

TOWNSHIP OF CLINTON
REGULAR MEETING
FEBRUARY 22, 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	Present
Councilwoman Switlyk	Absent
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.

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

***APPROVAL OF MINUTES:**

Regular Session	September 28, 2022 (Kochanowski abstained)
Regular Session	October 12, 2022 (Mayor and Strauss abstained)
Re-org Minutes	January 4, 2023

REPORTS:

Councilman Glaser

Councilman Glaser shared that there was not a Planning Board meeting on February 20th due to President's Day Holiday and the next meeting will be held on March 6th, where there will be a discussion about the Master Plan re-examination and public hearings on the Master Plan Amendments. The next Sewage Authority meeting will be held on March 2nd and discussion about the annual rate hearing quarterly rate increase, which has gone up from \$130.00 to \$135.00.

The Finance Committee is hoping to have their first meeting with the Administrator and the CFO in the upcoming weeks to discuss the budget and other financial matters. The resident that was interested in a micro license in the Township is pending in the coming meeting and will not likely occur until April.

Councilman Kochanowski

No Report

Council President Strauss

Council President Strauss reported on the next Board of Education meeting that will be held on March 13 at 7 p.m. at the Clinton Township Middle School. This meeting will have the preliminary budgets and the final presentation at the May 1st meeting.

The Historical Preservation Commission will meet on March 1 at 7 p.m.

Council President Strauss commented on the Public Safety Department and the recent reports that were received from Chief DeRosa, Chief Emery and Chief Setnick. Chief DeRosa shared a praise and acknowledgment email and a press release; Chief Emery followed up with Clinton Water Company and will have a meeting with Clinton officials; Chief Setnick emailed his report out regarding South Branch Emergency Services. There will be a recruitment drive on February 25 from 1 p.m. to 4 p.m. at the North Branch Library

Mayor Mullay

Mayor Mullay reported that an offer is out to hire a Parks & Recreation foreman. The Township is posting for an administrative position in the Clerk's office.

NEW BUSINESS:

1. ***Resolution authorizing Professional Services with an Independent Registered Municipal Advisor (Phoenix Advisors), NTE \$10,000.00**

The following resolution was offered for consideration:

Resolution #35-2023
Resolution authorizing Professional Services with an Independent Registered Municipal Advisor (Phoenix Advisors), NTE \$10,000.00

WHEREAS, the purpose of Phoenix Advisors is to provide certain financial and other information and notices, within specified timeframes, in a manner prescribed by the regulators of the underwriter that purchased said bond issues; and

WHEREAS, the Mayor and Council of the Township of Clinton has a need for Municipal Advisory services without publicly advertising for bids pursuant to the Local Public Contracts Law, utilizing the professional services exception to public bidding set forth in N.J.S.A 40A:11-5(1)(a)(i).

WHEREAS, Phoenix Advisors, being duly registered as a Municipal Advisor with the Securities Rulemaking Board (the "MSRB") provides professional municipal advisory services; and

WHEREAS, Phoenix Advisors has completed and submitted a Business Entity Disclosure Certification which certifies that Phoenix Advisors has not made any reportable contributions to a political or candidate in the Township of Clinton in the previous (1) year, and that the contract will prohibit Phoenix Advisor from make any reportable contributions through the term of the contract; and

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

WHEREAS, the contract has been awarded for a term of one year term, for an amount not to exceed \$10,000 with the award resolution and contract available for public inspection in the Clerk's office.

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

1. The Mayor & Council of the Township of Clinton hereby approve the the execution of an Agreement with Phoenix Advisors for an amount not to exceed \$10,000.
2. The Township of Clinton Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement to Phoenix Advisors.

3. This Resolution shall take effect immediately upon final passage according to law.
- 4.

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

2. *Resolution authorizing the refund of premium refund for Block 89, Lot 14

The following resolution was offered for consideration:

Resolution #36-2023

Resolution authorizing the refund of premium refund for Block 89, Lot 14

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
89	14	2022-008	PRO CAP 8 LLC	1,700.00
			PO BOX 774	
			FORT WASHINGTON, PA 19034	
			TOTAL	\$1,700.00

3. *Resolution authorizing the refund of taxes for Block 82.18, Lot 49.13

The following resolution was offered for consideration:

Resolution 37-2023

Resolution authorizing the refund of taxes for Block 82.18, Lot 49.13

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 **\$4925.24**; 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
CORELOGIC	82.18	49.13	33 SOUTHGATE DRIVE	2023/1	4925.24
PO BOX 9202					
COPPELL TX 75016					
TOTAL REFUNDS					4925.24

5. *Resolution of support from Mayor & Council authorizing two Sustainable Jersey Grant applications.

The following resolution was offered for consideration:

Resolution #38-2023

Resolution of support from Mayor & Council authorizing two Sustainable Jersey Grant applications

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Clinton strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Clinton is participating in the Sustainable Jersey Program and wishes to improve pedestrian safety in Annandale and to build a Pollinator Garden Demonstration Project; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Township of Clinton has determined that Township of Clinton should apply for the aforementioned Grants to fund a pedestrian safety improvements in the Historic Village of Annandale and to build a Pollinator Garden Demonstration Project.

THEREFORE, BE IT RESOLVED, that Mayor and Council of the Township of Clinton, Hunterdon County, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grants.

6. Resolution rescinding resolution #33-2023, amending temporary budget for 2023

The following resolution was offered for consideration:

Resolution #39-2023

WHEREAS, pursuant to Resolution #3-2023 adopted on January 4, 2023 and Resolution #33-2023 adopted February 8, 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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey, rescinds Resolution #33-2023 authorizing additional appropriations to the temporary budget.

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

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

7. Resolution awarding a Professional Services agreement to C. William Bowkley, Jr., to serve as a Hearing Officer in an employee disciplinary matter

The following resolution was offered for consideration:

Resolution #40-2023

WHEREAS, the Township of Clinton (“Township”) requires professional legal services in connection with a disciplinary hearing; and

WHEREAS, C. William Bowkley, Jr. of the law firm of C. William Bowkley, Jr., LLC (“Consultant”) has offered to perform the needed services at a rate of \$185 per hour; and

WHEREAS, the Township wishes to enter into a professional services agreement (“Agreement”) with Consultant for the provision of professional legal services as 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, Consultant 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 \$6,000.00 and a term of one year retroactive to February 1, 2023, as more specifically described in the Agreement; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes the Township to award this agreement as a professional services agreement, without public bidding; 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 one-year Professional Services Agreement with Consultant to provide professional legal services to the Township by serving as a hearing officer in a disciplinary matter.
2. Consultant shall be compensated at the rate of \$185 per hour, in an amount not to exceed \$6,000.00. The term of the agreement shall be from February 1, 2023 to January 31, 2024.
3. The agreement is awarded without competitive bidding as a professional services agreement as authorized under N.J.S.A. 40A:11-5(1)(a)(i).
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.

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

8. Resolution authorizing the hiring of Savannah Hettman as Deputy Court Administrator

The following resolution was offered for consideration:

Resolution #41-2023

WHEREAS, there exists a need to hire a replacement full-time Deputy Court Administrator for the municipal court; and

WHEREAS, the Court Administrator and Township Administrator have conducted interviews and found Ms. Hettman to be the best candidate.

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

1. Ms. Savannah Hettman shall be hired as a full-time Deputy Court Administrator, beginning March 13, 2023, at an annual salary of \$40,000.
2. Benefits shall be granted as outlined in the township's policies and ordinances.

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

9. Resolution authorizing the purchase of a 2023 Police Interceptor Utility AWD vehicle from Koch33 Specialized Upfitters, NTE \$37,408.00

The following resolution was offered for consideration:

Resolution #42-2023

WHEREAS, there is a need to purchase a 2023 Police Interceptor Utility AWD vehicle for the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

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

WHEREAS, the Police of Chief has obtained 3 written quotes for the vehicle, where the lowest quote is from Koch 33 Specialized Upfitters, NTE \$37,408.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Township of Clinton Police Department is hereby authorized to purchase a 2023 Police Interceptor Utility AWD vehicle from Koch 33 Specialized Upfitters, NTE \$37,408.

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

Councilman Glaser	Yes	
Councilman Kochanowski	Yes	
Council President Strauss		Yes
Mayor Mullay	Yes	

Motion carried.

10. Resolution authorizing the purchase from East Coast Lighting for proper lighting equipment for Patrol vehicles from State Contract #17-FLEET-00761, NTE \$21,799.21

The following resolution was offered for consideration:

Resolution #43-2023

WHEREAS, there is a need to purchase proper lighting equipment for a Patrol Vehicle for the Township of Clinton, in the County of Hunterdon, State of New Jersey; 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 Township of Clinton Police Department is hereby authorized to purchase from East Coast Lighting proper lighting equipment for a Patrol Vehicle from State Contract #17-FLEET-00761, NTE \$21,799.21

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

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

11. Transfer of funds

The following resolution was offered for consideration:

Resolution #44-2023

WHEREAS, various 2022 bills have been presented for payment this year, which bills represent obligation of the prior fiscal year, and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clinton in the County of Hunterdon that the following transfers in the amount of \$8,500.00 be made between the 2022 Budget Appropriation Reserves as follows:

	FROM	
Clerk Postage O/E	01-203-20-120-208	\$ 7,000.00
Board of Adj O/E	01-203-21-187-212	\$ 1,000.00
Board of Adj O/E	01-203-21-187-210	\$ 500.00
	TO	
Health Dept O/E	01-203-27-330-277	\$7,000.00
Planning Board O/E	01-203-21-180-236	\$1,500.00

A **MOTION** was made by Councilman Glaser, seconded by Mayor Mullay, and a Roll Call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

12. Payment of bills

TOTALS:

CURRENT	\$3,999,777.49
TRUSTS	\$39,917.34
ESCROW	\$18,218.38
RECREATION	\$1,025.00
DOG LICENSE	\$2,804.00
GRANTS	\$57,725.96

GRAND TOTAL:	\$4,119,468.17
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A **MOTION** was made by Councilman Glaser, seconded by Mayor Mullay, and a Roll Call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

PUBLIC COMMENT:

No comment.

EXECUTIVE SESSION:

BE IT RESOLVED that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to section 7B of the Open Public Meetings Act.

The general nature of the subject to be discussed in this session is as follows:

1. N.J.S.A. 10:4-12b (7): Advice of counsel with respect to pending litigation and matters related thereto falling within the attorney-client privilege.
2. FOP Contract Negotiations.
 - It is unknown precisely when the matters discussed in this session will be disclosed to the public.
 - Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

The Mayor and Council entered into Executive Session at 7:29 p.m. and a **MOTION** was made by Councilman Glaser, seconded by Councilman Kochanowski, and a Roll Call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

ADJOURNMENT:

A **MOTION** was made by Councilman Glaser to adjourn the meeting at 7:47 p.m. and was seconded by Council President Strauss , and a Roll Call of the following was recorded:

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: May 24, 2023