by the Uniform Fire Code, the owners of businesses and of other uses constituting industrial, commercial, professional services, educational multifamily residential, and other uses not classified as life-hazard uses by the Uniform Fire Code shall register annually with the Bureau of Fire Safety within 30 days of notice. Failure to comply will result in an assessment of a penalty of $500. Non-life hazard uses shall be inspected annually.

D. Owners of non-life hazard uses shall pay to the local enforcing agency registration fees determined by the gross floor area of the use as follows:

Gross Floor Area (square feet)	**Fee**
Agricultural and/or Farm Property less than 5,000	$75.00
Agricultural and/or Farm Property 5,000 to 9,999	$125.00
Agricultural and/or Farm Property 10,000 to 15,000	$175.00
Agricultural and/or Farm Property - each additional 1,000 square feet	$15.00
Agricultural Employee Housing	$300.00
Commercial Farm Market (as defined at N.J.S.A. 4:1C-3)	$25.00
Commercial Property - Under 499	$75.00
Commercial Property - 499 to 999	$100.00
Commercial Property - 1,000 to 2,999	$125.00
Commercial Property - 3,000 to 5,999	$150.00
Commercial Property - 6,000 to 8,999	$175.00
Commercial Property - 9,000 to 11,999	$200.00
Commercial Property - 12,000 to 17,999	$300.00
Commercial Property - 18,000 to 24,000	$400.00
Commercial Property - for each additional 1,000 square feet above	$50.00
Multiple-family residential dwellings:	
Each Private Unit:	$45.00
Common Area:	$125.00
Parking Garages/Decks Above or Below Grade [One & Two Stories]	$125.00
Parking Garages/Decks Above or Below Grade [Three Stories]	$250.00
Each additional level	$50.00
Solar Fields	$150.00
Solar Mounted on the roof of an attached or detached building	$175.00
Solar Mounted with vehicle parking underneath	$200.00
Systems	
Fire Alarm System	$10.00
Fire Sprinkler Suppression 1-5 Risers	$10.00
Fire Sprinkler Suppression 6-15 Risers	$20.00
Fire Sprinkler Suppression 16-30 Risers	$30.00
Fire Pump	$10.00
Fire Suppression Special Hazard System	$10.00

E. The payment of the above fees shall be the responsibility of the owner of the non-life hazard use, except that the fee for the retail or commercial common area, multi-family dwellings, and other properties shall be the property owner's responsibility. Fees are subject to change upon the adoption of an updated ordinance or the discovery of additional square footage in a structure or separate structure(s) that were not

previously identified.

F. It shall be unlawful to refuse or fail to pay a registration fee after being given notice to do so as per the established fee schedule in this article. A penalty of $500.00 shall be assessed for failure to pay an annual non-life hazard use registration fee. This penalty shall be enforced if payment is not received within 60 days of billing date. Any penalties assessed are in addition to other penalties previously assessed and shall be payable to the local enforcing agency.

§ 133-9. Miscellaneous fees.

A. Certificate of Fire Code Status. Pursuant to the Uniform Fire Safety Act, upon the request of the owner or bona fide purchaser of a building or structure, the Fire Marshal shall issue a certificate either enumerating the violations indicated by its records to be abated and the penalties or fees indicated to be unpaid, or stating its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Such request shall be in writing and accompanied by a fee of $25.

B. Any person who purchases a property without having obtained a certificate stating that there are no unabated violations of record, and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties.

§ 133-10. Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Secondary Power Source Identification Label Compliance (CSACMASPSIL).

Before any one- or two-family or attached single-family dwelling is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm and carbon monoxide alarm compliance. The application fees for CSACMASPSIL, as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupancy is expected, as follows:

A. The fee for requests received more than 10 business days prior to change of occupancy shall be $75.00

B. The fee for requests received four to 10 business days prior to the change of occupancy shall be $125.00

C. The fee for requests received fewer than four business days prior to the change of occupancy shall be $175.00

D. FAILED REINSPECTION SAME DAY ONLY--The fee for requests for the same day as the original inspection shall be $250.00

E. A reinspection fee of $50.00 shall be assessed for any owner/agent failing to meet the inspector during the time frame given for inspection or reinspection. The following reasons, in addition to not meeting requirements, will automatically result in a failed inspection:

(1) Failure to meet inspector during given time frame for inspection or reinspection

(2) Unable to gain access to give the Fire Bureau access to do inspection

(3) There is no power to the structure and the inspection requires testing electricity

(4) Snow and Ice obstruct an acceptable walkway or driveway. Snow and Ice must be cleared prior to scheduled inspections

(5) The structure is deemed condemned by construction official.

F. On January 15th of each year or when otherwise requested by the Fire Marshal or his/her designee, an owner, association, or other governing body of residential premises subject to this section shall provide information pertaining to a change of occupancy or ownership and shall provide the Bureau of Fire Safety with a list of all ownership and rentals where a change of tenancy and/or ownership has occurred during the preceding year for the purpose of ensuring compliance with this section. The list shall contain the street address of the owned or rental premises, the owner's name, the owner's address, and the date on which the new tenancy begins.

§ 133-11. Fire permit fees.

A. The following fees are hereby established for the types of permits described in the New Jersey Uniform Fire Code at N.J.A.C. 5:70:2.7(a):

(1) Type 1: $75.
(2) Type 2: $250.
(3) Type 3: $445.
(4) Type 4: $700.
(5) Type 5: Reserved.

B. Exception: Where determined by the Fire Marshal, educational or religious programs involving attendees K-12 for overnight stays or related permits shall be exempt from the established local permit fees. Local Police, Fire, EMS, OEM, or any other or shared service town shall be exempt from select permit fees such as recreational activities, or other similar related activities, and activities or structures involved in emergency operations.

§ 133-12. Violations; penalties.

A. The provisions of this article shall be enforced pursuant to the provisions of the Uniform Fire Safety Act.

B. Payment of penalties assessed shall be made in full within 30 days after notice was issued. If not, the collection may be referred to the Township Attorney for summary collection pursuant to the Penalty Enforcement Law, N.J.S.A. 2A: 58-10 et seq.

Article II. Rapid Entry Systems

§ 133-13. When required.

Rapid entry systems shall be required for the following structures:

A. All buildings within the enforcing agency jurisdiction having an automatic fire detection or suppression system shall be equipped with a rapid entry key lock box. However, this requirement shall not apply to owner-occupied one- and two-family dwellings.
B. All commercial and industrial properties within the local enforcing agency jurisdiction protected by fences, gates, and related barriers presently secured by using a padlock or electronically operated or automatic gates or other control circuits shall be equipped with a high-security padlock or high-security key switch as approved by the Fire Marshal. The high-security padlock and key switches shall be located as set forth in § 133-15 of this chapter and in a manner as directed by the Fire Marshal.
C. All dwelling buildings that contain more than two units, including any common area between the individual units, and which common area is locked from the outside of the building.
D. All commercial and industrial buildings.
E. All commercial buildings that contain two or more individual separately located businesses, which contain a common area between such commercial units and which are locked from the outside.
F. All daycare/nurseries.
G. Public and private schools.
H. All municipal buildings.
I. All community clubhouses and recreation centers.
J. All places of worship.
K. Any building that is 12,000 square feet or greater.
L. Any building that that has an elevator.
M. Any building that has a history of chronic false or nuisance alarms, as defined in this chapter.
N. Any building that contains large quantities of hazardous materials.
O. Any building that is classified as a life hazard use in accordance with the State of New Jersey Uniform Fire Code.

P. Rooming and boarding buildings.

§ 133-14. Rapid entry key lock box, high-security padlock, and key switch types.

The rapid entry key lock box, high-security padlock, and key switches shall be Underwriter Laboratories (U.L.) certified and approved by the Fire Marshal.

§ 133-15. Location.

Each affected building or structure shall cause an appropriate rapid entry box to be permanently mounted at the main entrance to the building or property. The rapid entry box shall be accessible from outside the structure or building and shall be placed at a minimum height of five feet and a maximum of six feet above final grade or as otherwise approved by the Fire Marshal. The location on the outside of the building or structure shall be, as nearly as possible, uniform among similar types of structures to promote quick accessibility upon arrival of fire personnel at the scene of an emergency. Each rapid entry box shall be of sufficient size and configuration to allow the required contents, as set forth in § 133-16 below, to be conveniently stored therein. To assure the acceptability of the chosen rapid entry box, each owner, tenant, or other responsible party of each affected structure or building shall receive approval from the Clinton Township Fire Marshal on the size and configuration of the proposed rapid entry box before installation.

§ 133-16. Key lock box contents.

A. The key lock box shall contain labeled keys, easily identified in the field, to provide access to the property and/or building and to all locked rooms, spaces or areas within the property, and as may be further directed by the Fire Marshal. The following listed below shall be a minimum of items required in each lockbox:

(1) Keys and/or combinations to the fire alarm panel and pull stations.
(2) A card containing a minimum of two emergency contact names and telephone numbers for the facility.

B. All existing occupied buildings shall comply with this section within 18 months of the effective date of this section. All existing buildings not occupied on this section's effective date shall comply before occupancy. All existing buildings at a change of occupancy shall comply prior to re-occupancy. All buildings, structures, and other improvements under construction or newly constructed buildings not yet occupied shall comply immediately and, in all events, prior to occupancy.

§ 133-17. Compliance.

All existing buildings shall comply with the provisions of this article. All newly

constructed buildings, not yet occupied, or buildings currently under construction shall comply with the requirements of this article prior to the fire detection or fire suppression system being accepted and approved for service. The operator of the building shall immediately notify the Fire Marshal and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

§ 133-18. Violations and penalties.

Any property or building owner failing to comply with or in violation of the terms of this article shall, upon conviction thereof, be punishable by a fine not to exceed $1,000 and/or by imprisonment for up to 90 days and/or by a period of community service not exceeding 90 days, in the discretion of the court. Every day that such a violation continues shall be considered a separate and distinct violation of this article.

Article III. Fire Department Connections.

§ 133-19. Connection type.

All new fire department connections being installed within Clinton Township shall have 5" Storz connection – 30-degree elbow with a blind cap.

Article IV. Interference with Fire Lanes, Fire Connections, and Fire Department Operations and Equipment.

§ 133-20. Designation and notification of fire lanes and fire zones.

A. Designation. Fire lanes on private property shall be designated, in writing, by the Fire Marshal in accordance with the provision of Uniform Fire Code, N.J.A.C. 5:70-1.1.

B. Markings.

(1) Signs. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install signs at intervals of one for every one hundred linear feet of fire lane or part thereof or as otherwise approved by the Fire Marshal. Signs shall have a white reflective background and be provided with red lettering which reads "No Parking - Fire Lane." Such signs shall measure 12 inches by 18 inches or as approved by the Fire Marshal.

(2) Striping. The owner of any property upon which fire lanes are designated in accordance with the requirements of this article shall install striping as described herein for all fire lanes on improved areas provided as any portion of a fire lane. Fire lanes shall be provided with yellow lines four inches in width along their entire circumference. The fire lane shall further be provided with diagonal striping, yellow in color and having a minimum width of four inches, spaced at intervals of five feet.

(3) Size. Fire lanes for vehicle access shall be a minimum of 12 feet in width or as otherwise required by the Fire Marshal. Fire lanes for egress of occupants shall only be required to be the width of the exit way served.

C. Notification. Once the Fire Marshal has designated a fire lane on private property in accordance with the requirements of the Uniform Fire Code N.J.A.C. 5:70-1.1 et seq., as may be amended from time to time, and properly marked by the property owner, the Fire Marshal shall notify the Police Department and Municipal Clerk in writing of the existence and location of such designated fire lane.

§ 133-21. Enforcement; parking, standing, and obstruction prohibited.

A. Designated fire lanes and fire zones shall always be maintained free of snow and obstructions, including vehicles.

B. No person shall park or otherwise leave unattended any vehicle or place any obstruction in or upon any fire lane at any time or obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or any other Fire Department connection for the suppression of fires, including fire hydrants and Fire Department connections that are located in public or private streets and access lanes, or on private property.

C. No person shall park any vehicle or otherwise cause any obstruction to be placed within 50 feet of the entrance to any fire station or other place where fire apparatus is stored or within 10 feet of any fire hydrant.

D. Any Chief Officer of the Clinton Township Fire Department, a police officer of the Clinton Township Police Department, personnel of the Clinton Township Fire Prevention Bureau, the Fire Marshal, or a Code Enforcement Officer may complete a municipal summons or a notice of violations, and said summons or notice of violations shall be issued to all offenders by personally serving the same upon any offender, or if the offender is not attendant to the vehicle, the notice shall be left under the windshield wiper or otherwise attached to the vehicle in a manner reasonably calculated to ensure that the offender receives said notice upon his or her return to the vehicle.

E. It shall be a violation of this article for anyone to park or stand a vehicle in, or cause an obstruction to, a fire lane or fire zone. A violator of this article shall be liable to a fine of no less than $250.00 and up to $1000.00 for each offense. Up to 90 days of community service on such terms and in such form as the court shall deem appropriate or any combination thereof.

F. The Township Police, Code Enforcement Officers, Fire Department Officers, and Fire Marshal Personnel shall have the power to order any vehicle violating this article,

and the owner of the vehicle shall be responsible for any towing fees incurred, as well as penalties for violation of this article.

G. It shall be a violation of this article for any person, firm, corporation, partnership, or other entity responsible for the location of which a fire lane or connection is on. Each individual item or vehicle will be considered a separate violation and will be punishable with fines from § 133-29.

§ 133-22. Interference with Fire Department operations and equipment.

A. Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Chief, Fire Marshal, or recognized incident commander or interfere with the compliance attempts of another individual at a Fire Department operation.

B. Driving over fire hoses. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive, or any other vehicular roadway without the consent of the Fire Chief or recognized incident commander in command of said operation.

C. Resetting fire alarm systems. Activated fire alarm systems that result in a Fire Department and/or the Bureau of Fire Safety being dispatched to that location shall not be cleared or reset without approval from a Fire Department officer or their designee, Fire Marshal, or Fire Inspector.

D. Silencing fire alarm systems. An activated fire alarm system shall not be silenced until it has been clearly determined by on-site Fire Department personnel that the system activation is not due to smoke, carbon monoxide, or other fire conditions on the premises where the system is located.

Exceptions:

(1) An owner-occupied one- and two-family and attached single-family dwellings used exclusively for dwelling purposes

(2) Written permission from the Fire Marshal and Fire Chief

E. Failure to comply with any provision of this subsection shall be punishable with fines from § 133-29.

Article V. Fire Protection Systems

§ 133-23. Responsible person.

All commercial property that have fire protection systems shall provide a list of twenty-four-hour contact persons. There shall be a minimum of two contacts. All emergency contacts must be capable of responding to the affected property within 30 minutes, have the authority to make proper notifications for emergency repairs, and shall have access to all areas of the affected property. The emergency contact list shall be provided to the Bureau of Prevention. Any updates or changes to the list must be forwarded within seven days.

§ 133-24. False alarm of fire protection systems

A. Findings. The governing body finds that false fire alarms place an unnecessary and serious hazard to first responders and the residents of the Township of Clinton. Additionally, false fire alarms can misdirect valuable firefighting resources and create a lack of equipment and manpower in the event of an actual emergency.

B. Purpose. The purpose of this section is to facilitate the reduction of false fire alarms and the misuse of the manpower, and resources of the Fire Department caused by the dispatch of units to the scene of a false alarm.

C. Definitions. For the purpose of this section, the following definitions shall apply:

ACT OF GOD
An unusual, extraordinary, sudden, or unexpected display of the forces of nature against which the science and the skill of mankind are of no avail.

ALARM CONSOLE
The console or control panel of devices giving visual, audio, or electronic responses.

ALARM INSTALLATION
Any alarm device or combination of devices installed by one or more buildings in a location other than the alarm console.

ALARM SYSTEM
Any device or piece of equipment or an assembly of equipment and devices designed or arranged to signal visibly, audibly, electronically, mechanically, or by any combination of these methods the presence of a fire requires urgent attention and to which the Fire Department is expected to respond.

ALARM USER
Any person, whether owner, occupant, tenant, residential or commercial properties, upon whose premises an alarm system is maintained or operated within the municipality, except for alarm systems on motor vehicles.

DIAL ALARM DEVICE

That type of device using telephone lines transmitting an alarm through a central station alarm company and not directly through the Police switchboard.

FALSE ALARM
The actuation of a fire alarm device, either directly or indirect, of any type to which the Fire Department must respond and for any automatic fire alarm, smoke alarm, fire sprinkler water flow alarm, or other Fire Protection System, that was not caused by an actual fire, smoke condition or other condition beyond the control of the owner, tenant, or resident.

FIRE PROTECTION SYSTEM
A system that includes, but is not limited to, the following: Central Station Alarm, Elevator, Fire Alarm, Fire Pump, Fire Sprinkler, Hood Suppression System Standpipe, Smoke Control/Exhaust Systems, Smoke Detector System, Special Hazard System, Water Supply, or any appurtenances thereof.

LOCAL ALARM DEVICE
Any alarm or device which, when activated, produces a signal not connected to the alarm console, including, but not limited to, store fire alarm bell activating devices and residential or other type of alarm signal devices connected to private monitoring systems, which alarms may be relayed to the firehouse.

PERSON
Any individual, partnership, corporation, unincorporated association, or any group of people.

POLICE ALARM DEVICE
Any type of alarm system actuating equipment in the alarm console providing a warning of fire or smoke.

D. Record Keeping. The Bureau of Fire Prevention shall investigate and determine the cause of any false alarm, as defined in this section, and shall maintain a list of all false alarms. Said list shall identify the location of each false alarm, the number of false alarms at the location, and the determined reason for the false alarm.

E. Reporting to Bureau of Fire Safety. Upon the determination that a false alarm has occurred, the Fire Chief or his designated representative shall promptly notify the Fire Marshal, who shall issue a municipal summons to the property owner.

F. Penalties.

(1) In case of a false fire alarm, the Fire Department shall be notified, and the Chief and/or Fire Marshal shall participate in the investigation. The report of a false alarm shall be filed with the Fire Marshal, who shall determine the appropriate penalty in

accordance with this code site.

(2) There is no charge for the first false alarm in any year. The owner of any alarm device shall pay a penalty for any false alarm after the first false fire alarm within any one calendar year, January 1 through December 31.

(3) Thereafter, a penalty shall be imposed for any subsequent false fire alarms within the same calendar year. The charge shall be determined by the total number of false alarms within the same calendar year in accordance with the following schedule:

False Alarm Number	**Commercial Fine**	**Residential Fine**
First	Warning Only	Warning Only
Second	$50.00	Warning Only
Third	$100.00	Warning Only
Fourth	$200.00	$50.00
Fifth	$400.00	$100.00
Sixth	$800.00	$300.00
Seventh	$1,600.00	$400.00
Any Additional	$2,000.00	$500.00

(4) False alarms by contractors.

(a) Licensed fire protection and alarm contractors who cause false/nuisance alarms by failing to ensure the systems they are working on are placed on test mode prior to beginning work shall be issued a penalty of $200.00 per offense they commit, regardless of address or location.

(b) If the Fire Prevention Bureau determines that the cause of alarm is due to the failure of the alarm monitoring company or central station to take precautions to prevent the transmission of alarms during testing, maintenance, service, installation, or fire drills, that monitoring company shall be held responsible and issued a penalty of $500.00.

(c) If the Fire Prevention Bureau determines that the cause of the alarm is due to work being performed by a contractor, regardless of trade, said contractor shall be held responsible and issued a penalty of up to $500.00.

G. Exceptions

(1) The provisions of this article shall not apply to general alerting alarms that may be used by fire companies, ambulance squads, or civil defense agencies to summon its members. Moreover, the provisions of this chapter do not apply to alarm systems

affixed to motor vehicles.

(2) Any owner or user of an alarm system who accidentally activates his or her burglar alarm and properly notifies the Police Department within three minutes after activation will not be charged with a false alarm.

(3) This grace period shall not apply to false fire alarms.

H. Penalty collection. All provisions of the New Jersey Uniform Fire Code with respect to the maintenance of fire alarms shall continue to apply. The Bureau of Fire Safety shall provide one-half of the penalty amount to the dedicated penalty account for the primary fire department's jurisdiction in which the violation has occurred.

I. Enforcement. The terms of this section shall be enforced by the Fire Marshal of Clinton Township, who shall serve as the enforcement officer hereunder.

J. Violations and penalties.

(1) Where any property owner fails to comply with an order issued pursuant to this section, he shall be deemed in violation of this section and shall be subject to the penalties provided herein. It shall be the duty of the enforcement officer to cause a summons to be issued from the Municipal Court for such violation, but nothing contained herein shall limit the power of the enforcement officer to take such further action under the criminal and civil laws of this State through any court of competent jurisdiction as may be necessary to remove or abate any violation.

(2) Each violation of any of the provisions of this section and each day that the violation existed shall constitute a separate and distinctive offense and shall be punishable by a fine not to exceed $500 per day and per offense, levied against the property owner with a minimum fine of $100 per day.

(3) Where abatement of any violation as defined herein was accomplished and premises brought into compliance with this section through the expenditures of Township funds, such costs shall be assessed against the premises and cited as a lien in the same manner as real estate taxes.

§ 133-25. Other water sources.

The Fire Chief or any senior officer in charge of a fire emergency retains the right to utilize any water source or access to any water source available to bring a fire under control, including, but not limited to, any swimming pool, and any public or private pond, lake, river or stream.

Article VI. Recreation Fires

§ 133-26. Legislative findings; policy; purpose.

A. The governing body finds that recreational fires and burning of combustible materials in a residential setting may pose a serious hazard to the public health, safety, general welfare and the quality of life of the residents of the municipality. The public has a right to and should be ensured of an environment free from noxious fumes and the threat of fire. It is the intent of the governing body to prevent the danger of fire from open burning which is a detriment to the public health, comfort, safety, welfare and quality of life.

B. It is in the public interest that the provisions, prohibitions and controls hereinafter contained be enacted as a matter of legislative determination and public policy and be adopted for the purpose of securing and promoting the public health, comfort, safety, and general welfare and quality of life of the residents of the municipality.

§ 133-27. Definitions

For the purpose of this article, the following definitions shall apply:

CHIMINEA, OUTDOOR FIREPLACE, and OUTDOOR FIRE PIT
As defined by the manufacturers, shall meet approved containers for open burning.

FIREWOOD
Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than two inches in diameter.

NUISANCE
Any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

RECREATIONAL FIRE
An outdoor fire where seasoned wood of approved dimensions is burned for entertainment.

TREATED LUMBER
Dry wood which has milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

UNTREATED LUMBER
Dry wood which has milled and dried, but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

§ 133-28. Regulation of recreational fires.

A. Recreational fires in approved containers shall be allowed without a permit at owner occupied one- and two-family and attached single family dwellings used exclusively for dwelling purposes, subject to the requirement contained herein.

B. Fires shall be limited to a maximum three-foot diameter and two-foot height and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit, or other method approved by the Fire Chief or his designee.

C. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.

D. Fires must be kept in the rear yard at least 15 feet from any structure or combustible exterior wall.

E. Fires must be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, or garden hose, shall be available for immediate utilization.

F. No such fire or container used for open burning may be used on any porch, deck, balcony or any other portion of a building; within any room or space; or under any building overhang.

G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than two inches in diameter, treated or untreated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited, except that kindling may be used to start a fire.

H. All open fires as set forth herein shall be extinguished no later than 12:00 midnight.

I. The Fire Chief or his designee, a police officer, or health officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

Article VII. Violations; Penalties & Fees

§ 133-29. Violations, penalties and fees.

Except as otherwise expressly stated in this chapter, any person, firm, corporation, partnership or other entity violating any provision of Articles II through VI, or who shall violate or fail to comply with any order made thereunder, or any certificate or permit

issued thereunder, or who shall fail to comply with such an order of the Fire Marshal or by a court of competent jurisdiction, within the time required, shall for each and every such violation and noncompliance, be subject to a penalty of not more than $1000.00. These penalties shall be separate and distinct from the penalties imposed by N.J.A.C. 5:70-2.12. Each and every day a violation occurs shall be deemed a separate and distinct offense. Penalties shall be paid to the Bureau of Fire Safety, which shall provide one-half of the first occurring penalty amount to the dedicated penalty account for the primary fire department's jurisdiction in which the violation occurred.

Mayor Mullay opened the public hearing on the ordinance.

Seeing that there were no comments from the public, Mayor Mullay closed the public hearing.

Councilman Rhinehart motioned to adopt Ordinance 1238-2026; Councilman Council President Glaser seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

2. Ordinance 1239-2026 – AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY, AMENDING CHAPTER 135, "FLOODPLAIN MANAGEMENT REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF CLINTON"

   WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq. and N.J.S.A. 40:55D-1 et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

   WHEREAS, the Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the Township of Clinton ("Township") and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

   WHEREAS, the Township was previously accepted for participation in the National Flood Insurance Program and the Township Mayor and Council desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70, which is necessary for such participation; and

   WHEREAS, the Township is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township is required, pursuant to N.J.S.A. 58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at a minimum conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP);

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

SECTION 1. RECITALS. The foregoing "whereas" clauses are incorporated herein by reference and made a part hereof.

SECTION 2. FLOODPLAIN MANAGEMENT REGULATIONS AMENDED. Chapter 135, "Floodplain Management Regulations" of the "Code of the Township of Clinton" ("Code") is hereby amended as shown on Exhibit A attached hereto and made a part hereof (new text is underlined thus; deleted text is in bold brackets [thus]).

SECTION 3. SUBMISSION TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. Following the introduction of this ordinance, the Township Clerk and/or Township Engineer shall forthwith transmit a full copy of this ordinance together with the notice of introduction/public hearing to the New Jersey Department of Environmental Protection. A signed and certified copy of the ordinance shall also be submitted to the New Jersey Department of Environmental Protection once adopted.

SECTION 4. REPEALER. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

SECTION 5. SEVERABILITY. 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 portion thereof.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect on November 13, 2026 and upon approval by the New Jersey Department of Environmental Protection.

Mayor Mullay opened the public hearing on the ordinance.

Seeing that there were no comments from the public, Mayor Mullay closed the public hearing.

Mayor Mullay motioned to adopt Ordinance 1239-2026; Council President Glaser seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

1. Resolution 2026-227 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(b) AND DIRECTING THE IMMEDIATE IMPLEMENTATION OF ORDINANCE #1239-2026

   WHEREAS, on October 28, 2026, the Mayor and Council adopted on second reading Ordinance #1239-2026 entitled "AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY, AMENDING CHAPTER 135, 'FLOODPLAIN MANAGEMENT REGULATIONS' OF THE 'CODE OF THE TOWNSHIP OF CLINTON'"; and

   WHEREAS, N.J.S.A. 40:69A-181(b) states that "[n]o ordinance other than the local budget ordinance shall take effect less than twenty days after its final passage by council and approval by the mayor where such approval is required, unless the council shall adopt a resolution declaring an emergency and at least two-thirds of all the members of the council vote in favor of such resolution"; and

   WHEREAS, the purpose of Ordinance #1239-2026 is to amend Clinton Township's floodplain management regulations to conform to the New Jersey Department of Environmental Protection's recently updated Riverine model ordinance and to adopt the current applicable FEMA flood maps; and

   WHEREAS, communities that fail to enact the updates to the regulations and adopt the new FEMA flood maps by November 13, 2026 are subject to suspension from participation in the National Flood Insurance Program; and

   WHEREAS, application of N.J.S.A. 40:69A-181(b)'s twenty-day estoppel period means the updated regulations would not take effect until November 17, 2026 at the earliest; and

   WHEREAS, the Mayor and Council find that it is critical to the public health, safety and general welfare that Ordinance #1239-2026 be implemented immediately and that the regulations set forth therein take effect on November 13, 2026;

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

   1. The findings set forth in the preamble to this resolution are incorporated as if restated in full herein.

   2. Pursuant to the authority granted to the Mayor and Council by N.J.S.A. 40:69A-181(b), and for the reasons set forth in the preamble above, the Mayor and Council hereby

declare that an emergency exists and that as a result of said emergency, Ordinance #1239-2026 shall be implemented immediately and the regulations set forth therein shall take effect on November 13, 2026.

Councilman Rhinehart motioned to approve Resolution 2026-227; Council President Glaser seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

OLD BUSINESS

NEW BUSINESS

1. Resolution 2026-228 – RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH CLINTON LIHTC URBAN RENEWAL LLC FOR THE "CLINTON WOODS" AFFORDABLE HOUSING DEVELOPMENT SITUATED AT 500 RUNKLE DRIVE IN CLINTON TOWNSHIP AND IDENTIFIED AS BLOCK 82, LOT 4.04 ON THE CLINTON TOWNSHIP TAX MAPS

   WHEREAS, Cliton LIHTC Urban Renewal LLC ("the URE") is the developer of a six-acre property situated at 500 Runkle Drive and identified as Block 82, Lot 4.04 on the Clinton Township Tax Maps (the "Property"), pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the "NJHMFA Law"); and

   WHEREAS, the Property has been developed with 84 units of affordable family rental housing on, together with related improvements such as leasing offices, community meeting space, landscaping, curbing and parking (the "Project"); and

   WHEREAS, the Project is being financed by the New Jersey Housing and Mortgage Finance Agency ("NJHMFA"); and

   WHEREAS, the Township and the URE entered into a 30-year Agreement for Payments in Lieu of Taxes dated June 13, 2018 (the "Original PILOT Agreement"), pursuant to which the URE agreed to pay an Annual Service Charge in lieu of real property taxes to the Township in an amount equal to 5% of Project Revenues; and

   WHEREAS, the cost of materials subsequently increased significantly, which in turn caused the URE's projected construction costs to far exceed the URE's original estimates; and

WHEREAS, to preserve the viability of the Project and the URE's ability to secure the necessary financing for the Project, it was necessary to reduce the amount of the URE's annual payment-in-lieu; and

WHEREAS, the Township and URE therefore amended the Original PILOT Agreement on September 9, 2021 (the "First Amendment") to reduce the Annual Service Charge from 5% to 3.28% of Project Revenues (the Original PILOT Agreement and the First Amendment are hereinafter collectively referred to as the "Existing PILOT Agreement"); and

WHEREAS, the URE remains fully committed to the long-term preservation of Clinton Woods as an affordable housing community; and

WHEREAS, the project serves an important housing need within the Township, and the URE continues to devote significant resources toward securing permanent financing and ensuring the project's long-term viability; and

WHEREAS, as part of these efforts, the URE has been actively engaged with the NJHMFA regarding permanent financing for the project; and

WHEREAS, NJHMFA previously issued a commitment for a 40-year taxable bond; however, that commitment expired and must be reissued through a new application and approval process; and

WHEREAS, NJHMFA has advised the URE that a critical condition to issuance of a new commitment is that the term of the PILOT Agreement align with the term of the proposed permanent financing; and

WHEREAS, accordingly, NJHMFA requires a 40-year PILOT Agreement in order to proceed with underwriting and approval of the permanent loan; and

WHEREAS, it is therefore necessary to amend the Existing PILOT to extend the term of the PILOT Agreement from 30 years to 40 years, during which period the URE will pay an Annual Service Charge of 3.28% of Project Revenues during the first 30 years and 5% of total Project Revenues during the final 10 years; and

WHEREAS, absent the requested PILOT amendment, the project will be unable to obtain a new permanent loan commitment from NJHMFA, which will adversely affect the long-term financial stability of the development; and

WHEREAS, the requested amendment will facilitate approximately $12.2 million of permanent financing that is expected to fully repay the construction loan while ensuring the continued affordability of the property; and

WHEREAS, approval of the extension will help preserve 84 affordable housing units within the Township for decades to come; and

WHEREAS, the Township and the URE therefore desire to amend the Existing PILOT Agreement in order to extend the expiration date of the property tax exemption and revise certain other provisions of the existing PILOT Agreement as set forth herein.

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.

2. The Mayor and Clerk are hereby authorized to execute the "Second Amendment to the Agreement for Payment in Lieu of Taxes with Clinton LIHTC Urban Renewal LLC for the 'Clinton Woods' Affordable Housing Development Situated at 500 Runkle Drive in Clinton Township and Identified as Block 82, Lot 4.04 on the Clinton Township Tax Maps" that extends the term of the PILOT Agreement from 30 years to 40 years, during which period the URE will pay an Annual Service Charge of 3.28% of Project Revenues during the first 30 years and 5% of total Project Revenues during the final 10 years. The form and substance of the amended agreement shall be as set forth in Schedule A hereto, or such other substantially similar agreement consistent with the terms set forth herein as shall have been reviewed and approved by the Township Attorney.

3. The Mayor and Council hereby adopt the within resolution and make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the New Jersey Housing and Mortgage Finance Agency Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the URE.

4. This resolution shall take effect immediately.

Council President Glaser motioned to approve Resolution 2026-228; Councilman Rhinehart seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

CORRESPONDENCE

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA – Comments should be limited to three (3) minutes.

Seeing that there were no comments from the public, Mayor Mullay closed the public hearing.

EXECUTIVE SESSION

The Mayor and Council went into Executive Session at 7:27 pm.

> **BE IT RESOLVED** that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.
>
> The general nature of the subject(s) to be discussed in this session is as follows:
>
> 1. Pending or anticipated litigation and matters falling within the attorney-client privilege:
>
>   a. *In the Matter of the Application of Clinton Township*, Docket No. HNT-L-49-25 (Affordable Housing Complaint for Declaratory Relief Pursuant to AOC Directive #14-24)
>
> It is unknown precisely when the matters discussed in this session will be disclosed to the public.
>
> Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.
>
> Formal action may be taken after the conclusion of the closed session.

Councilman Rheinhart motioned to enter Executive Session; Mayor Mullay seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

The Mayor and Council returned to Open Session at 7:53 pm.

ADJOURNMENT

Councilman Rhinehart motioned to adjourn the meeting; Mayor Mullay seconded.

Result: Motion passed by vote of 4 in favor and none opposed. Councilman Hardiman was absent.

The Council adjourned the meeting at 7:53 pm.

Respectfully Submitted,

Jeffrey Jotz
Township Clerk

Hon. Brian K. Mullay
Mayor

Adopted by Mayor and Council: November 4, 2026

Meeting Minutes
Township of Clinton
County of Hunterdon | State of New Jersey
October 28, 2026
Executive Session

Present: Councilman Rhinehart
Councilman Hardiman
Council President Glaser
Councilman Kochanowski
Mayor Mullay

Also Present: Trishka Waterbury Cecil, Township Attorney
Jeffrey Jotz, Township Clerk
Jonathan E. Drill, Stickel Koenig & Sullivan (via Zoom)
Thomas Behrens

EXECUTIVE SESSION

BE IT RESOLVED that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

The general nature of the subject(s) to be discussed in this session is as follows:

1. Pending or anticipated litigation and matters falling within the attorney-client privilege:

    b. In the Matter of the Application of Clinton Township, Docket No. HNT-L-49-25 (Affordable Housing Complaint for Declaratory Relief Pursuant to AOC Directive #14-24)

It is unknown precisely when the matters discussed in this session will be disclosed to the public.

Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

Formal action may be taken after the conclusion of the closed session.

ATTEST:

Jeffrey Jotz
Township Clerk

Hon. Brian K. Mullay
Mayor

Adopted: November 4, 2026

CERTIFICATION

I, Jeffrey Jotz, Acting Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Mayor and Council of the Township of Clinton at a meeting held on November 4, 2026.

Jeffrey Jotz, Township Clerk