

TOWNSHIP OF CLINTON  
REGULAR MEETING  
FEBRUARY 08, 2023

Mayor Mullay called the meeting to order at 7:00 p.m. announcing that all laws governing the 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 Glaser	Present
Councilman Kochanowski	Absent
Councilwoman Switlyk	Present
Council President Strauss	Present
Mayor Mullay	Present

**Also Present:**

Trishka Cecil, Township Attorney  
Carla Conner, Township Clerk

**COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY**

No Comment.

**\*APPROVAL OF MINUTES:**

**CONSENT AGENDA:**

All items listed with an asterisk (“\*”) are considered to be routine by the Township Mayor and Council and will be enacted by a single motion. There will not be separate discussion of these items unless requested by the mayor, a Council member or citizen, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

A **MOTION** was made by Council President Strauss, seconded by Councilman Glaser, and a Roll Call of the following was recorded:

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

Motion carried.

## **REPORTS:**

Mario Caballero, Green Team Chair, provided the annual report to the Council and a copy has been given to the members of the Council, as well as awards that were presented to the Green Team in 2022. There were two grants that were received last year; one was \$2,000.00 from Sustainable Jersey Organization which was used to purchase table clothes for the Environmental Commission and Green Team for future events, and advertising. The other grant was \$1,500.00 from NJAC's Association of Environmental Commissions to purchase dedicational signs. There were several events that were held throughout the Township that were successful. Community Day will be April 29<sup>th</sup> and two tents will be set up during the event: one for the Green Team and one for the Environmental Commission. April 7<sup>th</sup> Water Testing was successful, and many volunteers helped. New partnerships were formed, and social media has increased as well. Mr. Caballero mentioned a few goals and events for 2023. There is a meeting with the Hunterdon County Emergency Management Director, Brayden Fahey on June 8<sup>th</sup> on Electric Vehicles with the Fire Departments, Police Departments, and Rescue Squads within the County on training with emergency shut offs and the procedure on electrical vehicles when an emergency happens.

### **Councilman Glaser**

The Planning Board held their regular meeting on February 6<sup>th</sup> which entirely devoted a two-hour work session to go through the Master Plan re-examination and Amendments to the Master Plan with the key items being the designation of the Highlands Center in the Township, potential changes to the AH-9 zone, and the rezoning of most of Route 31. The next Planning Board meeting will be March 6<sup>th</sup>. The meeting in March will hopefully be to adopt the final Master Plan and hold the public hearing on the Master Plan Amendments.

The Sewage Authority held their meeting on February 2<sup>nd</sup> where routine matters were covered. The progress on the new Votech building and the construction of that, along with the pump station upgrade were covered and both Votech and Sewage Authority are awaiting approvals before bid packages go out. The next meeting will be March 2<sup>nd</sup> and will include the annual rate hearing to discuss the quarterly rate increase.

The Finance Committee hasn't met yet and is waiting for a time when both the Administrator and CFO are available within the coming weeks. There has not been an update from the resident regarding the Cannabis Subcommittee, and the Committee will be in contact with him soon once they feel that the agenda can hold a work session on this.

**Councilwoman Switlyk**

Councilwoman Switlyk gave updates on the Open Space Committee and a phone conversation with the Hunterdon Land Trust, regarding the Allerton parcels, and the Springside Nassau Trails. The Allerton parcels are about 44 acres and would be beneficial to the Township. The funds could potentially come from Open Space funds, Green Acres, and we have County funds as well. Springside Nassau trail needs to be worked on as well. Councilwoman Switlyk requested a copy of the latest management plan to present to the Hunterdon Land Trust. The NJAC grant that Mr. Caballero mentioned will have a reimbursement with it for the dedicational signs. This is in the process of being submitted. The bulk tree planting has been successful, and the Committee is looking for quality not quantity with the trees. The planting items are coming from the Open Space funds and the Committee is looking into other properties besides Windy Acres to plant trees. There was a suggestion to plant trees in the new affordable housing units that are being built and see if there would be an ideal place to receive trees.

**Council President Strauss**

Council President Strauss reported on the Clinton Township Board of Education's meeting that will be held on March 13<sup>th</sup> and the meeting will include preliminary budgets and the final presentation for that will be at the May 1<sup>st</sup> meeting.

The Historical Preservation Commission's next meeting will be held on March 1<sup>st</sup>.

Council President Strauss commented on the reports and recent communications with Police Chief DeRosa. The Fire Stations are still waiting on electrical work and Buildings and Grounds maintenance work is continuing at Station 1 & 2 are some updates from Fire Chief Emery. The recent reports from the South Branch Emergency Services have been emailed out from Chief Setnicky. There will be background checks for Volunteer Firefighters and other volunteers as well.

**Mayor Mullay**

Mayor Mullay shared that there will be an Easter Egg Hunt on April 8<sup>th</sup> at Bundt Park and reported on Community Day which will be held on April 29<sup>th</sup>. There will hopefully be a hire for the Parks Foreman towards the end of the month, and a Deputy Court Administrator position is continuing for interviews.

The Petticoat Lane Project was approved by the State and is good to get bids out for the rebuilding project, along with milling and paving. A few of the upcoming ordinances include the Lead Paint law and municipalities being required to register the findings at rental properties. We currently have a form, but not a registry for this matter, and the other ordinance is regarding the Business Insurance Industry. Both ordinances are required and the Township will take action within the next few weeks.

**NEW BUSINESS:**

1. **\*Resolution accepting the name change from Clinton First Aide and Rescue Squad to South Branch Emergency Services (SBES) as the primary EMS/ Rescue responder**

**The following resolution was offered for consideration:**

**Resolution #31-2023**

**Resolution accepting the name change from Clinton First Aide and Rescue Squad to South Branch Emergency Services (SBES) as the primary EMS/ Rescue responder**

**WHEREAS**, the residents of the Township of Clinton are currently serviced by the South Branch Emergency Services (SBES); and

**WHEREAS**, the Township of Clinton desires, in the best interests of Township residents, to designate the South Branch Emergency Services (SBES) as the primary responder for the entire Township, and to authorize the County of Hunterdon Dispatch Center to dispatch the South Branch Emergency Services (SBES) to all EMS and Rescue calls within the entire Township.

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

1. That the South Branch Emergency Services (SBES) is designated as the primary emergency medical and rescue services provider within the boundaries of the Township of Clinton.
2. It will be at the discretion of the South Branch Emergency Services (SBES) to determine if additional agencies are required to provide this service in consultation with the Township Council.
3. That the Township of Clinton authorizes the County of Hunterdon Dispatch Center to dispatch in accordance with this Resolution.
4. That this Resolution shall take effect immediately

2. **\*Shared Services Resolution recognizing the North Hunterdon Fire Alliance and approving to reimburse Annandale Hose #1 for dinner/costs in an amount NTE \$100.00 on their assigned weekend of coverage**

**The following resolution was offered for consideration:**

**Resolution #32-2023**

**Shared Services Resolution recognizing the North Hunterdon Fire Alliance and approving to reimburse Annandale Hose #1 for dinner/costs in an amount NTE \$100.00 on their assigned weekend of coverage**

**WHEREAS**, this will confirm that the Municipalities of Borough of High Bridge, Borough of Lebanon, Town of Clinton, Township of Clinton, and the Township of Franklin, in Hunterdon County, New Jersey, are each protected by their own municipal fire departments or companies, consisting of the Borough of High Bridge Fire Department, the Borough of Lebanon Fire Company, the Town of Clinton Fire Department, the Township of Clinton (Division of Fire) Annandale Hose Company #1, and the Franklin Township Fire District #1 (Quakertown Fire Company), respectively (collectively, “the fire companies”) and routinely through mutual aid respond to fire and emergency calls within all five communities; and the fire companies operate under common operational guidelines and training levels; and the fire companies wish to continue to support one another with manpower, equipment and apparatus within an informal alliance, with personnel and equipment stationed in their various facilities, in order to further enhance response times and the mutual aid they already provide with the five municipalities; and

**WHEREAS**, with the passage of this Resolution the Mayor and Council of the Township of Clinton does hereby recognize and consent to the North Hunterdon Fire Alliance serving in cooperation and sharing their five respective fire houses of the other participating municipalities from time to time to provide fire and emergency service within the jurisdiction of the named municipalities; and

**NOW, THEREFORE**, the Township of Clinton expresses its support for the North Hunterdon Fire Alliance and agrees to reimburse Annandale Hose #1 for dinner/food costs in an amount not to exceed \$100.00 excluding taxes, on their assigned weekend of coverage.

3. Resolution amending Temporary Budget for 2023.

**The following resolution was offered for consideration:**

**Resolution #33-2023**

**WHEREAS**, the Local Budget Law at N.J.S.A. 40A:4-19 authorizes municipal governing bodies to make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the municipality’s budget, provided the total of such appropriations does not exceed 26.5% of the total appropriations made in the budget for the preceding fiscal year; and

**WHEREAS**, pursuant to Resolution #3-2023 adopted on January 4, 2023, the Mayor and Council of the Township of Clinton made certain appropriations pursuant to the Local Budget Law as set forth above (the “2023 temporary budget”); and

**WHEREAS**, additional appropriations not originally set forth in the 2023 temporary budget are needed in order to maintain operations until such time as the final budget is approved;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey, that the 2023 temporary budget is hereby amended by adding thereto the following additional appropriations:

<u>Department</u>	<u>Expense</u>	<u>Amount</u>
Environmental	O/E	\$300.00
Zoning	S&W	\$1,500.00
Council	O/E	\$1,500.00
Collection of Taxes	O/E	\$1,000.00
Total		\$4,300.00

and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

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

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

Motion carried.

**4. Resolution approving request by Clinton LIHTC Urban Renewal LLC for reduction of Performance Guarantee for the “Clinton Woods” Affordable Housing Development (Block 82, Lot 4.03).**

**The following resolution was offered for consideration:**

**Resolution #34-2023**

**WHEREAS**, the Township of Clinton is the beneficiary of a performance guarantee posted by Clinton LIHTC Urban Renewal LLC (“the developer”) on March 21, 2022 in connection with development approvals granted by the Clinton Township Planning Board for property located on Route 31 South and designated on the Clinton Township tax maps as Block 82, Lot 4.03 in connection with the affordable housing development commonly known as the “Clinton Woods” development; and

**WHEREAS**, the specific site improvements for which the guarantee was posted are set forth in a letter dated December 29, 2021 from Township Engineer Larry Plevier, PE of Mott MacDonald; and

**WHEREAS**, the total amount of the performance guarantee is \$2,585,574.90, of which \$2,327,017.41 was posted in the form of a performance bond issued by Hartford Casualty Insurance Company (Bond #45BCSIU8597) and the remainder was posted in cash; and

**WHEREAS**, by letter dated January 5, 2023, from Deanna Shipman, Development Project Manager, to Township Clerk Carla Conner, the developer has requested to have the performance guarantee reduced; and

**WHEREAS**, a copy of the request by the developer is attached hereto as **Exhibit A**; and

**WHEREAS**, the Township Engineer has inspected the improvements made to date and provided a report to the Township Clerk regarding the reduction request, which report is dated January 16, 2023, and is attached hereto as **Exhibit B**; and

**WHEREAS**, the report was received by the Township Clerk on January 16, 2023; and

**WHEREAS**, the Municipal Land Use Law (“MLUL”) at N.J.S.A. 40:55D-53e(1) requires the governing body by resolution to “either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted”; and

**WHEREAS**, the MLUL at N.J.S.A. 40:55D-53e(1) also provides that notwithstanding the percent of the improvements that have been completed, 30% of the total performance guarantee that was posted may be retained to ensure completion and acceptability of all improvements; and

**WHEREAS**, the Township Engineer’s report indicates that 77% of the site improvements have been installed as shown on the approved site plan; and

**WHEREAS**, the Township Engineer recommends that the performance guarantee be reduced accordingly, subject to the Township retaining 30% of the total amount that was posted, as authorized by N.J.S.A. 40:55D-53e(1); and

**WHEREAS**, the specific bonded improvements that the Township Engineer has determined to be complete and satisfactory, and for which the performance guarantee is being reduced, are identified on a spreadsheet included with the Township Engineer’s report; and

**WHEREAS**, no cause has been established to reject the completed improvements;

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

1. The findings set forth in the preamble to this resolution are hereby incorporated as if fully restated herein.
2. The request by Clinton LIHTC Urban Renewal LLC for a reduction in its performance guarantee is hereby approved, subject to the Township retaining 30% of the total amount that was posted, as authorized by N.J.S.A. 40:55D-53e(1).
3. The completed improvements identified on the spreadsheet included with the Township Engineer’s January 16, 2023, report (**Exhibit B** to this resolution) are hereby approved and accepted.
4. As recommended by the Township Engineer, the total performance guarantee shall be reduced by \$ 1,809,902.43. The remainder—consisting of a surety bond in the amount of \$ 698,105.22 and cash in the amount of \$ 77,567.25—shall be retained by the municipality until all of the bonded items have been completed, found by the Township Engineer to be satisfactory, and accepted by the Township, and the appropriate maintenance guarantees have been posted.
4. This resolution shall take effect immediately.

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

Councilman Glaser	Yes
Councilwoman Switlyk	Yes
Councilman President Strauss	Yes
Councilman Mullay	Recuse

Motion carried.



**5. Payment of Bills**

**The following resolution was offered for consideration:**

TOTALS:

CURRENT	\$4,018,522.05
TRUSTS	\$24,278.85
ESCROW	\$1,491.25
RECREATION	\$850.00
DOG LICENSE	\$3,768.20
CAPITAL	\$1,456.00
GRAND TOTAL:	\$4,050,366.35

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

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

Motion carried.

**6. An Ordinance of the Township of Clinton in Hunterdon County, New Jersey Amending Part 2, “General Legislation” of the “Code of the Township of Clinton” to establish permitting and other requirements for special events**

*After a lengthy discussion of the Ordinance the Council tabled the Ordinance.*

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Craig Naylor from Annandale questioned the Ordinance that was tabled.

**ADJOURNMENT:**

A **MOTION** was made by Councilman Glaser to adjourn the meeting at 8:20 p.m., Councilwoman Switlyk seconded, and on Roll Call vote the following was recorded:

ATTEST:

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

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

Adopted: May 24, 2023