

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
MARCH 23, 2022

Mayor Mullay called the meeting to order at 7:01 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	Present
Councilwoman Amy Switlyk	Present
Council President Marc Strauss	Absent
Mayor Brian Mullay	Present

Also Present:

Trishka Cecil, Township Attorney
Vita Mekovetz, Township Administrator

Mayor Mullay appointed Administration Mekovetz as the Interim Acting Clerk with full authority for the period of the absence of the Township Clerk, Carla Conner.

A **MOTION** was offered by Mayor Mullay to appoint Administrator Mekovetz as the Interim Acting Clerk, seconded by Councilman Kochanowski and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY

No comment.

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.*

Councilman Glaser requested that Resolution #5 be removed from the Consent Agenda.

A **MOTION** was made by Councilwoman Switlyk to approve the Consent Agenda with the removal of Item #5, seconded by Councilman Kochanowski and on Roll Call the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullaney	Yes (abstained from the February 9, 2022 Regular Minutes)

Motion carried.

APPOINTMENT BY MAYOR WITH ADVICE AND CONSENT OF COUNCIL:

- Open Space Committee Janet Howard Expires 12/31/23

A **MOTION** was offered by Mayor Mullaney to appoint Janet Howard to the Open Space Committee, seconded by Councilwoman Switlyk and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullaney	Yes

Motion carried.

DISCUSSION: 2022 DEER HUNTING PROGRAM

Open Space Chairperson, Mike Aversa and Les Giese gave a presentation on the 2022 Deer hunting program.

REPORTS:

Councilman Glaser:

No report

Councilman Kochanowski:

No report.

Councilwoman Switlyk:

Councilwoman Switlyk reported that Open Space Committee received two quotes for the cleanup at the Beaver Brook Ravine, Scott Hender is cleaning the area for disc golf, she and Mike Aversa met with the new member Janet Howard and Councilwoman Switlyk met with the beekeeper.

Councilwoman Switlyk also reported that the Environmental Committee will meet April 7, 2022 and will finalize their plans for Community Day and discussed the upcoming 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 Festival on July 9, 2022 at Bundt Park.

Council President Strauss:

Mayor Mullay read Council President Strauss report. Council President Strauss reported that the Board of Education meeting was held March 14, 2022 and they announced the new Superintendent, Dr. Melissa Stager. The next Board of Education meeting is May 2, 2022.

Council President Strauss also reported that the Historic Commission received an email from Mayor Mullay regarding a possible grant opportunity. The next meeting is April 6, 2022.

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 five interviews were conducted for the Lieutenant positions.

Mayor Mullay:

Mayor Mullay reported that the closing date for 10 Concord is March 25, 2022, the closing for the old Municipal building should take place by the end of April and the closure of Moebus Place is in draft form.

Mayor Mullay also reported that the Recreation Committee met March 14, 2022. Mayor Mullay also reported that the Easter event is scheduled for April 9, 2022 at Bundt Park, Community Day is April 30, 2022 and Summer Recreation sign up is open. Mayor Mullay continued that the Recreation Committee discussed having an Electric Vehicle charging station at Bundt Park and the Green Team will apply for the Grant. The Food Truck festival is July 9, 2022 and November 5, 2022.

PUBLIC HEARINGS:

The Regular Meeting was adjourned to hold a Public Hearing

1. Clerk read by Title:

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY AMENDING CHAPTER 165 (LAND USE REGULATIONS) OF THE “CODE OF THE TOWNSHIP OF CLINTON” REGARDING PERFORMANCE AND MAINTENANCE GUARANTEES, INSPECTIONS, AND ACCEPTANCE OF IMPROVEMENTS

ORDINANCE #1165-2022

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 Kochanowski to adopt Ordinance #1165-2022. This Motion was seconded by Councilman Glaser and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

2. 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”

ORDINANCE #1166-2022

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 Councilwoman Switlyk to adopt Ordinance #1166-2022. This Motion was seconded by Councilman Kochanowski and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

3. Clerk read by Title:

**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**

ORDINANCE #1167-2022

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 Kochanowski to adopt Ordinance #1167-2022. This Motion was seconded by Councilman Glaser and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

- A. Resolution declaring an emergency pursuant to N.J.S.A. 40:69A-181(b) and directing immediate implementation of Ordinance #1167-2022

A **MOTION** was made by Councilman Glaser to approve this Resolution. This Motion was seconded by Councilwoman Switlyk and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

NEW BUSINESS:

1. * **Payment of Bills**

TOTALS:

CURRENT	\$3,074,972.03
TRUSTS	\$12,632.06
CAPITAL	\$760.75
RECREATION TRUST	\$200.00
GRAND TOTAL:	\$3,088,564.84

2. * **Resolution authorizing the release of Performance Guarantees, Block 82.11
Lot 13**

The following Resolution was offered for consideration:

Resolution #72-2022
Resolution authorizing the release of Performance Guarantees, Block 82.11
Lot 13

BE IT RESOLVED that certain performance guarantees and escrows have been recommended by the Planning Board and Township Engineer to be reduced,

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

Amount	Block / Lot	Street Address	Applicant	Type of Permit
\$2,000.00	82.01/13	11 Andreann Dr.	Annie Seller	Performance. Guarantee

3. * Resolution awarding service agreement to United Site Services for the use of Portable Toilet rentals for various Township owned properties, NTE of \$18,363.25

The following Resolution was offered for consideration:

Resolution #73-2022

Resolution awarding service agreement to United Site Services for the use of Portable Toilet rentals for various Township owned properties, NTE of \$18,363.25

WHEREAS, the Township of Clinton desires to obtain the services of United Site Services for the use of Portable Toilet Rentals on Township owned properties; and

WHEREAS, following the solicitation of informal quotes, United Site Services submitted a written proposal to the Township for purposes of performing this service:

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, United Site Services 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 \$18,363.25 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 #01-201-28-370-299 for \$14,000 and #14-260-05-000-007 for \$4,363.25 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 United Site Services for the use of Portable Toilet Rentals on Township owned properties for a not to exceed amount of \$18,363.25
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.

4. * Resolution awarding service agreement to GTT Services for the spraying of Pesticides at Bundt Park, NTE of \$8,636

The following Resolution was offered for consideration:

Resolution #74-2022
Resolution awarding service agreement to GTT Services for the spraying of Pesticides at Bundt Park, NTE of \$8,636

WHEREAS, the Township of Clinton desires to obtain the services of GTT Services for the spraying of Pesticides at Bundt Park; and

WHEREAS, following the solicitation of informal quotes, GTT Services submitted a written proposal to the Township for purposes of performing this service:

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, GTT Services 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 \$8,636 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 #01-201-28-370-284 for \$8,636 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 GTT Services for the spraying of Pesticides at Bundt Park for a not to exceed amount of \$8,636
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.

6. * **Resolution canceling 2022 first quarter taxes from January 1, 2022 to March 25, 2022 in the amount of \$816.95, Block 4.01 Lot 17**

The following Resolution was offered for consideration:

Resolution #76-2022

Resolution canceling 2022 first quarter taxes from January 1, 2022 to March 25, 2022 in the amount of \$816.95, Block 4.01 Lot 17

WHEREAS, on block 4.01 lot 17 located within the Township of Clinton, the property has been acquired by the Township of Clinton through foreclosure docket no. SWC-F-18859-19; and

WHEREAS, taxes on block 4.01 lot 17 are uncollectible while a Township owned property; and

WHEREAS, taxes have been billed in the amount of \$865.00 for 2022 first quarter; and

WHEREAS, the property is scheduled to close on March 25, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton that the Tax Collector is hereby authorized to cancel 2022 first quarter taxes from January 1, 2022 to March 25, 2022 in the amount of \$816.95.

7. * **Resolution authorizing the return of premium refund on Block 49 Lot 5.04**

The following Resolution was offered for consideration:

Resolution #77-2022

Resolution authorizing the return of premium refund on Block 49 Lot 5.04

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
49	5.04	2021-002	BALA PARTNERS, LLC	1,900.00
			PO BOX 303	
			POTTERSVILLE, NJ 07979	
			TOTAL	\$1,900.00

5. * Resolution authorizing 2022-2023 farm services concession agreements for various properties in the Township

Councilman Glaser questioned if the mowing can be extended to the Pavilion and the Gitlow House on Windy Acres, Block 7, Lots 18.03, 31.01 and 31.02. Township Attorney Cecil stated the Council can amend the agreement in the future.

The following Resolution was offered for consideration:

Resolution #75-2022
Resolution authorizing 2022-2023 farm services concession agreements for various properties in the Township

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) and corresponding regulations (N.J.A.C. 5:34-9.4) permit the granting of a license through a concession agreement, which allows a municipality to receive from or exchange services with farmers; and

WHEREAS, the Township of Clinton (“Township”) desires to grant licenses and enter into one-year concession agreements for the following open space properties in the Township, pursuant to which the farmer will mow and maintain the trails on the property in question in exchange for using the tillable portions of the property for agricultural purposes, and will also assist the Township with composting and tilling the leaves collected pursuant to the Township’s leaf collection program:

- (A) Brays Hill - Block 30, Lots 19 and 23
- (B) Hacketts Preserve – Block 63, Lot 2
- (C) Kaufelt – Block 82, Lot 3
- (D) Marookian – Block 82, Lot 4.03
- (E) Green Acres Property – Block 7, Lots 18.03, 31.01, 31.02
- (F) Prostak Farm – Block 19, Lot 28 and Block 25, Lot 10

and

WHEREAS, prior to the Township beginning the procurement process for concession agreements, the township attorney must provide an opinion of the legality of such concession procurement; and

WHEREAS, the township attorney has given an opinion that such concession procurement meets the requirements of state laws and regulations and is a legal procurement; and

WHEREAS, the Township Mayor and Council have considered the benefits to the Township of having the above properties farmed, the public trails on said properties mowed and maintained at no expense to the Township's taxpayers, and assistance with the composting and tilling of leaves collected during the annual leaf collection; and

WHEREAS, the Township has estimated the value of the mowing services and leaf composting and tilling to be approximately \$30,500.00; and

WHEREAS, the concession agreements will be procured via informal quotations because the aggregate value of the agreements does not exceed the bidding threshold set forth in the Local Public Contracts Law; and

WHEREAS, the Township will not incur any costs as a result of the concession agreements; and

WHEREAS, other than as set forth herein, the Township will not provide any services and/or facilities to fulfill the concession agreements; and

WHEREAS, a farm services concession agreement template is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the Mayor and Council find that entering into one-year farm service concession agreements in accordance with the terms and conditions contained in the template agreement is advantageous to the Township and in the best interests of the public.

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The Council hereby approves the template one-year farm services concession agreement for the following properties in the Township: Windy Acres, Marookian, Brays Hill, Kaufelt, Hacketts Preserve and Prostak Farm.

3. The Township Administrator, Clerk, Public Works Director and Attorney are hereby authorized and directed to prepare one-year farm services concession agreements in a form similar to the template agreement for the six open space properties, and the Mayor and Clerk are hereby authorized and directed to execute such agreements once approved as to form and content by the Township Attorney.
4. This resolution shall take effect immediately.

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

8. Resolution amending Resolution #10-2022 appointing the Township Professionals for the year 2022 with not to exceed amounts

The following Resolution was offered for consideration:

Resolution #78-2022

WHEREAS, the Mayor and Council of the Township of Clinton desire to engage certain professionals for the year 2022; and

WHEREAS, Resolution number 10-2022 was adopted on January 5, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey authorize these increased not to exceed amounts for the following professional:

IT Support Services	James Cahill	\$25,000
	JEC Computers, LLC	

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
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

There were no comments.

ADJOURNMENT:

A *MOTION* was made by Councilman Glaser to adjourn the meeting at 8:00 p.m., seconded by Councilman Kochanowski and on Roll Call vote the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: April 27, 2022