

**RESOLUTION**

**AMENDING RESOLUTION #10-2022 APPOINTING THE TOWNSHIP PROFESSIONALS APPOINTMENTS FOR THE YEAR 2022 WITH INCREASED NOT TO EXCEED AMOUNTS, NTE \$25,000**

**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 JEC Computers, LLC	\$25,000
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ATTEST:

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

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

Adopted: March 23, 2022

## RESOLUTION

### **RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(b) AND DIRECTING IMMEDIATE IMPLEMENTATION OF ORDINANCE #1167-2022**

**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**, at the beginning of March, the attorneys for PIRHL and Clinton LIHTC Urban Renewal LLC requested 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.); and

**WHEREAS**, to that end, on March 23, 2022, the Mayor and Council adopted on second reading Ordinance #1167-2022 entitled “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”; 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 closing on the Property, as well as the Low Income Housing Tax Credits awarded to the Project, is scheduled for March 24, 2022; and

**WHEREAS**, the closing cannot be delayed; as set forth in Ms. Coffey’s letter, “[p]rojects utilizing Low Income Housing Tax Credits, including the Project, are subject to strict deadlines based on applicable regulations. The deadline for all units in the Project to be available for occupancy (referred to as “placed in service” by IRS Code) is no later than December 31, 2023. This deadline is accelerated to October 31, 2023 by the Project’s tax credit investor. Failure to meet this deadline jeopardizes the entire Project.” As further explained in Ms. Coffey’s letter, “[w]ere the Closing to be delayed to allow time for the adoption of an Ordinance, and twenty-day effective period imposed by the Faulkner Act, the Project would be delayed for more than six months due to the NJDEP restrictions. This delay would make satisfaction of the “placed in service” deadline impossible, causing the Project to forfeit its Low Income Housing Tax Credits.”; and

**WHEREAS**, for all of these reasons, the Mayor and Council find that it is critical to the public health, safety and welfare that the provisions of Ordinance #1167-2022 take effect immediately upon passage of the ordinance, in order to enable the closings to take place on March 24, 2022 as scheduled;

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

1. The findings set forth in the preamble to this resolution are hereby incorporated as if more fully set forth 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 #1167-2022 and the authorizations granted therein shall be effective as of the date of the passage of the ordinance on March 23, 2022.
3. This resolution shall take effect immediately.

ATTEST:

\_\_\_\_\_  
Carla Conner, RMC, Clerk

\_\_\_\_\_  
Hon. Brian Mullaney, Mayor

Adopted: March 23, 2022 by a vote of \_\_\_\_ in favor and \_\_\_\_ against

I, Carla Conner, Clerk of the Township of Clinton in Hunterdon County, New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Clinton Township Mayor and Council at a meeting held on March 23, 2022.

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