

RESOLUTION

HIRING A FULL TIME PARKS FOREMAN FOR PUBLIC WORKS PARKS DEPARTMENT

WHEREAS, due to a need for a Parks Foreman for Public Works, and;

WHEREAS, the Township has advertised to fill the position, and the Township Administrator and Public Works Director has interviewed a number of candidates, and;

WHEREAS, based on his experience, the Administrator and Public Works Director recommend that the Township hire Dakota Simon as the full time Parks Foreman.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body, of the Township of Clinton, County of Hunterdon, State of New Jersey, that Dakota Simon be appointed DPW Parks Foreman effective on or about February 27, 2023 at an salary stated in the hire offer letter, with all the benefits afforded full time employees with the Township, and pursuant to the DPW contract now in place.

BE IT FURTHER RESOLVED, that this appointment will be subject to a drug test and background check.

ATTEST: _____

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: March 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 March, 2023.

Conner Conner, Municipal Clerk

RESOLUTION

RESOLUTION AUTHORIZING 2023-2024 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) Prostack 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.

Attest:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: March 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 March, 2023.

Conner Conner, Municipal Clerk

RESOLUTION

RESOLUTION AWARDING A GOODS AND SERVICES AGREEMENT TO KAREN ROMANO TO PROVIDE DAY-TO-DAY COVERAGE IN THE PLANNING DEPARTMENT ON AN INTERIM BASIS (NTE \$2,400.00)

WHEREAS, the Township of Clinton (“Township”) requires the services of a land use administrator to provide day-to-day coverage in the Planning Department while the Township’s Planning Administrator is on medical leave; and

WHEREAS, Karen Romano has offered to provide the needed services for a fee of \$60.00 per hour; and

WHEREAS, the Township wishes to enter into a goods and services agreement (“Agreement”) with Ms. Romano for the provision of the services described above; 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

WHEREAS, Ms. Romano 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 Agreement shall be for an amount not to exceed \$2,400.00 and a term of thirty days beginning on March 13, 2023, as more specifically described in the Agreement; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-3 authorizes the Township to award this agreement without public bidding because it is under the bid threshold; and

WHEREAS, there are sufficient available funds for this award, as set forth in the Certification of Available Funds completed by the Chief Financial Officer;

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

1. The Mayor and Clerk are hereby authorized and directed to execute a thirty-day goods and services agreement with Karen Romano to provide day-to-day coverage in the Planning Department while the Planning Administrator is on medical leave.
2. Ms. Romano shall be compensated at a rate of \$60.00 per hour for an estimated average of 10 hours per week up to a maximum of 40 hours, in an amount not to exceed \$2,400.00. The term of the Agreement shall be from March 13, 2023 to April 12, 2023, or when Ms. Romano’s services are no longer required, whichever occurs first.

3. The Agreement is awarded without competitive bidding as a goods and services agreement under the bid threshold, as authorized by N.J.S.A. 40A:11-3.
4. A copy of this resolution, the Pay-to-Play Forms and the Agreement shall be placed on file in the Office of the Clerk.
5. A notice of this action shall be published in the Township's official newspaper as required by law.
6. This resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: March 8, 2023

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 Mayor and Council of the Township of Clinton on March 8, 2023.

Carla Conner, RMC, Clerk
Township of Clinton

RESOLUTION

RESOLUTION AWARDING A GOODS AND SERVICES AGREEMENT TO CYNDI KIEFER TO SERVE AS ACTING PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT SECRETARY ON AN INTERIM BASIS (NTE \$1,400.00)

WHEREAS, the Township of Clinton (“Township”) requires the services of a land use administrator to serve as the acting secretary to the Township Planning Board and Zoning Board of Adjustment while the Township’s Planning Administrator is on medical leave, specifically by attending Planning Board and Zoning Board of Adjustment meetings and preparing the minutes of said meetings; and

WHEREAS, Cyndi Kiefer has offered to provide the needed services for a flat fee of \$175.00 per meeting and \$175.00 per set of minutes; and

WHEREAS, the Township wishes to enter into a goods and services agreement (“Agreement”) with Ms. Kiefer for the provision of the services described above; 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

WHEREAS, Ms. Kiefer 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 Agreement shall be for an amount not to exceed \$1,400.00 and a term of sixty days beginning on March 13, 2023, as more specifically described in the Agreement; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-3 authorizes the Township to award this agreement without public bidding because it is under the bid threshold; and

WHEREAS, there are sufficient available funds for this award, as set forth in the Certification of Available Funds completed by the Chief Financial Officer;

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

1. The Mayor and Clerk are hereby authorized and directed to execute a sixty-day goods and services agreement with Cyndi Kiefer to serve as Acting Secretary to the Township Planning Board and Zoning Board of Adjustment by attending meetings and preparing minutes of said meetings while the Township’s Planning Administrator is on medical leave.

2. Ms. Kiefer shall be compensated at a flat rate of \$175 per meeting and \$175 per set of minutes, in an amount not to exceed \$1,400.00. The term of the Agreement shall be from March 13, 2023 to May 12, 2023, or when Ms. Kiefer's services are no longer required, whichever occurs first.
3. The Agreement is awarded without competitive bidding as a goods and services agreement under the bid threshold, as authorized by N.J.S.A. 40A:11-3.
4. A copy of this resolution, the Pay-to-Play Forms and the Agreement shall be placed on file in the Office of the Clerk.
5. A notice of this action shall be published in the Township's official newspaper as required by law.
6. This resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: March 8, 2023

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 Mayor and Council of the Township of Clinton on March 8, 2023.

Carla Conner, RMC, Clerk
Township of Clinton

RESOLUTION

RESOLUTION REDUCING THE APPLICATION FEE AND INITIAL ESCROW DEPOSIT TO BE PROVIDED BY CRC COMMUNITIES AT HEADLEY FARM ESTATES, INC. IN CONNECTION WITH ITS APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL FOR A PROPOSED INCLUSIONARY MULTI-FAMILY HOUSING DEVELOPMENT (APPLICATION NO. PB-2022-12 / BLOCK 46, LOT 33.01)

WHEREAS, CRC Communities at Headley Farm Estates, Inc. (“CRC”) is the owner of property designated as Block 46, Lot 33.01 (“Property”); and

WHEREAS, the Property is located in the AH-8 Affordable Housing Zone, which was created by Township Council Ordinance #1121-18 adopted on November 7, 2018; and

WHEREAS, the Property is proposed to accommodate a 400-unit inclusionary housing development to satisfy a portion of the Township’s affordable housing obligation as set forth in the Third Amendment to the Township’s settlement agreement dated May 2, 2021 and in the Township’s Amended Housing Plan Element and Fair Share Plan adopted by the Clinton Township Planning Board (“Planning Board”) on June 7, 2021 and endorsed by the Township Mayor and Council on June 23, 2021; and

WHEREAS, the Project includes a 26% set-aside that will yield 104 low- and moderate-income housing units; and

WHEREAS, CRC has applied to the Clinton Township Planning Board for preliminary major site plan approval in connection with the Project; and

WHEREAS, pursuant to section 165-13C(1)(g) of the “Code of the Township of Clinton” (“Code”), applicants seeking preliminary subdivision or site plan approval must pay an application fee of \$250 plus \$50 per unit, and must provide an escrow fee (initial escrow deposit) of \$250 plus \$500 per dwelling unit; and

WHEREAS, section 165-13C(2) of the Code states that “for Council on Affordable Housing low and moderate income units . . . , the Subsection C(1)(g) preliminary application fee of \$50 per dwelling unit . . . shall be waived”; and

WHEREAS, based on the above-referenced provisions, CRC would be required to pay an application fee of \$15,050.00 and make an initial escrow deposit of \$200,250.00; and

WHEREAS, by letter dated December 15, 2022, CRC’s attorney, Guliet Hirsch, asserted that the application fee “greatly exceeds the normal administrative costs of processing the CRC preliminary site plan application,” and requested that the Township reduce the fee to \$500; and

WHEREAS, Ms. Hirsch also challenged the initial escrow deposit as “excessive and unnecessary to cover the cost of initial application review by the Board Engineer, Planner and Attorney,” and requested that the Township reduce the deposit to \$5,000; and

WHEREAS, under the Mount Laurel doctrine, municipalities are prohibited from imposing unnecessary cost-producing exactions on developers of affordable housing projects; in addition, COAH's Second Round and Third Round rules include the requirement that "fees to review development applications shall be estimated prior to the payment of filing fees" and that "developers shall be entitled to review . . . escrowed fees" [*see* N.J.A.C. 5:93-10.3(b) (Second Round rule); N.J.A.C. 5:97-104(b) (Third Round rule)]; and

WHEREAS, Township staff undertook a detailed review of the anticipated administrative expenses associated with processing CRC's application, which came out to approximately \$2,100; and

WHEREAS, recognizing that the Project is an inclusionary affordable housing project and thus subject to the requirements of the Mount Laurel doctrine and COAH's regulations, the Mayor and Council find that it is reasonable and appropriate to reduce CRC's application fee to \$2,100; and

WHEREAS, for the same reasons, the Mayor and Council also find that it is reasonable and appropriate to reduce CRC's initial escrow deposit to \$10,000, as it did most recently in connection with an application by Ingerman to construct a municipally-sponsored affordable housing project on Route 31 North near the Spruce Run Reservoir;

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 restated herein.
2. For the reasons set forth in the foregoing preamble, the application fee for Application No. PB-2022-12 shall be and is hereby reduced to \$2,100, and the initial escrow deposit to be provided by CRC in connection with said application shall be and is hereby reduced to \$10,000.
3. Nothing herein shall be deemed to abrogate or otherwise alter CRC's obligation to replenish the escrow account upon request and pursuant to the requirements of the Township Code.
4. This resolution shall take effect immediately.

ATTEST:

Carla Conner, RMC, Township Clerk

Brian Mully, Mayor

Adopted: March 8, 2023

I, Carla Conner, Clerk of the Township of Clinton in Hunterdon County, New Jersey do hereby certify that the foregoing is a true copy of a resolution duly passed by the Clinton Township Mayor and Council at its regular meeting held on March 8, 2023.

Carla Conner, RMC, Township Clerk