



MINUTES

**Township of Clinton Mayor and Council
October 11, 2023
7:00 p.m.**

1370 Route 31 North, Annandale, New Jersey 08801

Mayor Mullay called the meeting to order at 7:01 pm. and read the following statement into the record:

“Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Act. On October 6, 2023, a copy of this agenda was sent to the Hunterdon County Democrat, posted on the bulletin board in the Municipal Building and made available to the public on the Township’s website.”

SALUTE TO THE FLAG

Mayor asked for a Moment of Silence for the lives in Israel.

ROLL CALL

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

Also Present:

William Close, Township Administrator
Trishka Waterbury Cecil, Township Attorney
Kim Marino, Acting Recording Secretary (for this meeting only)

APPROVAL OR CORRECTION OF MINUTES

The Council voted on the meeting minutes separately.

1. Regular Session meeting minutes from November 09, 2022.

Councilman Glaser motioned to approve the Regular Session meeting minutes from November 9, 2022; Councilman Kochanowski seconded.

Result: Motion passed by unanimous vote.

2. Regular Session meeting minutes from December 07, 2022.

Councilwoman Switlyk abstained from the December 7, 2022 meeting minutes.

Councilman Glaser motioned to approve the Regular Session meeting minutes from December 7, 2022; Councilman Kochanowski seconded.

Result: Adopted; 4 in favor, Councilwoman Switlyk abstained.

3. Regular Session meeting minutes from December 21, 2022.

Councilman Glaser abstained from the December 21, 2022 meeting minutes.

Council President Strauss motioned to approve the Regular Session meeting minutes from December 21, 2022; Councilwoman Switlyk seconded.

Result: Adopted; 4 in favor, Councilman Glaser abstained

Regular Session meeting minutes from September 27, 2023 – Tabled until the October 25, 2023 Mayor and Council Meeting.

CONSENT AGENDA

The items listed below are considered to be routine by the Mayor and Council and will be enacted by a single motion. There will be no separate discussion of these items unless requested by the Mayor, a Council Member, or member of the public, in which event the item will be removed from the Consent Agenda and voted on separately.

Resolution 172-2023 and Resolution 174-2023 were pulled from the Consent Agenda, and the Council voted on items 1, 2, 3, 5, 7 under the Consent Agenda. Resolution 173-2023 was pulled and tabled.

AMENDED CONSENT AGENDA:

Councilman Kochanowski motioned to approve the Consent Agenda; Councilwoman Switlyk seconded.

Result: Motion passed by unanimous vote.

1. Approval of bills/vouchers.
2. Resolution 170-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing the refund of overpayment of real estate taxes in the amount of \$7,034.45.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE REFUND OF OVERPAYMENT OF REAL PROPERTY TAXES IN THE AMOUNT OF \$7,034.45.

WHEREAS, on properties located within the Township of Clinton, an overpayment of real property taxes has been made; and

WHEREAS applications have been made to the Tax Collector for refunds of said overpayments, totaling \$7034.45; 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 in Hunterdon County, New Jersey as follows:

The Tax Collector is hereby authorized and directed to refund such taxes to the parties in the amounts specified on the listing below.

VENDOR	BLOCK	LOT	LOCATION	Quarter	AMOUNT
Weichert Title	3	9.11		2023-3	7034.45
1909 NJ 70					
Cherry Hill, NJ 08003					
TOTAL REFUNDS					7034.45

This resolution shall take effect immediately.

3. Resolution 171-2023 – Resolution of the Mayor and Council of the Township of Clinton approving an amended fee amount for the Food Truck Festival Food Licensing.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON APPROVING AN AMENDED FEE AMOUNT FOR THE FOOD TRUCK FESTIVAL FOOD LICENSING

BE IT RESOLVED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey that the health permit fees for the November 4, 2023 “JUST JERSEY FEST @ CLINTON TOWNSHIP FOOD TRUCK FESTIVAL” shall be capped at \$50.00; and **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

4. *Resolution 173-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing payment to the Lebanon Borough Fire Department for mutual aid service, in an amount not to exceed \$15,000.00. - TABLED*
5. Resolution 175-2023 – Resolution of the mayor and council of the Township of Clinton authorizing the purchase from Mill Direct Flooring & General Contracting for installation of flooring in the Public Safety Building.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE PURCHASE OF NEW FLOORING FROM MILL DIRECT

FLOORING & GENERAL CONTRACTING TO BE INSTALLED IN THE PUBLIC SAFETY BUILDING FOR AN AMOUNT NOT TO EXCEED \$27,337.00.

WHEREAS, it is necessary to update the carpets and other flooring in the Clinton Township Public Safety Building; and

WHEREAS, the Director of the Township's Department of Public Works obtained three written quotations for the purchase and installation of the required flooring, the lowest of which was a quote of \$27,336.06 from Mill Direct Flooring & General Contracting; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3a, authorizes the Township to acquire these goods and services without public bidding because the contract amount will not exceed the bid threshold; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said goods and services through Capital Ordinance #1186-2023.

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

1. The Director of the Department of Public Works is hereby authorized to acquire goods and services from Mill Direct Flooring & General Contracting, namely, the provision and installation of new flooring in the Township's Public Safety Building, for a not-to-exceed cost of \$27,337.00.
2. The goods and services are being acquired without competitive bidding as authorized by N.J.S.A. 40A:11-3a.
3. This resolution shall take effect immediately.

COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY

There were no comments from the public.

REPORTS FROM MAYOR AND COUNCIL MEMBERS

Councilman Glaser shared that the Planning Board meeting on October 2 was cancelled. The next meeting should include the Master Plan Consistency review and the Non-Condensation Redevelopment Plan along Grayrock Road. The application for the development for the Willows at Spruce Run has been submitted and we are expecting a hearing to begin at the November 6th meeting. Councilman Glaser gave an overview of the Land Use Ordinance being introduced later in the meeting. The Sewage Authority held their regular meeting on October 6th, and routine matters were discussed, including the 2024 budget with no rate increase. Their budget hearing might occur in November. Next month's meeting will be on November 7th. There were no reports on the Finance Committee or Cannabis Subcommittee.

Councilman Kochanowski had nothing to report.

Councilwoman Switlyk commented on the Environmental Commission and a new beekeeper. Councilwoman Switlyk raised concerns about the spraying that has happened and how the farmers could inform the public about it. The ROSI is being updated, and

more acquisitions for properties are in conversation with the County. Councilwoman Switlyk asked about establishing a general budget for the Township Newsletter.

Council President Strauss reported the next meeting for the Township Historical Preservation Commission is on November 1. Recent Police reports have been received and discussed with the Police Chief. "Coffee with a Cop" was held this morning at McDonalds. Work Orders for the Fire Department are still being worked on and there is a meeting scheduled with Lebanon Borough Fire Company in reference to the Township's donation; the resolution for this will be scheduled at a later date. Fire Department and Police Department's Safe Night Out is scheduled for Halloween from 5 pm to 7:30 pm in the Village of Annandale.

Mayor Mullay commented on the "Coffee with a Cop" and noted the turnout was a success. Identi-shred event is coming up with the County at the Route 12 Complex and an Electronic Drop off is scheduled. Leaf collection is starting on or about October 23rd, and schedules will be posted on the website as well. Trunk or Treat is scheduled at Bundt Park, and on November 4th is the Food Truck Festival. All upcoming events will be posted on the website, if not already.

ORDINANCES – FIRST READING/INTRODUCTION

Mayor Mullay read the following ordinance into the record by title:

1. Ordinance 1190-2023 – An Ordinance of the Township of Clinton in Hunterdon County, New Jersey Amending Chapter 165 (Land Use Regulations) of the "Code of the Township of Clinton" to Consolidate Various Zoning Districts Along the Route 31 Corridor into A New HC Highway Commercial District; Change the C-1 District Surrounding the Annandale Train Station to OB-2; Change the Southernmost OB-1 District to RC and Establish New Conditional Use Standards and Definitions.

Councilman Glaser motioned to introduce Ordinance 1190-1023 on first reading; Councilwoman Switlyk seconded.

Result: Motion passed by unanimous vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION:

Council President Strauss recused himself at 7:29 pm.

1. Resolution 172-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing the application by Zachary Calderone for membership in the New Jersey State Firemen's Association.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE APPLICATION OF ZACHARY CALDERONE FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS Zachary Calderone is a member of the Township's Fire Department, Annandale Hose Co. #1; and

WHEREAS Mr. Calderone wishes to join the New Jersey State Fireman's Association; and

WHEREAS, Annandale Hose Co. #1 has reviewed the request by Mr. Calderone and recommends that he become a member of the New Jersey State Fireman's Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Zachary Calderone of Annandale Hose Co. #1 be and is hereby authorized to apply for membership in the New Jersey State Fireman's Association.

Mayor Mullay motioned to approve Resolution 172-2023; Councilman Glaser seconded.

Result: Motion passed by unanimous vote (Council President recused).

Council President Strauss reconvened with the Council at 7:30 pm.

2. Resolution 174-2023 – Resolution of the Mayor and Council of the Township of Clinton Accepting Improvements and Approving Request by ExxonMobil Technology and Engineering Co. (*fka* ExxonMobil Research and Engineering) for Release of Performance Guarantee (Block 30, Lots 17, 30, 31, 41/Block 31, Lot 1/Block 30.02, Lot 1).

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON ACCEPTING IMPROVEMENTS AND APPROVING REQUEST BY EXXONMOBIL TECHNOLOGY AND ENGINEERING CO. (*fka* EXXONMOBIL RESEARCH AND ENGINEERING) FOR RELEASE OF PERFORMANCE GUARANTEE (BLOCK 30, LOTS 17, 30, 31, 41/BLOCK 31, LOT 1/BLOCK 30.02, LOT 1)

WHEREAS, the Township of Clinton is the beneficiary of a performance guarantee posted by ExxonMobil Technology and Engineering Co. (*fka* ExxonMobil Research and Engineering) in the amount of \$3,040,947.60 in connection with development approvals granted by the Clinton Township Planning Board on October 17, 2016, as memorialized in Resolution PB-2016-05 adopted on November 7, 2016, for property located in the Annandale section of the Township and designated on the Clinton Township tax maps as Block 30, Lots 17, 30, 31, 41; Block 31, Lot 1; and Block 30.02, Lot 1, which guarantee was subsequently reduced to \$821,055.85 (see Resolution #94-19 adopted by the Clinton Township Mayor and Council on August 7, 2019); and

WHEREAS, the specific improvements for which the original guarantee was posted and the improvements that remained to be completed after the original guarantee was partially reduced are described in a letter dated July 16, 2019 from then-Township Engineer Cathleen F. Marcelli, PE of Mott MacDonald, a copy of which is included in the report dated September 6, 2023 from Township Engineer Larry Plevier, PE/CME of Mott MacDonald, attached hereto as Exhibit A; and

WHEREAS, the total amount of the remaining performance guarantee is \$912,284.28, of which \$91,228.43 was posted in cash and \$821,055.85; and

WHEREAS, Exxon has completed the installation of the remaining bonded improvements and by letter dated September 1, 2023, has requested that the performance guarantee

be released in full, which letter is included in the Township Engineer's report attached as Exhibit A; and

WHEREAS, section 165-49E(1) of the Township Code states that prior to the release of a performance guarantee, the developer shall post with the Township a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements that are being released; and

WHEREAS, section 165-49E(3) of the Township Code states that the term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term; and

WHEREAS, the Township Engineer's report was received by the Acting Township Clerk on September 6, 2023; and

WHEREAS, the Township Engineer's report indicates that 100% of the bonded improvements have been installed as shown on the approved site plan and are complete and satisfactory, and further indicates that all landscaping has been completed and accepted by the Township Landscape Architect (see Site Inspection Memorandum prepared by Brian W. Bosenberg, dated April 10, 2019, included as part of Exhibit A), and a maintenance bond for a total of \$14,650.00 (15% of the total landscaping improvements) was previously posted for the performance bond reduction; and

WHEREAS, the Township Engineer therefore recommends that the performance guarantee be released in full, conditioned upon the posting of a two-year maintenance guarantee pursuant to Code section 165-49E and payment of inspection fees pursuant to Code section 165-49J; and

WHEREAS, no cause has been established to reject the completed improvements or withhold the performance guarantee; and

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 completed improvements identified on the spreadsheet included with the Township Engineer's September 6, 2023 report (Exhibit A hereto) are hereby approved and accepted.
3. In accordance with section 165-49E of the Township Code, a maintenance guarantee shall be posted with the Township in the amount of \$380,118.45, which represents 15% of the cost of the bonded improvements being accepted herein. The maintenance guarantee shall be for a period of two years and shall automatically expire at the end of the two years.
4. As recommended by the Township Engineer, the total performance guarantee (\$912,284.28) shall be released, and all cash returned to Exxon, once the appropriate maintenance guarantee has been posted.
5. Exxon shall continue to be responsible for all inspection fees associated with the improvements covered by the maintenance guarantee, as required by section 165-49J of the Township Code.
6. This resolution shall take effect immediately.

Councilman Kochanowski motioned to approve Resolution 174-2023; Councilman Glaser seconded.

Result: Motion passed by unanimous vote.

RESOLUTIONS

1. Resolution 176-2023 – Resolution of the Mayor and Council of the Township of Clinton requesting approval of items of revenue and appropriation 2023 UDrive, UText, UPay; Distracted Driving Crackdown from June 2, 2023, through July 27, 2023, in the amount of \$7,419.75.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION 2023 UDRIVE, UTEXT, UPAY; DISTRACTED DRIVING CRACKDOWN FROM JUNE 2, 2023, THROUGH JULY 27, 2023, IN THE AMOUNT OF \$7,419.75.

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and **WHEREAS** the Director may also approve the insertion of an item of appropriation for equal amount;

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

1. The Director of the Division of Local Government Services is hereby requested to approve the insertion of an item of revenue in the 2023 budget in the sum of \$7,419.75, which is now available from the State of New Jersey Law and Public Safety, Division of Highway Traffic Safety for Distracted Driving Crackdown Grant UDrive, UText, UPay.
2. The like sum of \$7,419.75 is hereby appropriated under the caption of Distracted Driving Grant.
3. This resolution shall take effect immediately.

Councilman Glaser motioned to approve Resolution 176-2023; Council President Strauss seconded.

Result: Motion passed by unanimous vote.

2. Resolution 177-2023 – Resolution of the Mayor and Council of the Township of Clinton Waiving Clinton Township's Right of First Refusal in Connection with the Transfer of Sewer Capacity by 1734 Rt. 31 LLC.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON WAIVING CLINTON TOWNSHIP'S RIGHT OF FIRST REFUSAL IN CONNECTION WITH THE TRANSFER OF SEWER CAPACITY TO 1734 RT. 31 LLC

WHEREAS, pursuant to paragraph 3 of the March 1, 2018 Sewer Capacity Transfer Agreement between the Township of Clinton and Robert Benbrook and Kevin Benbrook (collectively, "Sellers") and the November 9, 2000 Agreement Regarding Sewer Capacity between the Clinton Township Sewerage Authority, the Township of Clinton, Clinton Building Associates, LLC and Country Club Drive Associates, Clinton Township has a right

of first refusal with respect to any sewer capacity transfers by the Sellers for commercial purposes; and

WHEREAS, by letter dated September 5, 2023 addressed to Clinton Township Acting Administrator William Close, the Sellers have notified the Township that they have entered into an agreement with 1734 Route 31 LLC for the transfer of 2,560 gallons per day of sewer capacity for the purchase price of \$100.00 per gallon, which capacity is intended to be used for a medical office building to be constructed on property located at 1734 Route 31 North in Clinton Township (see Exhibits A and B hereto); and

WHEREAS, the Mayor and Council are in favor of the transfer and do not wish to exercise their right of first refusal;

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Council hereby waive the Township's right of first refusal in connection with the proposed transfer of 2,560 gallons per day of sewer capacity from Robert Benbrook and Kevin Benbrook to 1734 Rt. 31 LLC.
3. This resolution shall take effect immediately.

Councilman Glaser motioned to approve Resolution 177-2023; Council President Strauss seconded.

Result: Motion passed by unanimous vote.

3. *Resolution 178-2023 – Resolution of the Mayor and Council of the Township of Clinton Authorizing a Shared Services Agreement with the Clinton Township Board of Education for a School Resource Officer for the 2023-2024 School Year. – TABLED.*
4. Resolution 179-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing the refund for certified copies payment in the amount of \$15.00.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING THE REFUND FOR CERTIFIED COPIES PAYMENT IN THE AMOUNT OF \$15.00.

WHEREAS, The Township Clerk collected \$15.00 on October 4, 2023, from Elizabeth Horvath for three (3) certified copies of a death certificate; and

WHEREAS a short copy of certificate is needed and the clerk's office is unable to perform the task; and

WHEREAS Elizabeth Horvath has to request the required short copy through to the State of New Jersey;

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

1. The Chief Financial Officer is hereby authorized and directed to issue a refund to Elizabeth Horvath in the amount of \$15.00 from the Clerk Misc Revenue account.

2. This resolution shall take effect immediately.

Mayor Mullay motioned to approve Resolution 179-2023; Councilman Glaser seconded.

Result: Motion passed by unanimous vote.

5. Resolution 180-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing a release of certain performance guarantees and escrow for the property located on Block 3, Lot 15.08, in the amount of \$2,000.00.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING A RELEASE OF CERTAIN PERFORMANCE GUARANTEES AND ESCROW FOR THE PROPERTY LOCATED ON BLOCK 3, LOT 15.08, IN THE AMOUNT OF \$2,000.00.

WHEREAS, the Construction Department and Township Engineer have recommended that certain performance guarantees and escrows funds be released and returned.

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

1. The following refunds are hereby authorized and directed to be issued:

Amount	Block / Lot	Type of Permit
\$2,000.00	3/15.08	Performance Guarantee
2. This resolution shall take effect immediately.

Mayor Mullay motioned to approve Resolution 180-2023; Council President Strauss seconded.

Result: Motion passed by unanimous vote.

6. *Resolution 181-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing the purchase from BSN Sports of batting cages for the Recreation Department, in an amount not to exceed \$24,005.00. – TABLED.*
7. Resolution 182-2023 – Emergency purchase – Utility Truck Department of Public Works.

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF ONE FORD F350 TRUCK AND ACCESSORIES FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Clinton has a requirement to provide for public service response in times of inclement weather affecting the public safety, health, and welfare of the motoring public; and

WHEREAS, the current shortage of municipal vehicles has adversely affected the ability of the Township to provide for response in certain situations in a timely manner; and

WHEREAS the New Jersey Local Public Contracts Law at N.J.S.A.40A:11-6, allows for an emergency procurement without bidding in situations affecting the public safety, health, and welfare; and

WHEREAS, the lead time for certain types of new vehicles now exceeds 18 months; and

WHEREAS, the Township Administrator in consultation with the Qualified Purchasing Agent are of the opinion this constitutes an emergency as per N.J.S.A.40A:11-6;

WHEREAS, the Township is in receipt of a proposal for an emergency Ford F350 Truck and accessories in the amount of \$81,261.00; and

WHEREAS, the vehicles is immediately available; and

WHEREAS, the Chief Financial Officer has verified that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the purchase of one (1) Ford F350 truck and accessories in the amount of \$81,261.00, in an emergency fashion, consistent with N.J.S.A.40A:11-6.

Councilwoman Switlyk motioned to approve Resolution 182-2023; Mayor Mullay seconded.

Result: Motion passed by unanimous vote.

8. Resolution 183-2023 – Resolution of the Mayor and Council of the Township of Clinton authorizing the emergency purchase of a F-550 Chassis Cab for the Department of Public Works.

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF ONE FORD F550 TRUCK AND ACCESSORIES FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Clinton has a requirement to provide for public service response in times of inclement weather affecting the public safety, health, and welfare of the motoring public; and

WHEREAS, the current shortage of municipal vehicles has adversely affected the ability of the Township to provide for response in certain situations in a timely manner; and

WHEREAS the New Jersey Local Public Contracts Law at N.J.S.A.40A:11-6, allows for an emergency procurement without bidding in situations affecting the public safety, health, and welfare; and

WHEREAS, the lead time for certain types of new vehicles now exceeds 18 months; and

WHEREAS, the Township Administrator in consultation with the Qualified Purchasing Agent are of the opinion this constitutes an emergency as per N.J.S.A.40A:11-6;

WHEREAS, the Township is in receipt of a proposal for an emergency Ford F550 Truck and accessories in the amount of \$73,672.00; and

WHEREAS, the vehicles is immediately available; and

WHEREAS, the Chief Financial Officer has verified that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the purchase of one (1) Ford F550 truck and accessories in the amount of \$73,672.00, in an emergency fashion, consistent with N.J.S.A.40A:11-6.

Councilman Glaser motioned to approve Resolution 182-2023; Councilman Kochanowski seconded.

Result: Motion passed by unanimous vote.

9. Resolution 184-2023 – Resolution of the Mayor and Council of the Township of Clinton Authorizing and Directing its Affordable Housing Counsel to Apply for the Entry of a Second Post-Judgment Consent Order from the Superior Court of New Jersey in Connection with the Construction a 100 Percent Affordable Housing Project by Ingerman Development Company, LLC.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLINTON AUTHORIZING AND DIRECTING ITS AFFORDABLE HOUSING COUNSEL TO APPLY FOR THE ENTRY OF A SECOND POST-JUDGMENT CONSENT ORDER FROM THE SUPERIOR COURT OF NEW JERSEY IN CONNECTION WITH THE CONSTRUCTION A 100 PERCENT AFFORDABLE HOUSING PROJECT BY INGERMAN DEVELOPMENT COMPANY, LLC.

WHEREAS, on December 21, 2021, Superior Court Judge Thomas C. Miller, A.J.S.C. entered an amended final judgment of compliance and repose (the “2021 final judgment”), which memorialized the Township of Clinton’s compliance with its Third Round Mount Laurel affordable housing obligation to provide a realistic opportunity for the construction of affordable housing in accordance with the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), *In re N.J.A.C. 5:96 and 5:97*, 221 N.J. 1 (2015) (Mount Laurel IV), and *In re Declaratory Judgment Actions filed by various Municipalities*, 227 N.J. 508 (2017) (Mount Laurel V), as set forth in a Revised Third Amendment to the Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) dated October 8, 2021 (the “Third Amendment to the Settlement Agreement” or “Third Amendment”); and

WHEREAS, the Township’s Housing Plan Element and Fair Share Plan Element of the Master Plan adopted prior to and approved in the 2021 final judgment, as well as the Third Amendment to the Settlement Agreement entered into prior to and approved in the 2021 final judgment, included a proposed 146-unit inclusionary development, consisting of 66 market-rate units and 80 affordable units (the “inclusionary development”) to be constructed and operated by Ingerman Development Company, LLC or an Ingerman Development Company, LLC related entity (“Ingerman”); and

WHEREAS the Clinton Township Planning Board (“Board” or “Planning Board”) granted preliminary site plan approval to Ingerman for the development of the inclusionary development, and Ingerman obtained an award of 9% tax credit financing from the New Jersey Housing and Mortgage Finance Agency (the “HMFA”) to construct the inclusionary development; and

WHEREAS, Ingerman has since indicated its desire to construct a 96-unit 100% affordable housing development in lieu of the inclusionary development (the “100% affordable housing development”); and

WHEREAS, the Planning Board on March 6, 2023 adopted a Periodic Reexamination Report of the Master Plan and amendments to the Land Use Plan Element and Housing Plan Element and Fair Share Plan Elements of the Master Plan (the “amended HP&FSP Elements of the Master Plan”), which incorporate Ingerman’s proposed conversion of the inclusionary development to the 100% affordable housing development; and

WHEREAS, in order to apply for and obtain financing for the construction of the 100% affordable housing development from the Affordable Housing Production Fund administered by the HMFA, Ingerman must show that the development is consistent with the Township's approved Housing Plan Element and Fair Share Plan Element of the Master Plan and must obtain a court order to that effect; and

WHEREAS Ingerman's proposal will decrease the total number of units on the subject property from 144 to 96 and will increase the total number of affordable units to be produced as a result of the development from 80 to 96; and

WHEREAS, on June 29, 2023, a post-judgment consent order was entered in the action, approving said decrease in the total number of units and increase in the number of affordable units on the property; and

WHEREAS Ingerman is proposing to construct the 100% affordable housing development in two phases, with each phase to consist of 48 units, to be constructed simultaneously; and

WHEREAS the Township and FSHC have agreed that such phasing is to the benefit of both the Township and low-and moderate-income households and the court appointed special master, John Maczuga, PP, AICP, has endorsed the change; and

WHEREAS, in order to apply for and obtain from the HMFA financing for the construction of the 100% affordable housing development from the Affordable Housing Production Fund administered by the HMFA, Ingerman must obtain a court order showing that the 100% affordable housing development is proposed to be constructed in two phases, with each phase consisting of 48 units; and

WHEREAS the next step is for the Township and FSHC to jointly apply to the Superior Court of New Jersey for the entry of a post-judgment consent order determining that the construction phasing proposed for the 100% affordable housing development is consistent with and shall be deemed to be part of the 2021 final judgment;

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 is hereby incorporated as if more fully restated herein.
2. The Township's Affordable Housing Council, Jonathan E. Drill, Esq., is hereby authorized to sign and file any and all court pleadings or other documents as may be needed to obtain the court's approval of Ingerman's construction of a 96-unit 100% affordable housing development, including any consent orders necessary to ensure that the project is financed and constructed.
3. The Mayor, Township Clerk, Township Affordable Housing Counsel, Township Attorney, and other appropriate Township staff and officials are hereby authorized to undertake any and all other acts and file any and all other documents as shall be necessary to effectuate the terms hereof.
4. This resolution shall take effect immediately.

Councilman Glaser motioned to approve Resolution 184-2023; Councilman Kochanowski seconded.

Result: Motion passed by unanimous vote.

NEW BUSINESS

There was no new business.

UNFINISHED BUSINESS

There was no unfinished business.

CORRESPONDENCE

1. Letter from Hunterdon County Commissioner Van Doren regarding the support of Assembly Bill No. 975 and Senate Bill No. 2643.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA – Comments should be limited to three (3) minutes.

Diana – Clinton Township, asked questions about the affordable housing units and the resolution that was just adopted and asked about the old Municipal Building in Annandale. A question about the zoning at the train station was also asked for clarification.

Carl – Clinton Township, shared concerns about the Ordinance that was on the agenda.

Elizabeth pulled the re-examination reports about the train station and shared a few concerns and questions and asked about the goals in the Township for this.

Judy – Clinton Township, requested clarification on the Ordinance and the size of the lot near the wellness center.

Phillip shared concerns about the traffic patterns with the affordable housing units in the Township.

Heidi – Annandale, questioned about the warehouses with ExxonMobil and asked about the plan to make sure that warehouses aren't going to be placed in the Township.

Joe Moretta – Clinton Township, asked questions about taxes for the affordable housing units.

ADJOURNMENT

The Mayor and Council adjourned the meeting at 8:13 pm.

Respectfully submitted,



Lindsay Heller
Acting Township Clerk

Approved by the Mayor and Council: February 14, 2024