

RESOLUTION

**RESOLUTION AMENDING THE 2023 TEMPORARY BUDGET TO AUTHORIZE
ADDITIONAL APPROPRIATIONS**

WHEREAS, the Local Budget Law at N.J.S.A. 40A:4-19 authorizes municipal governing bodies to make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the municipality’s budget, provided the total of such appropriations does not exceed 26.5% of the total appropriations made in the budget for the preceding fiscal year; and

WHEREAS, pursuant to Resolution #3-2023 adopted on January 4, 2023, the Mayor and Council of the Township of Clinton made certain appropriations pursuant to the Local Budget Law as set forth above (the “2023 temporary budget”); and

WHEREAS, additional appropriations not originally set forth in the 2023 temporary budget are needed in order to maintain operations until such time as the final budget is approved;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey, that the 2023 temporary budget is hereby amended by adding thereto the following additional appropriations:

<u>Department</u>	<u>Expense</u>	<u>Amount</u>
Environmental	O/E	\$300.00
Zoning	S&W	\$1,500.00
Council	O/E	\$1,500.00
Collection of Taxes	O/E	\$1,000.00
Total		\$4,300.00

and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: February 8, 2023

CERTIFICATION

I, Carla Conner, Municipal Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 8th day of February, 2023.

Conner Conner, Municipal Clerk

RESOLUTION

RESOLUTION APPROVING REQUEST BY CLINTON LIHTC URBAN RENEWAL LLC FOR REDUCTION OF PERFORMANCE GUARANTEE FOR THE “CLINTON WOODS” AFFORDABLE HOUSING DEVELOPMENT (BLOCK 82, LOT 4.03)

WHEREAS, the Township of Clinton is the beneficiary of a performance guarantee posted by Clinton LIHTC Urban Renewal LLC (“the developer”) on March 21, 2022 in connection with development approvals granted by the Clinton Township Planning Board for property located on Route 31 South and designated on the Clinton Township tax maps as Block 82, Lot 4.03 in connection with the affordable housing development commonly known as the “Clinton Woods” development; and

WHEREAS, the specific site improvements for which the guarantee was posted are set forth in a letter dated December 29, 2021 from Township Engineer Larry Plevier, PE of Mott MacDonald; and

WHEREAS, the total amount of the performance guarantee is \$2,585,574.90, of which \$2,327,017.41 was posted in the form of a performance bond issued by Hartford Casualty Insurance Company (Bond #45BCSIU8597) and the remainder was posted in cash; and

WHEREAS, by letter dated January 5, 2023 from Deanna Shipman, Development Project Manager, to Township Clerk Carla Conner, the developer has requested to have the performance guarantee reduced; and

WHEREAS, a copy of the request by the developer is attached hereto as **Exhibit A**; and

WHEREAS, the Township Engineer has inspected the improvements made to date and provided a report to the Township Clerk regarding the reduction request, which report is dated January 16, 2023 and is attached hereto as **Exhibit B**; and

WHEREAS, the report was received by the Township Clerk on January 16, 2023; and

WHEREAS, the Municipal Land Use Law (“MLUL”) at N.J.S.A. 40:55D-53e(1) requires the governing body by resolution to “either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted”; and

WHEREAS, the MLUL at N.J.S.A. 40:55D-53e(1) also provides that notwithstanding the percent of the improvements that have been completed, 30% of the total performance guarantee that was posted may be retained to ensure completion and acceptability of all improvements; and

WHEREAS, the Township Engineer’s report indicates that 77% of the site improvements have been installed as shown on the approved site plan; and

WHEREAS, the Township Engineer recommends that the performance guarantee be reduced accordingly, subject to the Township retaining 30% of the total amount that was posted, as authorized by N.J.S.A. 40:55D-53e(1); and

WHEREAS, the specific bonded improvements that the Township Engineer has determined to be complete and satisfactory, and for which the performance guarantee is being reduced, are identified on a spreadsheet included with the Township Engineer’s report; and

WHEREAS, no cause has been established to reject the completed improvements;

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 request by Clinton LIHTC Urban Renewal LLC for a reduction in its performance guarantee is hereby approved, subject to the Township retaining 30% of the total amount that was posted, as authorized by N.J.S.A. 40:55D-53e(1).
3. The completed improvements identified on the spreadsheet included with the Township Engineer’s January 16, 2023 report (**Exhibit B** to this resolution) are hereby approved and accepted.
4. As recommended by the Township Engineer, the total performance guarantee shall be reduced by \$ 1,809,902.43. The remainder—consisting of a surety bond in the amount of \$ 698,105.22 and cash in the amount of \$ 77,567.25—shall be retained by the municipality until all of the bonded items have been completed, found by the Township Engineer to be satisfactory, and accepted by the Township, and the appropriate maintenance guarantees have been posted.
4. This resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: February 8, 2023

CERTIFICATION

I, Carla Conner, Municipal Clerk of the Township of Clinton, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 8th day of February, 2023.

Conner Conner, Municipal Clerk

ORDINANCE NO. ____-2023

**AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN
HUNTERDON COUNTY, NEW JERSEY AMENDING PART 2,
“GENERAL LEGISLATION” OF THE “CODE OF THE
TOWNSHIP OF CLINTON” TO ESTABLISH PERMITTING AND
OTHER REQUIREMENTS FOR SPECIAL EVENTS**

WHEREAS, from time to time private individuals or organizations in the Township of Clinton (“Township”) host commercial or fundraising events to which the general public is invited, including events such as concerts, races, parades, block parties, etc.; and

WHEREAS, such events are currently unrelated; and

WHEREAS, such events can impact public roads and adjacent properties; and

WHEREAS, the Mayor and Council find that it is in the best interests of the Township’s residents and the general public to establish permitting and other requirements for special events, in order to protect the public health, safety and welfare of the community;

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

Section 1. Township Code amended to add permitting and other requirements for special events. Part 2, “General Legislation” of the “Code of the Township of Clinton” (“Code” or “Township Code”) is hereby amended by adding thereto a new chapter entitled “Special Events”, which shall read as follows:

Chapter ____

SPECIAL EVENTS

§ ____-1. Purpose and Intent. The purpose and intent of this chapter is to enable the Township and the Mayor and Council to have oversight of the type and scope of events to be held within the confines of the Township. Through the input of all operational facets of the Township upon which the special event

shall have impact, the Township shall protect the health, safety, and welfare of the Township residents and community as a whole.

§ ____-2. Permit Required.

- A. Any person or organization desiring to hold any commercial or fund-raising event, *i.e.* concert, race, parade, walkathon, fair, carnival, festival, celebration, balloon festival, bicycle race, running event, show, seasonal farmers market on a non-agricultural property, or other similar special event in or upon any public grounds or private property, park or road of the Township must first apply for, and obtain a permit from the Township Clerk in accordance with the requirements of §__-3 below. Any such event that is likely to involve or require the expenditure of Township resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department, Building Department and/or Emergency Medical Services shall constitute a special event. To obtain a permit for a special event, the applicant shall also satisfy the requirements of §__-4 below.
- B. An event shall also be considered a “special event” requiring compliance with the permitting and other requirements of this chapter if it involves: the closing of a public street; the blocking or restriction of access to public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property or on private property where otherwise prohibited by ordinance; or the placement of temporary “no parking” signs on a public right-of-way.
- C. Other approvals and/or permits. The issuance of a permit pursuant to this chapter shall not excuse the applicant from securing all other approvals or permits that may be required from any other governmental agency having jurisdiction over the event, including but not limited to, the Township Construction Official, Township Fire Official, Hunterdon County Board of Health, New Jersey Division of Alcoholic Beverage Control, and New Jersey Department of Environmental Protection.
- D. Outstanding violations, fines and penalties. A permit may be denied if there are outstanding governmental zoning, construction or fire code violations against the property, including unpaid fines or penalties assessed for such violations, or if there are unpaid taxes for the property in question.

§ ____-3. Application for Permit; Exemptions.

- A. Application. A person or organization seeking a permit hereunder shall file an application with the Township Clerk on a form to be provided by the Clerk for that purpose, together with the required application fee set forth in § ____-4 below, and shall furnish the following information:
- (1) The name, address, telephone number and email address of the person requesting the permit.
 - (2) The name, address, telephone number and email address of the person, persons, corporation, or association sponsoring the activity.
 - (3) The name, address, telephone number and email address of the person or persons overseeing the special event and responsible for the conduct thereof.
 - (4) A detailed description of the proposed event and a sketch showing the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a “footprint.”
 - (5) The date(s) and hours for which the permit is sought.
 - (6) Whether any music or other entertainment will be provided, either live or recorded, whether the music or other entertainment will be amplified, whether it will be conducted indoors or outdoors, and the hours during which it will be conducted.
 - (7) Whether any food or beverages (alcoholic or non-alcoholic) will be served.
 - (8) Whether any police or emergency services will be required.
 - (9) The location of the event for which the permit is sought, and complete details as to how the applicant intends to provide for security and traffic control (subject to review and recommendation of the Township’s Police Department).
 - (10) The number of participants, spectators, and/or other people that are reasonably anticipated to attend the event.
 - (11) An acknowledgment that if the permit is issued, the applicant will: a) be bound by all applicable Township ordinances, rules and regulations; and b) be liable for all loss, damage or injury

sustained by any person, for whatever reason, which might occur during the special event due to the negligence of those organizers, persons, corporations or associations.

(12) Any other information that the Township Clerk shall find reasonably necessary to assist the Mayor and Council in determining whether or not a permit should be issued hereunder, including sufficient insurance protecting the Township for events occurring on public property.

B. Reference for review. Upon determining that all of the information set forth in subsection A above has been submitted, the Township Clerk shall refer the application to the Police Chief, Zoning Officer, Construction Code Official, Fire Official, Public Works Director, and any other staff member or official as may be necessary or applicable for preliminary review and recommendation in accordance with §__-4 below.

C. Exemptions

(1) No permit shall be required for a governmental agency acting within the scope of its functions.

(2) No permit shall be required for events sponsored by the Township of Clinton.

(3) No permits shall be required for events sponsored by the Clinton Township Board of Education, and/or emergency volunteer services of the Township of Clinton, except when they involve the closure or obstruction of any public roads or public property.

(4) Non-commercial private parties, celebrations, gatherings and other events which are conducted by invitation only and are not open to the public and which are conducted on privately-owned lands by the owner thereof, unless they involve the anticipated closure or obstruction of any public roads or public property.

§ ____-4. Procedure, Fees.

A. The application shall be filed, in writing, by the person or persons in charge of or responsible for such event, at least forty-five days before the scheduled date of the event, except for block party requests which shall be filed no less than twenty days before the event.

- B. A fee of one hundred dollars (\$100.00) shall accompany any application for a special event permit, which fee shall be used to reimburse the Township for its administrative costs in processing the application.

§ ____-5. Review of Application; Recommendations and Decision.

- A. All special event applications shall be presented to the governing body by the Township Clerk, together with any Department recommendations, at a public meeting not more than twenty days following the filing of the completed application. The Township Clerk may withhold an application from consideration by the governing body if the Township Clerk and/or Township departments determine that an informed decision cannot be made without first obtaining additional essential information, in which case the applicant shall be advised, in writing, of the nature of the additional information required within 20 days following the filing of the completed application.
- B. When considering whether to approve a special event permit application, the governing body shall take the following into consideration, based on any recommendations of the Chief of Police or other applicable Township officials:
- (1) The proposed event's impact on the public health, public safety and general welfare of the public.
 - (2) The impact of the proposed event on the public's enjoyment of the Township's amenities, if applicable.
 - (3) The impact of the proposed special event on the Township's resources and/or services.
 - (4) Whether or not the proposed event will unreasonably interfere with the public's use of the streets and sidewalks and private properties and can be conducted in a safe manner.
 - (5) Whether or not the proposed event will conflict with another proposed or scheduled special event, including events sponsored by the Township of Clinton, the Clinton Township Board of Education, and/or emergency volunteer services of the Township of Clinton in such a fashion that the Township's Police Department and/or other departments would have insufficient resources to adequately provide for the public safety of the community.
 - (6) Whether or not there will be a sufficient number of ambulances, emergency service and fire-fighting equipment and the attendant

personnel designated for the special event, and the conduct of the event will require the diversion of such a quantity of ambulances, emergency service, fire-fighting equipment or related personnel as to prevent normal ambulance, emergency, or fire-fighting service for the rest of the Township during the event. The applicant will consult with and comply with any recommendations of the chiefs of all applicable fire companies and emergency service organizations with primary responsible for serving the portion of the Township in which the event will be taking place.

- (7) The manner in which the applicant intends to provide notice of the event to neighborhoods impacted by the proposed special event.
- (8) The governing body shall not consider the content of the speech, actions or event in reaching its decision on whether to grant the permit or to incorporate any conditions, unless it determines that such conditions meet a strict scrutiny test in conformance with the United States Constitution and the Constitution of the State of New Jersey and there is a compelling public interest in imposing such stipulations.

C. Other requirements that must be met prior to issuance of a permit, if applicable:

- (1) The applicant shall have obtained all necessary permits for the sale/service of any alcoholic beverages.
- (2) The applicant shall have provided adequate insurance coverage to the Township, including naming the Township as an additional insured if deemed necessary.
- (3) The applicant shall have secured and paid for all other permits required under municipal, state or federal regulations in connection with the special event, including zoning permits, if applicable.

§ ___-6. **Permit with Conditions.** Any special event permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including, but not limited to, changes in time, duration or number of participants, or such conditions as will satisfy the health, safety and welfare concerns set forth in § ___-5 above.

§ ____-7. **Miscellaneous Provisions.**

- A. For the purpose of protecting the public health, safety and welfare, the Chief of Police may order the temporary closing of streets during the special event and shall direct the posting of proper warning or directional signs in connection therewith.
- B. Any special event permit granted pursuant to this chapter shall contain a guarantee from the applicant that the areas used for the special event shall be cleaned up as soon after the conclusion of the special event as is reasonably possible. This cleanup shall include, but not be limited to, such items as refreshments, signage and any litter or debris generated from the special event.

§ ____-8. **Liability; Revocation of Permit.**

- A. **Liability.** A permit holder shall be bound by all applicable Township ordinances, rules, and regulations, except as expressly set forth in the resolution approving the permit application. The person or persons to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The permittee may be required to submit to the Township Clerk prior to the event evidence of liability insurance in an amount required by the governing body, naming the Township as an additional insured. The permittee shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment.
- B. If applicable and recommended by the Township Attorney, the holder of a special event permit shall agree in writing to indemnify and hold harmless the Township, its servants, agents and employees from any claims caused by the activity covered by such permit. The holder of such permit shall present to the Township Clerk a certificate of insurance in advance of the event, which will provide indemnification in a form acceptable to the Township, including listing the Township as an additional insured on the policy, should the event involve more than 200 people, or should it be determined to involve a higher risk of injury or danger to the public health, safety, and welfare.
- C. If the Chief of Police deems it necessary to have additional police officers made available for the purpose of preserving the public health, safety and welfare during the course of the special event, then the Chief shall so advise the applicant at the time the permit is issued. If additional expenses or costs are incurred for the purpose of providing such police protection, then the holder of the permit shall be required to pay for

same or reimburse the Township for such expenses or costs according to the existing policy of the Township on payment of said officers. The Township reserves the right to require an escrow to be established for such expenses/costs.

- D. If the Chief of Police, Fire Chief and/or chief of the Township's primary emergency services company determines that it is necessary to have emergency, fire, or rescue squad personnel available at the special event for the purpose of preserving the public health, safety and welfare, then he (they) shall so advise the applicant at the time the permit is issued. The applicant shall be required to pay for same or to reimburse the Township for such expenses or costs according to the existing policy of the Township on payment of said personnel. The applicant shall use local emergency, fire or rescue squad personnel and equipment unless sufficient personnel or equipment is not available; this will be at the discretion of the Chief of Police, the Fire Chief and/or the chief of the applicable emergency services company.
- E. Revocation of Permit. The Chief of Police, Zoning Official, Construction Code Official and/or Fire Official, as applicable, shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

§ ____-9. Violations, Penalties.

- A. A person commits a violation of the provisions of this chapter if he or she:
 - (1) Commences or conducts a special event as defined herein without first obtaining a special event permit; or
 - (2) Fails to comply with any requirement of this chapter or any provision or condition of the special event permit.
- B. Any person, firm, corporation or organization found to be in violation of this chapter shall be subject to the penalties established by § 1-17 of this Code.

§ ____-10. Enforcement.

- A. The Police Department of the Township and other authorized personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapters.

- B. The Police Department of the Township and other authorized personnel shall have the authority to eject from the special event area any person or person acting in violation of this chapter.
- C. The Police Department of the Township and any other authorized personnel shall have the authority to seize and confiscate any property, thing, or device used in violation of this chapter.

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

Section 3. Severability. 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. Effective Date. In accordance with N.J.S.A. 40:69A-181, this ordinance shall take effect 20 days after final passage.

Carla Conner, RMC, Township Clerk

Hon. Brian Mullaney, Mayor

Introduced:
Public hearing:
Adopted: