

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
January 27, 2016

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:02 PM.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Higgins gave the statement of adequate notice. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ROLL CALL:

Councilwoman Switlyk	Absent
Councilman McTiernan	Present
Councilman D'Alleinne	Absent (arrived 7:15)
Council President Mullay	Present
Mayor Higgins	Present
Kristina Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Township Clerk	Present

APPROVAL OF MINUTES:

Regular Session	October 14, 2015
Executive Session	October 14, 2015
Regular Session	October 28, 2015
Executive Session	October 28, 2015

Mayor Higgins introduced the matter.

MOTION was made by Council President Mullay to approve the above-referenced minutes. Seconded by Mayor Higgins. There being no further discussion a voice vote was called. Motion carried.

CONSENT:

Mayor Higgins introduced the matter and read the items on the consent agenda.

MOTION was made by Council President Mullay to approve the consent agenda. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

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Consent #1

Resolution #22-16 – Change Order No. 1 – Uptom Pine Road, Highfields Road, Hemlock Road, Spruce Road and Redwood Drive

WHEREAS, during construction of the above mentioned project, changes were required for removal of unsuitable material and replacement with 2 ½” blend aggregate, installation of geotextile roadway stabilization fabric, installation of dense graded aggregate and hot mix asphalt base course; and

WHEREAS, this change reflects an increase of \$8,731.65 for the original contract no. 2-15; and

WHEREAS, the original contract amount was \$907,116.40 and the adjusted amount is \$915,848.05.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the change order in the amount of \$8,731.65 is approved.

PUBLIC COMMENTS:

No public comment.

NEW BUSINESS: The Council discussed renewal of the Comcast franchise agreement.

Attorney Hadinger explained the ascertainment process.

Councilman McTiernan questioned whether a 15 year agreement is standard. Attorney Hadinger stated that a 15 year agreement is standard. Councilman McTiernan stated he would like to get feedback from the public and see how the Township can negotiate with Comcast.

Motion was made by Mayor Higgins for Administrator Joss to send a letter to Comcast stating the Township will enter the ascertainment process. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

REPORTS:

Councilman D'Alleinne:

No report

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Councilman McTiernan:

No report

Councilman Switlyk:

Mayor Higgins relayed Councilwoman Switlyk's report on the Clinton Township Board of Education meeting of January 11. Councilwoman Switlyk reported the School Board met and authorized the firm Strategic Educational Advantage (SEA) to assist with finding and hiring Dr. Clark's replacement. Councilwoman Switlyk reported she was invited to a meeting with SEA on February 3. The School Board presented the PARCC results. Clinton Township did very well compared to other NJ schools and other PARCC States. The 2016 PARCC testing will be April 4 to May 13. The testing will be performed once a year. NH/VHS Board of Education met on January 19. Councilwoman Switlyk reported the school board presented the audit for the fiscal year ending June 30, 2015.

Mayor Higgins

Mayor Higgins reported the Planning Board held its reorganization meeting. The Planning Board drafted a letter to the Hunterdon County Ag. Board regarding Robert LeCompte's request to build a 2-car garage on his farm stand property on the corner of Allerton Road and Rt. 31. Mayor Higgins reported the Planning Board had an executive session on affordable housing. Mayor Higgins reported the Open Space Committee met and Mayor Higgins informed it the Township does not have current plans to purchase additional open space property in the next few months.

Council President Mullay:

Council President Mullay reported that the Sewerage Authority had its rate hearing and established its connection fee and base user fee, which is the same as last year. The base user fee was \$278. Council President Mullay reported the Sewerage Authority removed the condition to assess an additional EDU on the Township's new wash bay.

Administrator Joss

Administrator Joss reported the Township was on another list as a safe city. The Township was listed as #8 in the State. Administrator Joss reported that all the roads were opened as of Sunday due to the historic snow storm with no major problems. Administrator Joss reported two jobs are currently open in the Township - a full time mechanic for the DPW and a part time electrical inspector.

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ACTION:

ORDINANCE ADOPTION/PUBLIC HEARING:

1080-16 - AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY ADOPTING, PURSUANT TO N.J.S.A. 40A:12A-7, A REDEVELOPMENT PLAN FOR THE BEAVER BROOK HOMESTEAD, BLOCK 60.03, LOT 26 ON THE CLINTON TOWNSHIP TAX MAPS

Mayor Higgins introduced the matter and opened the public hearing.

There being no public comments, Mayor Higgins closed the public hearing.

MOTION was made by Councilman McTiernan to adopt the ordinance. Seconded by Councilman D'Alleinne. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

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

Section 1. Findings. The Mayor and Council of the Township of Clinton make the following findings:

a. By Resolution No. 106-15 adopted October 14, 2015, the Mayor and Council directed the Clinton Township Planning Board (the "Planning Board") to conduct an investigation into whether the property located on the northeast corner of Beaver Avenue and Austin Hill Road, known as the Beaver Brook Homestead, and designated on the Township Tax Maps as Block 60.03, Lot 26 (the "Study Area") qualified as a non-condemnation area in need of redevelopment under the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-5 et seq.

b. The Planning Board completed its investigation of the Study Area, received and reviewed the report of Joseph Burgis, PP, AICP entitled "Area in Need of Redevelopment Study, Beaver Brook Homestead, Block 60.03, Lot 26, Clinton Township, Hunterdon County, New Jersey" ("Area in Need Study") and, following a public hearing, adopted a resolution on November 16, 2015 recommending that the Study Area be designated by the Mayor and Council as a Non-Condensation Redevelopment Area as provided for under the LRHL.

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c. On December 9, 2015, the Mayor and Council accepted the Planning Board's findings and the Area in Need Study and adopted Resolution No. 131-15, A Resolution of the Mayor & Council of the Township of Clinton Determining that the Property Identified as Block 6.03, Lot 26 (the "Beaver Brook Homestead Site") in the Township of Clinton be Designated as a Non-Condensation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and directed the Planning Board to prepare a redevelopment plan for the Study Area.

d. Working with its expert, Joseph Burgis, PP, AICP, the Planning Board prepared a redevelopment plan for the Study Area entitled "Beaver Brook Homestead Non-Condensation Redevelopment Plan" (the "Redevelopment Plan").

e. On December 21, 2015, the Planning Board adopted a resolution approving the Redevelopment Plan, recommending the Redevelopment Plan for Block 60.03, Lot 26 as substantially consistent with the Township's Housing Element, Fair-Share Plan and recommending adoption of the Redevelopment Plan by the Township, and referring the same to the Mayor and Council.

f. The Mayor and Council have reviewed the Redevelopment Plan, and hereby determine that it has been designed to effectuate the Township's Master Plan and should be adopted.

g. In the interests of ensuring that the architectural elements of the Redevelopment Plan are achieved, a subcommittee should be established to work with the redeveloper on the architectural elements of any redevelopment project designed to effectuate the Redevelopment Plan, utilizing the Township's Community Design Guidelines as guidelines for the architectural elements of the Redevelopment Plan.

Section 2. Adoption of Redevelopment Plan. The plan entitled "Beaver Brook Homestead Non-Condensation Redevelopment Plan" for Block 60.03, Lot 26, Clinton Township, Hunterdon County, New Jersey, dated December 16, 2015, revised December 21, 2015 and prepared by Joseph Burgis, PP, AICP, is hereby adopted as the redevelopment plan for the Study Area pursuant to N.J.S.A. 40A:12A-7.

Section 3. Establishment of Subcommittee For Architectural Features. The Mayor shall appoint up to two members of the Council and up to two members of the Planning Board to serve as the Beaver Brook Homestead Redevelopment Architectural Features Subcommittee. The initial term of each member shall expire December 31, 2016; and, thereafter, the terms shall be for one calendar year. The subcommittee shall work with the redeveloper of any redevelopment project proposed to satisfy the Redevelopment Plan to ensure that the architectural features of the project are designed to achieve the architectural design standards of the Redevelopment Plan, using the Township's Community Design Guidelines as guidelines for the architectural elements of the Redevelopment Plan. After the redevelopment project has been fully completed the subcommittee shall disband.

Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

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Section 5. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

Section 6. Effective Date. This ordinance shall take effect upon passage, publication and in accordance with N.J.S.A. 40:69A-181.

Appointment by Mayor:

Beaver Brook Homestead Redevelopment Architectural Features Subcommittee:

John Higgins
Brian Mullay
Richard Scheik
John Kilduff

RESOLUTIONS:

Action Item #1

Resolution #23-16 – Approving Place to Place transfer – Clinbar, Inc.

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the resolution. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Abstain
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, Clinbar, Inc., has filed an application for a person to person transfer of Alcoholic Beverage License #1006-33-010-009 heretofore issued to LMG Clinton, Inc. known as OL' West BBQ,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to the standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

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WHEREAS, proof of publication of notice of transfer has been received for the September 24 and October 1, 2015 editions of the Hunterdon County Democrat; and

WHEREAS, no objectors have filed a protest to this transfer; and

WHEREAS, a thorough investigation has been conducted pursuant to NJAC 13:2-7.7a including a criminal background check and review of financial disclosure documentation; and

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

- 1) The person to person transfer of the License #1006-33-010-009; to Clinbar, Inc. is approved January 27, 2016.

Action Item #2

Resolution #24-16 – Approving purchase of Scott Air Paks – Fire Co.

Mayor Higgins introduced the matter.

MOTION was offered by Councilman McTiernan to approve the resolution. Seconded by Council President Mullay. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, through previous capital ordinance 1052-13, the Governing Body authorized the funding of various equipment, including SCBA's for the Fire Department, and;

WHEREAS, Fire Chief Robert Emery has now determined a need for said SCBA's and has determined that said equipment can be purchased through the New Jersey State Purchasing Contract A80961 for a total price of \$132,500.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clinton, County of Hunterdon, State of New Jersey, that Chief Emery is hereby authorized to purchase said equipment based on the written quote from New Jersey Fire Equipment Co., State Contract number A80961 for a total of \$132,500 for Scott Air Paks and related equipment.

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Action Item #3

Resolution #25-16 – Designating Ingerman as the Redeveloper for the Beaver Brook Homestead site

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the resolution. Seconded by Councilman D’Allienne. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D’Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

WHEREAS, By Resolution No. 106-15, the Mayor and Council directed the Clinton Township Planning Board (the “Planning Board”) to conduct an investigation into whether the property known as the Beaver Brook Homestead which is located on the northeast corner of Beaver Avenue and Austin Hill Road, and designated on the Township tax map as Block 60.03, Lot 26 (the “Study Area”) qualified as a Non-Condensation Redevelopment Area as that term is defined in the Local Housing and Redevelopment Law (“LRHL”), *N.J.S.A. 40A:12A-5 et seq.*;

WHEREAS, The Planning Board completed its investigation of the Study Area, received and reviewed the report of its affordable housing planning consultant Joseph Burgis, PP, AICP entitled “Area in Need of Redevelopment Study, Beaver Brook Homestead, Block 60.03, Lot 26, Clinton Township, Hunterdon County, New Jersey” (“Area in Need Study”) and, following a public hearing, adopted a resolution on November 16, 2015 recommending that the Study Area be designated by the Mayor and Council as a Non-Condensation Redevelopment Area as provided for under the LRHL;

WHEREAS, the Redevelopment Plan which, among other things, provides for 66 units of COAH-qualifying affordable family rental housing was adopted by the Mayor and Council by Ordinance 1080-16 at its meeting held on January 27, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8(f); the Mayor and Council are empowered to designate a redeveloper to effectuate the Redevelopment Plan; and

WHEREAS, Ingerman Development Company LLC is an experienced redeveloper of COAH-qualifying affordable housing projects such as that anticipated in the Redevelopment Plan and possesses the ability to successfully plan, gain funding for and construct pursuant to the Redevelopment Plan.

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

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1. Ingerman Development Company, LLC is hereby designated as the Redeveloper of Redevelopment Area.

2. The Township will negotiate with the Redeveloper on the terms of a Redevelopment Agreement and a Financial Agreement.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated January 27, 2016 totaling \$1,354,055.63. Seconded by Mayor Higgins. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullay	Yes
Mayor Higgins	Yes

PUBLIC COMMENT:

John Anderson from JCP&L stated Old Clinton Road will be the only area with significant tree pruning due to vegetation management at the Stanton substation.

EXECUTIVE SESSION:

Resolution #26-16

MOTION was made by Mayor Higgins to go into executive session. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

WHEREAS, Section 8 of the Open Public Meetings Act (NJSA 10:4-12 (b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, the Mayor and Council is of the opinion that circumstances exist, and

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

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1. The Mayor and Council will now convene in closed session that will be limited only to consideration of items from which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject matter to be discussed is as follows:
 - Advice of counsel with respect to affordable housing matters, pending affordable housing litigation and litigation strategy.
 - Negotiations of terms and conditions of PILOT agreement with Ingerman for affordable housing.
3. It is unknown precisely when, if ever, the matters discussed in this closed session may be released to the public.
4. No action shall be taken in closed session.
5. Matters discussed concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation.

RETURN FROM EXECUTIVE SESSION:

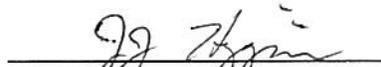
MOTION was made by Council President Mullay to return from executive session. Seconded by Mayor Higgins. There being no further discussion a voice vote was called. All ayes. Motion carried.

MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 8:35p.m. Seconded by Councilman McTiernan. There being no further discussion a voice vote was called. All ayes. Motion carried.

ATTEST:


Carla Conner, Township Clerk


John Higgins, Mayor

Adopted: March 23, 2016