

CLINTON TOWN COUNCIL
JANUARY 22, 2025
7:00 P.M.

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: REGULAR MEETING OF JANUARY 8, 2025
2. APPROVAL OF MONTHLY REPORTS – DECEMBER, 2024 - POLICE REPORT
3. PUBLIC COMMENTS
4. MAYOR’S COMMENTS – MaryAnn Shea
5. SPECIAL EVENTS AND BANNER REQUESTS
 16th Yuletide Bonfire event February 22, February 10 – February 24 - banner
 St. Patrick’s Day Parade event March 16, and March 3-March 17 – banner dates
6. RESOLUTION #47-25 – PURCHASE OF ELECTRICITY SUPPLY SERVICES
7. RESOLUTION #48-25 – FAIR SHARE AFFORDABLE OBLIGATIONS FOR 4TH ROUND
8. RESOLUTION #49-25 - GRANT FUNDING FROM THE NEW JERSEY ECONOMIC
 DEVELOPMENT AUTHORITY
9. RESOLUTION #50-25 - DEDICATION OF RIDER
10. RESOLUTION #51-25 TRANSFER OF FUNDS
11. RESOLUTION #52-25 AMENDING CONTRACT AMOUNT FOR NADER HOUSE OF
 DESIGN
12. RESOLUTION #53-25 APPOINTING SUZANNAH GIVONE AS REGISTRAR OF VITAL
 STATISTICS
13. CORRESPONDENCE
14. REPORTS OF COUNCIL
15. STANDBY AND OVERTIME
16. PAYMENT OF BILLS
17. EXECUTIVE SESSION – IF NECESSARY
18. ADJOURNMENT

**TOWN OF CLINTON
RESOLUTION #47-25**

**A RESOLUTION OF TOWN OF CLINTON AUTHORIZING THE PURCHASE OF
ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION
WEBSITE**

WHEREAS, the Town of Clinton has determined to move forward with the EMEX Reverse Auction in order procure electricity for electrical accounts for municipally-owned properties; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Town of Clinton will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC, a division of Mantis Innovation, is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.08771/kWh or less for a 12-month term, a price of \$0.08732/kWh or less for an 18-month term, a price of \$0.08887/kWh or less for a 24-month term; the Town of Clinton may award a contract to the winning supplier for the selected term.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Clinton hereby authorize the Town’s Business Administrator, Richard Phelan, to execute on behalf of the Town any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves the prices noted above

Dated: January 22, 2025

Mayor Janice Kovach

ATTEST:

Cecilia Covino, RMC/CMC
Municipal Clerk

TOWN OF CLINTON
HUNTERDON COUNTY, NEW JERSEY

RESOLUTION # 48-25

**RESOLUTION REGARDING FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS
FOR THE FOURTH ROUND**

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP v. Mount Laurel, 67 13 N.J. 151 (1975) and Southern Burlington County NAACP 14 v. Mount Laurel, 92 N.J. 158 (1983), has determined that every municipality in New Jersey has a constitutional obligation to provide through its land use regulations a realistic opportunity for its fair share of its region's present and prospective needs for housing for low- and moderate-income families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2 into law, establishing a new framework for determining and enforcing municipalities' affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et al.); and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

WHEREAS, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(d), the New Jersey Department of Community Affairs issued "a report on the calculations of regional need and municipal obligations for each region of the State" on or about October 18, 2024 (the "DCA Report"); and

WHEREAS, on or about November 20, 2024, DCA provided a GIS data set that was used to calculate each municipality's land capability factor in the DCA Report ("DCA Land Capability Dataset"); and

WHEREAS, the webpage associated with such data set (<https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>) notes:

The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. *It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.* (emphasis added).

WHEREAS, the DCA Report set the municipal obligation for the Town as follows:

Present Need: 3

Prospective Need: 54

WHEREAS, the Town accepts the conclusions set forth in the DCA Report, except those regarding the land capacity allocation factor applicable to the Town; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a), a municipality may determine its present and prospective fair share obligation for affordable housing consistent with the established methodologies; and

WHEREAS, DCA maintains that the areas the DCA identified as developable may be “overinclusive;” and

WHEREAS, the Town’s Professional Planner and Attorney, have determined that such data set is “overinclusive” and has prepared a spreadsheet listing all properties deemed vacant and developable by DCA, which is attached hereto as Exhibit A; and

WHEREAS, the data compiled by DCA to calculate the Town’s “land capacity factor” erroneously included approximately 24.58 acres as vacant and developed land as outlined in the attached spreadsheet (**Exhibit A**); and

WHEREAS, removing such property from the inventory of vacant land in the Town reduces the total vacant land from 24.58 acres to 0 acres and reduces the “average allocation factor” from 0.46% to 0.3833%; and

WHEREAS, the correction of the land capacity factor and the average allocation factor reduces the Town’s prospective affordable housing obligation from **54 to 44**; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(1)(b) provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of P.L. 2024, c. 2...” and

WHEREAS, the Town’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of P.L. 2024, c. 2; and

WHEREAS, the Town specifically reserves its rights to:

- a. Adjust the Town’s fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, and / or all other applicable adjustments, permitted in accordance with applicable statute, regulations or law;
- b. Revoke or amend this Resolution and the Town’s Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
- c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Town’s Fourth Round Affordable Housing Obligations.

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

1. The Town of Clinton hereby determines, based on the DCA Report, corrections to the data utilized therein, and advice of the Municipal Planner and Attorney, to adopt the following

obligations as its binding Fourth Round Affordable Housing Obligations:

Present Need: 3

Prospective Need: 44

2. The adoption of this Resolution and the aforementioned Fourth Round Affordable Housing Obligations is subject to all reservations of rights, which specifically include, without limitation, the following:
 - a. The right to adjust the Town's fair share obligations based on a Vacant Land Adjustment, a lack of public water or sewer infrastructure (i.e. a Durational Adjustment), Highlands Build Out Analysis, and all other applicable adjustments, permitted in accordance with applicable statute, regulations or law with such adjustments to be adopted as part of the municipality's Fourth Round Housing Element and Fair Share Plan.;
 - b. The right to revoke or amend this Resolution and the Town's Fourth Round Affordable Housing Obligations to account for decisions of a court of competent jurisdiction or a change in applicable legislation; and
 - c. The right to take any contrary position, or adjust its Fourth Round Affordable Housing Obligations, in the event of a third party challenge to the Town's Fourth Round Affordable Housing Obligations.
3. The Municipal Clerk and Municipal Attorney are authorized to take all actions required by N.J.S.A. 52:27D-304.1(f)(1)(b), including:
 - a. Filing a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement, in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution pursuant to the requirements of P.L.2024, c.2, and AOC Directive #14-24
 - b. Publishing this Resolution on the Town's website.
4. The Municipal Attorney, Municipal Planner, and Planning Board are authorized to take all actions to draft documents necessary to comply with all Fourth Round affordable housing obligations, including drafting a Housing Element and Fair Share Plan, an Affordable Housing Trust Fund Spending Plan, and effectuating ordinances and resolutions.
5. This Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Mayor and Council of the Town of Clinton at a meeting held on January 22, 2025.

Cecilia Covino, Clerk

Janice Kovach, Mayor

RESOLUTION #49-25

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY'S LOCAL PROPERTY
ACQUISITION GRANT PROGRAM**

WHEREAS, the New Jersey Economic Development Authority (EDA) provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands; and

WHEREAS, the Town of Clinton (Town) applied for a grant to acquire the vacant property located at 19 West Main Street, Clinton, NJ 08809, which is adjacent to the Landsdown Trail, and consists of approximately 204,216 square feet; for the purposes of future mixed-use commercial development; and

WHEREAS, by letter dated January 2, 2025, the Town has received notification from the EDA advising that we have received a grant award in the amount of \$2,409,108 under their Local Property Acquisition Grant Program for the purchase of the above-referenced property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Mayor of the Town of Clinton is hereby authorized to execute an agreement and any amendment (s) thereto with the EDA relating to this grant award, and;
2. The Town agrees to provide a 20% matching share, equating to an amount of \$600,000.00 and;
3. The Town agrees to comply with all applicable Federal, State, and local laws, rules, and regulations in its performance of the project as outlined in the awarding letter, and;
4. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey Economic Development Authority, and Town of Clinton Municipal Planner

Dated: January 22, 2025

Mayor Janice Kovach

ATTEST:

Cecilia Covino, RMC/CMC
Municipal Clerk

**TOWN OF CLINTON
RESOLUTION # 50-25**

**RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL
GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR OPEN
SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST
FUND PURSUANT TO N.J.S.A. 40:12-15.2**

WHEREAS, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.A.C. 5:30-1.1 allows municipalities to receive dedicated funds for a specific purpose; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the Reconstruction of Halstead Street Park.
2. The Municipal Clerk of the Town of Clinton is hereby directed to forward two Certified copies of this resolution to the Director of the Division of Local Government Services.

Dated: January 22, 2025

Mayor Janice Kovack

ATTEST:

Cecilia Covino, RMC/CMC
Municipal Clerk

RESOLUTION #51-25

WHEREAS, various 2024 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2024 Budget Appropriation Reserve in the last two months of 2024; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the 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 allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton that transfers in the amount of \$300.00 be made between the 2024 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Housing		
Other Expenses	\$200.00	
Land Use Board		
Other Expenses	\$100.00	
Engineering		
Other Expenses		\$200.00
Affordable Housing Administration		
Other Expenses		\$100.00
TOTALS	<u>\$300.00</u>	<u>\$300.00</u>

MAYOR JANICE KOVACH

Adopted: January 22, 2024

TOWN OF CLINTON
RESOLUTION #-52-25

**AMENDING CONTRACT AMOUNT FOR
NADER HOUSE OF DESIGN**

WHEREAS, the Town of Clinton has a need to hire an Architect to help with the design of a new police building; and

WHEREAS, a proposal was received from Nader House of Design and reviewed and met all the requirements for this project; and

WHEREAS, the Town of Clinton wishes to utilize Nader House of Design to provide professional services to prepare engineering and architectural design construction documents for a new police station; and

WHEREAS, there is a need to amend the original contract amount; and

WHEREAS, the Chief Financial Officer has certified that the amount is not to exceed \$375,000.00 and has been encumbered under the Grant for the Emergency Services Building, Account #G-01-41-757-2300 and Capital Ordinance #21-18, Account #C-04-44-834-2300 and has not been previously certified as being available for any purpose other than the aforementioned purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Clinton, that the continued contract with Nadar House of Design, 111 Mill Street, Hackettstown, NJ 07840 be amended to not exceed \$370,000.00.

Mayor Janice Kovach

Adopted: January 22, 2025

Cecilia Covino, RMC/CMC
Municipal Clerk

TOWN OF CLINTON

RESOLUTION #53-25

APPOINTING REGISTRAR OF VITAL STATISTICS

WHEREAS, due to an impending retirement, the Town of Clinton (“Town”) will have a need for the services of Registrar of Vital Statistics starting on February 1, 2025; and

WHEREAS, Suzannah Givone, is currently a Certified Municipal Registrar; and

WHEREAS, the Town of Clinton has determined it to be in their best interest to appoint Suzannah Givone as the Town’s Registrar of Vital Statistics effective February 1, 2025.

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

Suzannah Givone is hereby appointed as the Registrar of Vital Statistics for the Town of Clinton, commencing on February 1, 2025, and expiring February 1, 2028.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Local Government Services, Department of Community Affairs on February 1, 2025.

Mayor Janice Kovach

January 22, 2025

Cecilia Covino, RMC/CMC
Municipal Clerk