

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
MARCH 9, 2022

Mayor Mullay called the meeting to order at 7:00 p.m. announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

Mayor Mullay stated a notice was provided as required. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

SALUTE TO THE FLAG

ATTENDANCE ROLL CALL:

Councilman William Glaser	Present
Councilman Thomas Kochanowski	Absent
Councilwoman Amy Switlyk	Present
Council President Marc Strauss	Present (arrived 7:03pm)
Mayor Brian Mullay	Present

Also Present:

Trishka Cecil, Township Attorney
Carla Conner, Township Clerk
Vita Mekovetz, Township Administrator

COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY

No comment.

BOARD OF HEALTH:

Mayor Mullay adjourned the meeting and convened the Board of Health meeting.

Block 82.17 Lot 39 – 8 Fairview Drive

Kurt Hoffman of Kurt Hoffman Engineering was present to represent the applicant. Mr. Hoffman explained that the existing four (4) bedroom dwelling system is failing with no expansion. Since the system is malfunctioning, the Hunterdon County Department of Health recommended approval of the following waiver request:

1. The soil log was not dug to 8 feet below bottom of seepage pit depth and 4 foot above fractured rock as per 7:9A-11.1.
2. The code requires a percolation test when seepage pits are proposed, however soil permeability class rating samples were taken. An explanation was provided by the Engineer as to why percolation tests could not be done on this property to the Board.

3. The proposed seepage pits will be only 100 feet from the existing well on this property, which does not meet the minimum set back requirement of 150 feet from seepage pits. Ultra violet treatment device will be installed on the well for added protection and a passing water test for coliform.

A **MOTION** was offered by Mayor Mullay to grant the waiver with the recommendations outlined above, in the County's letter dated March 2, 2022 and on file in the Clerk's office, seconded by Councilwoman Switlyk and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

CONSENT AGENDA:

Mayor Mullay read the following statement:

All items listed with an asterisk "" are considered to be routine by the Township Council and will be enacted by one motion. There will be no separate discussion of these items unless a committee member or citizen requests, in which event the item will be removed from the General Order of Business and considered its normal sequence on the agenda.*

A **MOTION** was made by Council President Strauss to approve the Consent Agenda, seconded by Councilman Glaser and on Roll Call the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

REPORTS:

Councilman Glaser:

Councilman Glaser reported that the Planning Board held a meeting on March 7, 2022 and granted a three year extension for the long proposed subdivision on Cokesbury and Woods Road. The Sewer Authority met on March 3, 2022 and the Public Hearing on funding from the NJ Water Bank for the \$1.2 million North Hunterdon pump station replacement project is scheduled for April 7, 2022.

Councilwoman Switlyk:

Councilwoman Switlyk reported that she, Les Giese and Mike Aversa from the Open Space Committee had a call with Heather Gracie to discuss a Forestry Management Plan and the Open Space Committee met with contractors on the Beaver Brook Ravine regarding a clean-up .

Councilwoman Switlyk also reported that the Environmental Committee met March 3, 2022 and discussed Community Day, handing out water testing kits on May 7, 2022 at Bundt Park and the stream assessment on April 2, 2022 on the Windy Acres property.

Councilwoman Switlyk continued that the Green Team will hold a Green Fair during the Food Truck on July 9, 2022 at Bundt Park.

Council President Strauss:

Council President Strauss reported that the Special Election for the Referendum was passed on March 8, 2022 and the new Superintendent will be announced at the March 14, 2022 Board of Education meeting.

Council President Strauss also reported that the Historic Commission's met and discussed signage at Beaver Brook and Amesbury Furnaces, pending work at the old Municipal building, Windy Acres, the Springhouse on Valley Crest Road, the Historic Commission Master Plan and the McCloughan Mansion.

Regarding Public Safety, Council President Strauss reported that he continues to meet with Chief DeRosa to discuss day to day operations. Council President Strauss also reported that the Fire Company had a minor motor accident with one of the fire trucks and that he and Mayor Mullay will be meeting with the Lebanon Fire Company and he and Mayor Mullay met with Chief Setnicky of the South Branch Emergency Services on March 7, 2022.

Mayor Mullay:

Mayor Mullay reported that Recreation Committee's next meeting is March 13, 2022. Mayor Mullay also reported that the Easter event is scheduled for April 9, 2022 at Bundt Park and Community Day is April 30, 2022. Mayor Mullay also reported he spoke with the Township Engineer who is working on the closure of Moebus Place and the Township Engineer is looking at what critical improvements needs to be done at the Department of Public Works yard and 10 Concord's closing date is March 25, 2022.

PUBLIC HEARINGS:

The Regular Meeting was adjourned to hold a Public Hearing

1. Clerk read by Title:

**APPROPRIATING \$25,000 FROM THE CAPITAL IMPROVEMENT
FUND FOR TURNOUT GEAR FOR THE FIRE DEPARTMENT BY
THE TOWNSHIP OF CLINTON, IN THE COUNTY OF HUNTERDON,
NEW JERSEY**

ORDINANCE #1164-2022

Council President Strauss recused himself.

Mayor Mullay asked if there were any comments from the Governing Body or the public.

There were none.

Mayor Mullay closed the public hearing.

A **MOTION** was made by Councilman Glaser to adopt Ordinance #1164-2022. This Motion was seconded by Councilwoman Switlyk and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

NEW BUSINESS:

1. *Payment of Bills

TOTALS:

CURRENT	\$1,319,647.77
CURRENT (2-23-22)	\$100.00
TRUSTS	\$30,086.88
ESCROW	\$760.00
CAPITAL	\$7,396.28
RECREATION TRUST	\$8,350.00
DOG LICENSE	\$2,407.60
OPEN SPACE	\$29.44
GRAND TOTAL:	\$1,368,777.97

2. * Resolution authorizing the return of premium refund on Block 82.11 Lot 11.0307, Block 82.11 Lot 11.0507

The following Resolution was offered for consideration:

Resolution #63-2022

Resolution authorizing the return of premium refund on Block 82.11 Lot 11.0307, Block 82.11 Lot 11.0507

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.

<u>Block</u>	<u>Lot</u>	<u>Certificate</u>	<u>Vendor</u>	<u>Premium</u>
82.11	11.0307/C0307	2021-006	BALA PARTNERS, LLC	1,300.00
			PO BOX 303	
			POTTERSVILLE, NJ 07979	
82.11	11.0507/C0507	2021-007	BALA PARTNERS, LLC	15,000.00
			TOTAL	\$16,300.00

3. *Resolution authorizing the return of overpayment of real estate taxes on Block 3 Lot 4.01

The following Resolution was offered for consideration:

Resolution #64-2022

Resolution authorizing the return of overpayment of real estate taxes on Block 3 Lot 4.01

WHEREAS, on properties located within the Township of Clinton, an overpayment of real estate taxes has been made; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling **\$2,054.54**; and

WHEREAS, the attached listing is a detail of the requested refunds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to refund such taxes to the parties in the amounts specified on the listing below.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
GOLDFARB, MICHAEL	3	4.01	3 BURLINGHOFF LANE	22/1	2054.54
3 BURLINGHOFF LANE					
LEBANON, NJ 08833					
TOTAL REFUNDS					2054.54

4. 2022 Temporary emergency budget

The following Resolution was offered for consideration:

Resolution #65-2022

WHEREAS, N.J.S.A. 40A:4-19 allows for a municipality to adopt a temporary budget within the first 30 days of its budget year when contracts, commitments or payments need to be made prior to the adoption of the regular budget, and

WHEREAS, the Township of Clinton requires additional appropriations to maintain operations until such time the Township Budget is adopted,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clinton in the County of Hunterdon, State of New Jersey, that the following additional appropriations for the 2022 Temporary Budget be authorized:

<u>Department</u>	<u>Type</u>	<u>Amount</u>
Mayor & Council	S&W	\$4,200.00
	O/E	\$ 4,000.00
Administration	S&W	\$ 30,000.00
	O/E	\$9,000.00
Municipal Clerk	S&W	\$20,000.00
	O/E	\$13,000.00
Information Technology	O/E	\$20,000.00
Financial Administration	S&W	\$50,000.00
	O/E	\$20,000.00
Collection of Taxes	S&W	\$20,000.00
	O/E	\$3,500.00
Assessment of Taxes	S&W	\$20,000.00
	O/E	\$4,000.00
Legal Services	O/E	\$35,000.00
Engineering Services	O/E	\$15,000.00
Environmental Committee	O/E	\$1000.00
Planning Board	S&W	\$17,000.00
	O/E	\$5,000.00
PERS	O/E	\$290,474.00
PFRS	O/E	\$749,972.21
Board of Adjustment	O/E	\$1,000.00
Uniform Construction Code	S&W	\$50,000.00
	O/E	\$10,000.00
DCRP	O/E	\$2,000.00
Group Insurance	O/E	\$150,000.00

Police Department	S&W	\$700,000.00
	O/E	\$30,000.00
Division of Fire Safety	O/E	\$20,000.00
Fire Hydrants	O/E	\$25,000.00
Fire Prevention	S&W	\$20,000.00
	O/E	\$2,500.00
Prosecutor	S&W	\$15,000.00
Streets & Roads	S&E	\$200,000.00
	O/E	\$50,000.00
Buildings and Grounds	O/E	\$30,000.00
Vehicle Maintenance	O/E	\$35,000.00
Public Defender	O/E	\$20,000.00
Health Department	O/E	\$2,000.00
Recreation Department	S&W	\$25,000.00
	O/E	\$12,000.00
Municipal Court	S&W	\$75,000.00
	O/E	\$8,000.00
Electric	O/E	\$17,000.00
Street Lighting	O/E	\$8,000.00
Telephone	O/E	\$20,000.00
Water	O/E	\$1,000.00
Natural Gas	O/E	\$9,000.00
Sewer Services	O/E	\$2,000.00
Gasoline	O/E	\$40,000.00
Social Security	O/E	\$100,000.00
TOTAL		<u>\$3,010,646.21</u>

A **MOTION** was made by Councilman Glaser to approve this resolution, seconded by Council President Strauss on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

5. Resolution awarding service agreement to Cedar Ridge Excavating & Landscaping for the 2022 lawn maintenance (mowing) services for Bundt and Foran Park, awarding the contract for \$33,360 with a NTE amount of \$42,000 for necessary field changes

The following Resolution was offered for consideration:

Resolution #66-2022

WHEREAS, the Township of Clinton desires to obtain the services of a landscaping company to complete lawn maintenance (mowing) at Bundt and Foran Parks during 2022; and

WHEREAS, following the solicitation of informal quotes, Cedar Ridge Landscaping & Excavating submitted a written proposal to the Township for purposes of performing the sought-after services for the 2022 season for \$33,360.00 with a NTE amount of \$42,000 with necessary field changes (from April 15, 2022 to November 15, 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, Cedar Ridge Landscaping & Excavating 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 Township Recreation Director’s estimate of \$33,600 with a NTE amount of \$42,000 with necessary field changes does not exceed the applicable bid threshold and therefore this contract may be awarded without public bidding under the provisions of the Local Public Contracts law; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available from 14-260-05-000-007 for this purpose.

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

1. The above preamble is incorporated herein as if set forth at length.
2. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Cedar Ridge Landscaping & Excavating for lawn maintenance (mowing) services at Bundt and Foran Parks for a for \$33,360.00 with a NTE amount of \$42,000 with necessary field changes.
3. A copy of this Resolution, executed Agreement and Pay-to-Play Forms shall be placed on file in the office of the Township Clerk.

A **MOTION** was made by Councilwoman Switlyk to approve this resolution, seconded by Councilman Glaser and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

6. Approving a contract with City Connections to maintain the existing Municipal Website

The following Resolution was offered for consideration:

Resolution #67-2022

WHEREAS, there is a need to retain a vendor to assume responsibility to maintain the existing Township website, and;

WHEREAS, it is the opinion of the Administrator that City Connections has the experience and expertise to successfully carry out the duties to maintain Clinton Township's website, and does hereby recommend that City Connections be contracted by the Township; and

WHEREAS, the term of this contract is one year and will expire on March 31, 2023, and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that City Connections is hereby contracted effective on or about March 9, 2022, with a total cost not to exceed \$7,200.

A **MOTION** was made by Councilman Glaser to approve this resolution, seconded by Councilwoman Switlyk on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

7. Awarding service agreement to J. B. Farm for clearing property for the disc golf course on the Marookian property with a NTE of \$20,000

The following Resolution was offered for consideration:

Resolution #68-2022

WHEREAS, the Township of Clinton desires to obtain the services of a landscaping company for clearing property for the Disc Golf Course on the Marookian property; and

WHEREAS, following the solicitation of informal quotes, J.B. Farm submitted a written proposal to the Township for purposes of performing this service as follows:

Clearing Property for the Disc Golf Course - \$2000.00 per day, estimate 4-7 days

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, J. B. Farm 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 Recreation Director’s estimate of \$20,000 for this service does not exceed the applicable bid threshold and therefore this contract may be awarded without public bidding under the provisions of the Local Public Contracts law; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available from line item #14-260-05-000-007 for this purpose.

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

1. The Recreation Director is authorized to accept the proposal provided by J. B. Farm for clearing property for the disc golf course on the Marookian property for a not to exceed amount of \$20,000.
2. A copy of this Resolution, executed Agreement and Pay-to-Play Forms shall be placed on file in the office of the Township Clerk.

A **MOTION** was made by Councilwoman Switlyk to approve this resolution, seconded by Council President Strauss on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

8. Resolution authorizing the purchase of turnout gear from Firefighter One through State Contract #17-FLEET-00811, NTE \$23,914

The following Resolution was offered for consideration:

Resolution #69-2022

WHEREAS, there is a need to purchase turnout gear for Annandale Hose Company #1 of the Township of Clinton; and

WHEREAS, the funds are available as evidenced by the Chief Finance Officer's Certification; and

WHEREAS, public bids are not required when the purchase is made through a State contract in accordance with N.J.S.A. 40A:11-12.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon, that the Annandale Hose Company #1 is hereby authorized to purchase turnout gear through State contract #17-FLEET-00811 for a NTE of \$23,914.

Council President Strauss recused himself.

A **MOTION** was made by Councilman Glaser to approve this resolution, seconded by Councilwoman Switlyk on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

9. Resolution authorizing Kelly Gunning to install and maintain beehives at Windy Acres (BLOCK 7, LOTS 18.3, 31.01 & 31.02)

The following Resolution was offered for consideration:

Resolution #70-2022

WHEREAS, Kelly Gunning is a registered beekeeper in the State of New Jersey, pursuant to a certificate of apiary registration issued by the New Jersey Department of Agriculture; and

WHEREAS, Ms. Gunning seeks to install up to three beehives on public open space owned by the Township of Clinton, designated on the Township tax maps as Block 7, Lots 18.3, 31.01 and 31.02, and commonly known as “Windy Acres”; and

WHEREAS, the Township’s Open Space Committee and Environmental Committee are in favor of Ms. Gunning’s proposal; and

WHEREAS, the Open Space Committee has confirmed with representatives of the New Jersey Department of Environmental Protection, Green Acres Program (“Green Acres”) that the installation and maintenance of the proposed beehives is permissible under applicable Green Acres regulations governing the use of passive open space; and

WHEREAS, the Mayor and Council are in favor of the proposal;

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The Council hereby authorizes Kelly Gunning to install up to three beehives at Windy Acres, subject to the following minimum conditions:

- a. The location of the beehives shall be determined in consultation with and shall be subject to the approval of the Open Space Committee and Council liaison to the Open Space Committee.
 - b. The Township shall retain the right at any time to require the relocation and/or removal of the beehives.
 - c. Ms. Gunning shall provide such insurance, if any, as may be required by the Township's insurance carrier, and shall indemnify and hold the Township harmless from any and all liability associated with or arising out of her beekeeping activities at Windy Acres.
 - d. Any failure on Ms. Gunning's part to remain in full compliance with applicable State and local requirements, including apiary registration requirements, may result in the immediate revocation of the authorizations granted herein and termination of any contract entered into between the Township and Ms. Gunning.
 - e. The Township shall not be responsible in any way for the maintenance and operation of the beehives.
3. Ms. Gunning shall enter into a written agreement with the Township in such form as shall be acceptable to the Township Attorney, which agreement shall at a minimum incorporate the conditions set forth above as well as any other requirements deemed by the Township Attorney to be necessary and advisable in order to protect the public health, safety and welfare.
 4. This resolution shall take effect immediately.

A **MOTION** was made by Councilwoman Switlyk to approve this resolution, seconded by Councilman Glaser on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

10. Introduction of the 2022 Budget

Councilman Glaser gave an overview of the 2022 Budget.

A **MOTION** was made by Councilman Glaser to approve this resolution, seconded by Mayor Mullay on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

The Public Hearing was scheduled for April 13, 2022, at 7:00 p.m.

Mayor Mullay deputized Administration Mekovetz as the Clerk for the Council meeting on March 23, 2022.

A **MOTION** was made by Mayor Mullay approving deputizing Administrator Mekovetz as Clerk, seconded by Councilman Glaser on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

11. The following Ordinance was offered for introduction:

Clerk read by Title:

AN ORDINANCE TO AMEND ORDINANCE NO. 1157-2021 ENTITLED “AN ORDINANCE TO ESTABLISH SALARIES, WAGES AND COMPENSATION RANGES FOR NON-CONTRACTUAL OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CLINTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY”

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AS FOLLOWS:

1) THAT SECTIONS 4 AND 5 OF THE ORDINANCE, THE TITLE OF WHICH IS RECITED IN THE TITLE OF THIS ORDINANCE, BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Mayor*	\$ 3,200	\$ 6,700
Council Members*	\$ 2,700	\$ 6,000
Administrator	\$ 86,200	\$ 150,000
Chief of Police	\$ 140,000	\$ 165,000
Police Lieutenant	\$ 90,000	\$ 145,000
Officer In Charge stipend	\$ 500	\$ 3,000
	<u>\$ 60,000</u>	<u>\$ 118,000</u>
Construction Code / Subcode Official		
Public Works Director		
Public Works Foreman		
Public Works Maintenance Supervisor		
Director of Finance (CFO)		
Assistant CFO/Finance Officer	\$ 80,000	\$ 95,000
Fire Marshall	\$ 38,000	\$ 45,000
	<u>\$ 45,000</u>	<u>\$ 94,000</u>
Court Administrator		
Tax Assessor		
Recreation Director		
Municipal Clerk/Registrar		
	<u>\$ 45,000</u>	<u>\$ 84,000</u>
Acting Municipal Clerk		
Tax Collector		
	<u>\$ 45,000</u>	<u>\$ 84,000</u>
Planning Board / BOA Administrator	\$ 12,500	\$ 71,800
Zoning Officer	\$ 3,000	\$ 20,000
Deputy Zoning Officer	\$ 1,650	\$ 3,000

* members of Council may waive in writing, in whole or in part, any compensation not yet processed for payment.

2) THE WITHIN ORDINANCE SHALL TAKE EFFECT UPON ADOPTION AND PUBLICATION IN ACCORDANCE WITH NEW JERSEY LAW.

A **MOTION** was made by Councilman Glaser to approve this Ordinance, seconded by Council President Strauss and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

The Public Hearing was scheduled for March 23, 2022, at 7:00 p.m.

Clerk read by Title:

12. AN ORDINANCE AMENDING ORDINANCE NO. 1115-18 REGARDING THE CONVEYANCE OF A SIX-ACRE PORTION OF THE “MAROOKIAN” SITE (BLOCK 82, LOTS 4 & 4.03) FOR THE DEVELOPMENT OF A MUNICIPALLY-SPONSORED 100% AFFORDABLE HOUSING PROJECT BY CLINTON LIHTC URBAN RENEWAL LLC

WHEREAS, pursuant to Ordinance No. 1115-18 adopted on June 13, 2018 (the “2018 conveyance ordinance”), the Township of Clinton (“Township”) authorized the conveyance of a six-acre portion of the “Marookian” site, identified as a portion of Block 82, Lots 4 & 4.03 (the “Property”) to PIRHL Developers, LLC’s affiliate Clinton LIHTC Urban Renewal LLC, (the “URE”) for the construction of a municipally-sponsored 100% affordable housing development (the “Project”), as called for in the Township’s settlement agreement with Fair Share Housing Center, Inc. and in the Township’s court-approved “third round” housing element and fair share plan; and

WHEREAS, the URE has since received the necessary approvals from the Clinton Township Planning Board to develop the Property; and

WHEREAS, the Project is being financed using tax credits awarded by the New Jersey Housing Mortgage and Finance Agency (“HMFA”); and

WHEREAS, the 2018 conveyance ordinance expressly identified the URE as the authorized grantee; and

WHEREAS, the attorneys for PIRHL and Clinton LIHTC Urban Renewal LLC are now requesting that the Township convey the property to PIRHL’s subsidiary non-profit entity, Prevention Resources, Inc., (“Prevention”), a New Jersey non-profit corporation with offices at 4 Walter E. Foran Boulevard, Flemington, NJ 08822, due to certain negative financial implications if the Property is conveyed directly to the URE (see letter dated March 8, 2022 from Katharine A. Coffey, Esq. to Township Attorney Trishka Waterbury Cecil, Esq., attached hereto as **Exhibit A**); and

WHEREAS, counsel for PIRHL and the URE has represented to the Township that immediately upon receipt of the deed of conveyance from the Township to Prevention, Prevention will convey the property to the URE, as contemplated by the 2018 conveyance ordinance (see Exhibit A); and

WHEREAS, as set forth in the 2018 conveyance ordinance, the Local Lands and Buildings Law (“LLBL”) at *N.J.S.A.* 40A:12-21(l) expressly authorizes municipalities to convey municipally-owned property at private sale and for nominal consideration to “[a]ny duly incorporated urban renewal corporation organized pursuant to [*N.J.S.A.* 40A:20-1 *et seq.*] for the purpose of constructing housing for low or moderate income persons or families or persons with disabilities”; and

WHEREAS, the LLBL at *N.J.S.A.* 40A:12-21(j) also expressly authorizes municipalities to convey municipally-owned property at private sale and for nominal consideration to “[a]ny duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale”; and

WHEREAS, the Mayor and Council find that conveying the site to Prevention, which in turn will immediately convey the property to the URE, is consistent with the intent and purpose of the 2018 conveyance ordinance and help ensure the financial viability of the Project; and

WHEREAS, the Mayor and Council find that accordingly, it is in the best interests of the Township to convey the property at private sale for nominal consideration to Prevention, subject to Prevention in turn immediately conveying the property to the URE;

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

Section 1. Preamble Incorporated. The statements and findings set forth in the preamble above are hereby incorporated as if fully restated herein.

Section 2. Ordinance 1115-18 Amended and Conveyance of Property to Prevention Resources, Inc. Authorized. Pursuant to *N.J.S.A.* 40A:12-21(j) and other applicable laws, Ordinance 1115-18 is hereby amended to allow the conveyance for one dollar (\$1.00) of a six-acre portion of the Marookian property (the “Site”) to Prevention Resources, Inc. instead of directly to Clinton LIHTC Urban Renewal LLC, together with any such easements as might be needed to allow for the extension of underground utilities to the property, subject to the following stipulations:

- All other provisions of Ordinance 1115-18 other than as modified herein shall remain in full force and effect.
- Prevention Resources, Inc., shall immediately convey the property to Clinton LIHTC Urban Renewal, LLC, and the deed from the Township to Prevention Resources Inc. and the deed from Prevention Resources, Inc. to Clinton LIHTC Urban Renewal, LLC shall be recorded sequentially on the same day.

Section 3. Authority to Implement Terms of Conveyance. The Mayor, Administrator, Clerk, and Township Attorney, and other appropriate staff and officials are hereby authorized and directed to prepare any and all such documents and undertake any and all such acts as may be needed to implement the terms hereof, in accordance with the stipulations set forth in Section 2 of this ordinance.

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. 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 and shall not affect the validity of the remaining paragraphs or sections hereof.

Section 6. Effective Date. This ordinance shall take effect in accordance with all applicable statutory requirements.

A ***MOTION*** was made by Mayor Mullay to approve this Ordinance, seconded by Councilman Glaser and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

The Public Hearing was scheduled for March 23, 2022, at 7:00 p.m.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

There were none.

ADJOURNMENT:

A **MOTION** was made by Councilman Glaser to adjourn the meeting at 8:19 p.m., seconded by Council President Strauss and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: April 27, 2022