

**TOWNSHIP OF CLINTON  
REGULAR COUNCIL MEETING  
APRIL 5, 2023**

Mayor Mullay calls the meeting to order at 7:00 p.m. announcing that all laws governing the Open Public Meetings Act have been met and adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Act. A copy of the agenda for this meeting was sent to the Hunterdon County Democrat, posted on the bulletin board on March 31, 2023, and was made available to the public for download on the Township's website prior to the meeting.

**SALUTE TO THE FLAG**

**ATTENDANCE**

Councilman Glaser	Present
Councilman Kochanowski	Present
Councilwoman Switlyk	Present
Council President Strauss	Present
Mayor Mullay	Present

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

Chris Stadulis, Clinton Township Resident, commented on JCP&L's text message updates and how it lasted 24 hours and kept getting alerts about power restoration. He asked about the trees and the work on those. There is part of a telephone pole left on his property as well.

**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
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

## **DISCUSSION: JCP&L**

Amy Overman reported that the complaints they have received are being worked on and engineers are looking into reliability. Sub-station work is being done; one required circuit work, one is completed by patrol and investigation, and two are wiring related. Ms. Overman commented on the timelines and rates for JCP&L as well.

## **REPORTS**

Councilman Glaser reported on the Planning Board and the Public Hearing for Annandale Village with the new lot lines and variances. The Sewerage Authority is meeting tomorrow. The Finance Committee has a budget meeting upcoming.

Councilman Kochanowski did not have anything to report.

Councilwoman Switlyk reported on the proposed EV charging station at Bundt Park, as well as upcoming meetings for Boards and Commissions. The Disc Golf event is scheduled for May 20<sup>th</sup>, and a Furnace Walk is scheduled for June 17<sup>th</sup>.

Council President Strauss provided updates from the Historic Commission meeting, Public Safety and an upcoming ISO meeting in Clinton, along with updates on funding for EMS. There have been complaints about speeding as well to the Police Department. Pending Public Work items will be addressed as well.

Mayor Mullay reported on the Recreation Committee and announced that the Field of Dreams will open after the trees are taken down. Community Day is on April 29<sup>th</sup> and starts at 10 am at Bundt Park. The Mayor talked about personnel matters and vacancies within the Township for employment, hoping to have them filled quickly.

**PUBLIC HEARINGS – None.**

**RESOLUTIONS (LISTED UNDER “NEW BUSINESS”)**

**ORDINANCE(S) FOR CONSIDERATION (LISTED UNDER “NEW BUSINESS”) – None.**

**UNFINISHED BUSINESS – None**

**CORRESPONDENCE – None.**

**NEW BUSINESS**

\*1 Resolution supporting the 2023 UDrive UText UPay Distracted Driving Crackdown April 1-30, 2023.

**The following resolution was offered for consideration:  
RESOLUTION #61-2023**

**SUPPORTING THE 2023 UDRIVE, UTEXT, UPAY, DISTRACTED DRIVING CRACKDOWN**

**APRIL 1-30, 2023**

**WHEREAS**, distracted driving is a serious, life-threatening practice that is preventable; and

**WHEREAS**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**WHEREAS**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**WHEREAS**, from 2011-2020 distracted driving-related crashes resulted in 32,000 deaths on our nation's roads; and

**WHEREAS**, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes from 2016-2020; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Distracted Driving 2023 Crackdown* from April 1 - 30, 2023 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**WHEREAS**, the national slogan for the campaign is UDrive. UText. UPay; and

**WHEREAS**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**THEREFORE, BE IT RESOLVED** that Clinton Township declares it's support for the *Distracted Driving 2023 Crackdown* both locally and nationally from April 1 - 30, 2023 and pledges to increase awareness of the dangers of distracted driving.

\*2 Resolution approving fireworks display at the Immaculate Conception Church Festival June 24, 2023.

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

**RESOLUTION #62-2023**

**TO APPROVE FIREWORKS DISPLAY FOR THE IMMACULATE CONCEPTION CHURCH FESTIVAL June 24, 2023**

**WHEREAS**, the Immaculate Conception Church will hold a Festival in June of 2023; and

**WHEREAS**, the Church wishes to present a fireworks display; and the specific dates of such display are June 24, 2023 with a potential rain date of June 25, 2023; and

**WHEREAS**, Fire Chief Bob Emery of the Annandale Hose Company No. 1 has assured there will be coverage at the event as required by law.

**BE IT RESOLVED**, that approval is given by the Mayor and Council of the Township of Clinton for the display of fireworks during the Immaculate Conception Festival of 2023.

**THEREFORE, BE IT FURTHER RESOLVED**, that approval is subject to all required permits and insurance.

\*3. Resolution appointing Jay Meixsell as the Clean Communities Coordinator.

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

**RESOLUTION #63-2023**

**APPOINTMENT OF CLEAN COMMUNITIES' COORDINATOR FOR THE TOWNSHIP OF CLINTON**

**WHEREAS**, the Township of Clinton needs to appoint a Clean Communities Coordinator to represent the Township of Clinton.

**THEREFORE, BE IT RESOLVED**, that Jay Meixsell is hereby appointed as the Clean Communities Coordinator effective January 1, 2023.

4. Resolution awarding a goods and services agreement to Animal Control Solutions, LLC for animal control services during calendar year 2023 (NTE \$34,992.00).

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

**RESOLUTION #64-2023**

**RESOLUTION AWARDING A GOODS AND SERVICES AGREEMENT TO ANIMAL CONTROL SOLUTIONS, LLC FOR ANIMAL CONTROL SERVICES DURING CALENDAR YEAR 2023 (NTE \$34,992.00)**

**WHEREAS**, the Township of Clinton ("Township") requires the services of a licensed animal control officer to provide day-to-day animal control services to the Township from April 1, 2023 to December 31, 2023; and

**WHEREAS**, Animal Control Solutions LLC ("Provider") has offered to provide the sought-after services for a fee of \$34,922.00 for the duration of the agreement; and

**WHEREAS**, the Township wishes to enter into a goods and services agreement ("Agreement") with Provider 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**, Provider 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 a total amount of \$34,992.00 and a term beginning on April 1, 2023 and ending on December 31, 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 goods and services agreement with Animal Control Solutions, LLC ("Provider") to provide animal control services to the Township from April 1, 2023, to December 31, 2023.
2. Provider shall be compensated for its services in a total amount of \$34,992.00, payable in monthly installments.

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.

A **MOTION** was made by Councilman Glaser to approve the resolution, seconded by Councilwoman Switlyk, and a roll call of the following was recorded:

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

Motion carried

5. Resolution concerning the transfer of the ownership interests in Clinton LIHTC Urban Renewal, LLC to Conifer Realty, LLC for the development of affordable housing on Block 82, Lot 4.04 (the "Marookian" development).

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

**RESOLUTION #65-2023**

**RESOLUTION CONCERNING THE TRANSFER OF THE OWNERSHIP INTERESTS IN CLINTON LIHTC URBAN RENEWAL, LLC TO CONIFER REALTY, LLC FOR THE DEVELOPMENT OF AFFORDABLE HOUSING ON BLOCK 82 LOT 4.04 (THE "MAROOKIAN" DEVELOPMENT)**

**WHEREAS**, the Township of Clinton ("Township") and Clinton LIHTC Urban Renewal, LLC ("Developer") executed a certain Affordable Housing Agreement dated June 13, 2018, as amended by that certain First Amendment to Affordable Housing Agreement dated June 16, 2020, and as further amended by that certain Second Amendment to Affordable Housing Agreement dated May 24, 2021, and as further amended by that certain Third Amendment to Affordable Housing Agreement dated February 9, 2022 (collectively, the "Affordable Housing Agreement"), for the development of a 100% affordable housing development with approximately eighty-four (84) residential units on property located at 1355 Route 31 and identified as Lot 4.04 in Block 82 (formally identified as Lot 4.03 in Block 82 prior to subdivision) (the "Project"); and

**WHEREAS**, the Township and Developer entered into an Agreement For Payments in Lieu of Taxes dated June 13, 2020, as amended by that certain First Amendment to Agreement for Payment in Lieu of Taxes dated September 9, 2021 (collectively, the "PILOT Agreement") for the Project pursuant to New Jersey Housing and Mortgage Financing Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. ("HMFA Law"); and

**WHEREAS**, the Township and Developer entered into a Developer's Agreement dated January 26, 2022 (the "Developer's Agreement"); and

**WHEREAS**, the Developer is owned by PIRHL Clinton MM, LLC (“PIRHL”), which controls 49% of the managing member interests, and by Prevention Affordable, LLC, which controls 51% of the managing member interests in its capacity as administrative managing member; and

**WHEREAS**, PIRHL wishes to transfer its 49% managing member interests in the Developer to Conifer Realty, LLC, its affiliate, Conifer Clinton GP, LLC, or a project-specific, wholly-owned subsidiary thereof (“Conifer”); and

**WHEREAS**, PIRHL has provided correspondence notifying the Township of the transfer of its ownership interests in the Developer to Conifer, a copy of which is attached hereto as “Exhibit A”; and

**WHEREAS**, Conifer has sufficient experience and net worth to operate the Project in a manner satisfactory to the Township; and

**WHEREAS**, Section 4.3 of the Affordable Housing Agreement provides that “The Project shall not be sold or transferred without the prior written consent of the Township, which consent shall not be unreasonably withheld, subject to all statutory and regulatory requirements and conditions applicable to the transfer of the Project... No such sale or transfer shall be effective until the transferee signs an assumption agreement that is acceptable to the Township and that obligates the transferee to keep all the covenants and agreements contained in this Agreement and/or the Financing, Deed Restriction and Regulatory Agreement that will be recorded in connection with the NJMFA first mortgage”; and

**WHEREAS**, Section 4.3 does not appear to be applicable in that the Project is not being sold or transferred; rather, PIRHL as the 49% managing member of the Developer intends to transfer and assign its ownership interests in the Developer to Conifer; and

**WHEREAS**, by countersigning this resolution below, Conifer acknowledges and agrees that Conifer will assume, via ownership of Developer, all conditions in the Affordable Housing Agreement, PILOT Agreement and Developer’s Agreement, the rights and obligations of Developer thereunder, and will be subject to all covenants and agreements contained therein; and

**WHEREAS**, by countersigning this resolution below, Conifer also acknowledges and agrees to assume, via ownership of Developer, the Agency Mortgage and further represents it qualifies under HMFA Law for the tax exemption provided by the PILOT Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Clinton in the County of Hunterdon, State of New Jersey that:

1. The Township hereby acknowledges and consents to the transfer of PIRHL Clinton MM, LLC’s 49% managing member interests in Developer to Conifer (the “Transfer”). Notwithstanding the foregoing, PIRHL may elect to proceed with the Transfer in its sole and absolute discretion, and this Resolution does not obligate PIRHL to execute the Transfer.
2. Until the effective date of Transfer, the current ownership of Developer remains approved by the Township.
3. All conditions, covenants and agreements of the Affordable Housing Agreement, PILOT Agreement and Developer’s Agreement, remain in full force and effect, and should the Transfer occur, such conditions, covenants, and agreements shall remain in full and effect.

4. With Conifer's countersignature below, Conifer acknowledges and agrees that Conifer will assume, via ownership of Developer, all conditions in the Affordable Housing Agreement, PILOT Agreement and Developer's Agreement, the rights and obligations of Developer thereunder, and be subject to all covenants and agreements contained therein.
5. This resolution shall take effect immediately.

A **MOTION** was made by Councilman Glaser to approve the resolution, seconded by Councilman Kochanowski, and a roll call of the following was recorded:

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

Motion carried.

6. An ordinance of the Township of Clinton in Hunterdon County, New Jersey amending the "Code of the Township of Clinton, New Jersey" to establish requirements for lead-based paint inspections.

A **MOTION** was made by Councilman Glaser to introduce the ordinance, seconded by Council President Strauss, and a roll call of the following was recorded:

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

Motion carried.

The Public Hearing for this Ordinance will be held on May 10<sup>th</sup>.

7. An Ordinance of the Township of Clinton in Hunterdon County, New Jersey amending the "Code of the Township of Clinton, New Jersey" to establish business insurance registration requirements.

A **MOTION** was made by Councilwoman Switlyk to introduce the ordinance, seconded by Council President Strauss, and a roll call of the following was recorded:

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

Motion carried.

The Public Hearing for this Ordinance will be held on May 10<sup>th</sup>.

#### 8. Payment of Bills

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
Councilwoman Switlyk	Yes
Council President Strauss	Yes
Mayor Mullay	Yes

Motion carried.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGEND – None.**


#### **ADJOURNMENT**

The Council meeting adjourned at 8:46 pm on a motion by Councilman Glaser, seconded by Councilman Kochanowski, and a roll call of the following was recorded:

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

Motion carried.

Respectfully Submitted,

  
Lindsay Heller  
Acting Township Clerk

Adopted by Mayor and Council: February 14, 2024