

**RESOLUTION**  
**TRANSFER OF FUNDS**

**WHEREAS**, NJSA 40A:4-58 permits transfers between current year budget appropriations during the last two months of the municipal fiscal year, and

**WHEREAS**, there are certain budget year 2021 appropriations that require transfers to meet the charges and obligations that will be incurred by the end of this fiscal year,

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Township of Clinton that the transfers below are hereby authorized to be made:

**FROM**

Finance	S&W	\$10,000.00
Administration	S&W	10,000.00
Group Health Insurance	O/E	60,000.00
Total		<b>\$80,000.00</b>

**TO**

Legal	O/E	\$40,000.00
Police	S&W	20,000.00
Board of Health	O/E	10,000.00
Planning Board	O/E	10,000.00
Total		<b>\$80,000.00</b>

ATTEST:

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Carla Conner, Township Clerk

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Brian Mullay, Mayor

Adopted: December 15, 2021

## RESOLUTION

### APPROVING THE HIRING OF KYLE WEED AS A PUBLIC WORKS EMPLOYEE

**WHEREAS**, there exists two (2) vacancies in the Public Works Department; and

**WHEREAS**, the Administrator and the DPW Director have interviewed several candidates for the position, and believe that Kyle Weed is the most qualified to fill one (1) of these positions.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Kyle Weed is hereby hired as a full time Public Works employee, and;

**BE IT FURTHER RESOLVED**, that the annual salary for this position shall be \$40,000 in addition to all other benefits as outlined in the current Public Works labor contract and the Township personnel manual, with a start date on or about January 3, 2022.

**BE IT FURTHER RESOLVED**, that the annual salary for this position will be increased to \$45,000 upon Mr. Weed's satisfactory performance and receipt of a CDL license.

**BE IT FURTHER RESOLVED**, that this approval is contingent on a satisfactory background check.

ATTEST:

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Carla Conner, Township Clerk

\_\_\_\_\_  
Brian Mullay, Mayor

Adopted: December 15, 2021

**RESOLUTION**

**RESOLUTION CANCELLING OLD OUTSTANDING BALANCES UNDER CERTAIN BOND AND CAPITAL ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP OF CLINTON FOR VARIOUS CAPITAL PROJECTS IN THE GENERAL CAPITAL FUND**

**WHEREAS**, the Township of Clinton previously adopted Bond Ordinances and Capital Ordinances for the purpose of funding various capital projects and improvements of the Township as more fully specified in the Ordinances in the General Capital Fund, and

**WHEREAS**, the projects have been completed and/or are no longer needed and the balances remain open and unexpended, and

**WHEREAS**, the Township now desires to cancel such appropriations and transfer the balances to their respective funding sources,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clinton that the following General Capital ordinances are canceled to their respective sources for the following amounts:

<u>ORDINANCE</u>	<u>FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT</u>	<u>DEF CHARGES- UNFUNDED</u>
		<u>FUND</u>	
#1094-16	\$283,486.29		\$134.58
#1113-18	\$104,777.97		
#1125-18	\$358,875.81		
#1126-18	\$ 3,857.60		
#1138-20		\$75,000.00	
#1140-20		\$ 2,774.54	
#1143.20		\$ 35.31	
#1153-21		\$ 3,753.00	
<b>TOTALS</b>	<b>\$750,997.67</b>	<b>\$81,562.85</b>	<b>\$ 134.58</b>

ATTEST:

\_\_\_\_\_  
Carla Conner, Township Clerk

\_\_\_\_\_  
Brian Mullay, Mayor

Adopted: December 15, 2021

## **RESOLUTION**

### **APPOINTING INTERIM CHIEF FINANCIAL OFFICER AND QUALIFIED PURCHASING AGENT FOR EXTENDED TERM**

**WHEREAS**, on or about May 20, 2020, the individual serving as the Township of Clinton's Chief Financial Officer and Purchasing Agent resigned, leaving a vacancy in these positions on or about June 24, 2020; and

**WHEREAS**, by Resolution dated June 24, 2020, the Township Council awarded a contract to Government Management Advisors and Gregory C. Fehrenbach, C.M.F.O., Certificate Number #N-0261 and Qualified Purchasing Certificate number #Q-0453, to serve as the Chief Financial Officer ("CFO") and Qualified Purchasing Agent ("QPA") on an interim basis and until the Township was able to properly conduct an appropriate search for a qualified replacement and hire a qualified individual to serve in this capacity; and

**WHEREAS**, the appointment was effective on June 29, 2020 and was for the unexpired term of the position, until December 31, 2021, or until the Council appointed a qualified individual to serve as permanent CFO and QPA, whichever first occurred; and

**WHEREAS**, since the effective date of said appointment, the Township has made a good faith effort to hire an individual who holds a municipal finance officer certificate issued pursuant to N.J.S.A. 40A:9-140.1 et seq., but was unable to do so for reasons beyond its reasonable control; and

**WHEREAS**, Government Management Advisors and Gregory C. Fehrenbach, C.M.F.O. have offered to continue to serve as the CFO and QPA on an interim basis and until the Township hires a qualified individual to serve in this capacity, but not later than June 28, 2022, in accordance with N.J.S.A. 40A:9-140.10.b.

**WHEREAS**, at this time the Council seeks to extend the term of the appointment of Government Management Advisors and Gregory C. Fehrenbach to serve as interim CFO/QPA for a term until no later than June 28, 2022; 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 in connection therewith, Government Management Advisors, LLC and Gregory C. Fehrenbach have 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; and

**WHEREAS**, Government Management Advisors, LLC and Gregory C. Fehrenbach meet all statutory requirements for appointment to these positions; and

**WHEREAS**, N.J.S.A. 40A:11-5(1)(a)(i) permits the Township to award this contract for professional services without bidding; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this purpose from 01-201-20-130-212.

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

1. Government Management Advisors, LLC and Gregory C. Fehrenbach are hereby appointed to serve in the position of interim CFO, effective January 1, 2022, subject to the approval of the Director of the Division of Local Government Services in the Department of Community Affairs to the extent said approval is required. The appointment shall be until June 28, 2022, or until the Council appoints a qualified individual to serve as permanent CFO and QPA, whichever first occurs.
2. Government Management Advisors, LLC and Gregory C. Fehrenbach are hereby appointed to the position of interim QPA to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), N.J.S.A. 40A:11-9 and Section 4-10C of the Township Code, which shall be coterminous with the term of the interim CFO.
3. The Township of Clinton shall indemnify and hold harmless Government Management Advisors, LLC, its principal and/or associates from any and all types of claims made against them arising out of the Agreement in the same fashion the Township would indemnify a staff person providing similar services. This would include payment of all legal and other expenses arising out of any action brought against Government Management Advisors, LLC, its principal and/or associates or the undersigned in providing these professional services.
4. Pursuant to N.J.S.A. 40A:11-3 and Section 4-10C. of the Township Code, the bid threshold shall continue to be the maximum authorized by the Governor, which is currently \$44,000.00.
5. The terms of the existing Agreement between the parties for the period from June 29, 2020 until December 31, 2021 shall be continued during new period commencing on January 1, 2022. Consistent therewith, Government Management Advisors, LLC and Gregory C. Fehrenbach shall serve in the capacity of interim CFO and QPA for the Township at the rate of \$135.00 per hour for approximately 7-15 hour per week for an amount not to exceed \$8,500 per month. All other terms of the existing Agreement not inconsistent herewith shall remain in full force and effect.
6. This Resolution, when countersigned by Government Management Advisors, LLC and Gregory C. Fehrenbach, shall serve as an amendment to the original Agreement for the purpose of confirming the extension of the contract term until up to June 28, 2022 and not-to-exceed contract price of \$51,000.00 for the extended period.
7. The Township Clerk shall cause a copy of this resolution to be published in the official newspaper of the Township within ten (10) calendar days from the date hereof pursuant to law.
8. The Clerk shall send certified copies of this resolution to the Director of the Division of Local Government Services in the Department of Community Affairs and Gregory C. Fehrenbach, Principal, Government Management Advisors, LLC.

ATTEST:

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Carla Conner, Township Clerk

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Brian Mullay, Mayor

Adopted: December 2021

AGREED to this \_\_\_\_\_ of \_\_\_\_\_, 2021

ATTEST:

GOVERNMENT MANAGEMENT ADVISORS,  
LLC

\_\_\_\_\_

By: \_\_\_\_\_  
Gregory C. Fehrenbach, Principal

**TOWNSHIP OF CLINTON**

**RESOLUTION**

**RESOLUTION AUTHORIZING SETTLEMENT OF  
AWARD OF COUNSEL FEES WITH ROTIMI OWOH, ESQ.  
IN CONNECTION WITH GRC COMPLAINT NO. 2019-32**

**WHEREAS**, on or about January 31, 2019, the African American Data & Research Institute (“AADARI”) submitted an Open Public Records Act (“OPRA”) Request to the Township of Clinton via email; and

**WHEREAS**, the Township Clerk sent the request to the Clinton Township Police Department to provide a response; and

**WHEREAS**, the Police Records Custodian denied the OPRA request on January 31, 2019, indicating that responding to the request would require researching the Township’s records, which is not required under OPRA; and

**WHEREAS**, as a result of the denial of said request, Rotimi Owoh, Esq., the attorney for AADARI, filed a complaint with the New Jersey Government Records Council (“GRC”) on February 27, 2019, seeking GRC review of the denial; and

**WHEREAS**, after consulting with the Township Attorney, the Township Clerk immediately began to gather the requested records and provided them to AADARI on March 4, 2019; and

**WHEREAS**, although the Township responded to the request and provided the documents, AADARI refused to withdraw its complaint with the GRC since it sought attorneys’ fees due to the Township’s initial denial and having filed with the GRC in order to obtain the records; and

**WHEREAS**, on September 29, 2021, the GRC issued a decision that the Township had unlawfully denied access to AADARI's request and awarded reasonable counsel fees to Rotimi Owoh, Esq. on behalf of AADARI as a prevailing party because the filing of the GRC complaint brought about a change in the Township's response to the request; and

**WHEREAS**, the GRC directed the parties to confer in an effort to decide the amount of reasonable attorney's fees; and

**WHEREAS**, Rotimi Owoh has agreed to accept \$2,750.00 in full settlement of the attorney's fee related to GRC Complaint No. 2019-32; and

**WHEREAS**, the Mayor and Council believe that the settlement of this matter is in the best interests of the Township; and

**WHEREAS**, the Chief Financial Officer has issued a Certificate of Availability of Funds indicating that funds are available in the Current Operating Fund Account #\_\_\_\_\_;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton on this 15<sup>th</sup> day of December, 2021, as follows:

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. Payment in the amount of \$2,750.00 in the matter of *Rotimi Owoh, Esq, o/b/o African American Data and Research Institute v. Township of Clinton (Hunterdon), GRC Complaint No. 2019-32*, representing a settlement of the GRC's attorney's fee award is hereby authorized and directed, subject to the receipt of a signed settlement agreement and full release of liabilities from Rotimi Owoh, Esq. regarding GRC Complaint No 2019-32 and the GRC's September 29, 2021 Order



3. The Mayor and Council are agreeing to make this payment without any admission of liability or culpability whatsoever and for the sole purpose of efficiently and economically resolving this matter as any appeal would be time consuming and costly.
4. The Mayor, Township Clerk, Township Attorney and other Township officials and officers are hereby authorized to take any and all action which may be required or reasonably necessary to carry out the intent and purpose of this Resolution.
5. This resolution shall take effect immediately.

ATTEST:

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Carla Conner, Township Clerk

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Brian Mullay, Mayor

Adopted: December, 15, 2021