

TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
September 28, 2016

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CALL TO ORDER:

Mayor Higgins called the meeting to order at 7:00 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	Present
Councilman McTiernan	Present
Councilman D'Alleinne	Present
Council President Mullay	Present
Mayor Higgins	Present
Kristina Hadinger, Esq.	Present
Marvin Joss, Administrator	Present
Carla Conner, Township Clerk	Present

BOARD OF HEALTH:

Mayor Higgins convened the Council as the Board of Health, meeting to approve the following applications.

Block 3 Lot 37 – 37 Blossom Hill Road – Erica Busch of Erica Busch, PE explained the waiver request: 1) the septic system will be located outside of the building envelope, and 2) there were no passing permeability testing conducted on this property. The engineer overdesigned the system by 25% to account for slow permeability. The Hunterdon County Board of Health approved the waiver.

MOTION was offered by Councilman D'Alleinne to approve the waiver. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Council President Mullay	Yes
Mayor Higgins	Yes

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Block 80 Lot 13 – 35 Regional Road – Charles Tiedeman of Asbury Consulting Engineers explained the waiver request: 1) the septic system will be located outside of the building envelope. The Hunterdon County Board of Health approved the waiver.

MOTION was offered by Councilman D’Alleinne to approve the waiver. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D’Alleinne	Yes
Council President Mullay	Yes
Mayor Higgins	Yes

Mayor Higgins adjourned as the Board of Health and reconvened the meeting of the Mayor & Council.

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 Councilwoman Switlyk. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

Consent #1

Resolution 95-16 – Premium Refund – Block 46.02 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:

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Consent #3

Resolution 97-16 – Release of Maintenance Bond – Goddard School/Grayrock Properties, Block 78 Lot 1

WHEREAS, a request has been received from Grayrock Properties, for the release of a Maintenance Bond relative to Block 78 Lot 1; and

WHEREAS, Township Engineer, Cathleen Marcelli, certifies that the status of the project has been reviewed, and that the existing Maintenance Guarantee in the amount of \$55,966.00 may be released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the recommendation of Township Engineer, Cathleen Marcelli, be and hereby is accepted and approved and the above mentioned Maintenance Bond shall be released.

Consent #4

Resolution 98-16 – Release of escrows

BE IT RESOLVED that certain performance guarantees and escrows have been recommended by the Planning Board and Township Engineer to be reduced,

NOW, THEREFORE BE IT RESOLVED that the following refunds be issued:

Amount	Block / Lot	Street Address	Applicant	Type of Permit
\$44.01	29/40.01	3 Skyview Gardens	Giovan Realty	Escrow
\$386.18	90/2.11	18 Appletree Drive	Giovan Realty	Escrow
\$130.99	3/27&28	104 Cokesbury Rd	Ernesto Renda	Escrow
\$979.84	89/5.02	1217 Hwy 31	Hedden Brothers LLC	Escrow
\$168.38	82.01/1	2 Bennington Rd	Caroline Magda	Escrow
\$3,826.09	Multi		Transcontinental Gas	Escrow
\$82.60	33/9.12	5 Douglas Terrace	Kara Emerson	Escrow
\$2,000.00	33/9.12	5 Douglas Terrace	Kara Emerson	Perf.Guarantee
\$375.67	34/6.08	5 Stone Meadow	Carlton Pools	Escrow
\$621.25	1/26.08	43 Uptom Pine Rd	Carlton Pools	Escrow

PUBLIC COMMENTS:

Jackie Espinoza from JCP&L introduced herself as John Anderson’s temporary replacement.

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REPORTS:

Councilman D'Alleinne

Councilman D'Alleinne reported on an article Jon Drill, Esq. published in the New Jersey Planner titled "Use of Social Media by Board Members During Hearing Process".

Councilman McTiernan:

Councilman McTiernan reported the Recreation Committee met and discussed some of the proposals that were presented to Council. Councilman McTiernan reported he will be meeting with the tennis club tomorrow to discuss their proposal. Councilman McTiernan reported the Recreation Committee discussed what can be done to attract more residents for Community Day. Councilman McTiernan reported the Haunted Playground will be October 22 and November will be the Mother and Son Minute to Win It at Round Valley School.

Councilman Switlyk:

Councilwoman Switlyk reported that Clinton Township School Board had a presentation on the HIB training. Councilwoman Switlyk reported the School Board read a resolution regarding phasing out School Choice. Councilwoman Switlyk reported the School Board's next meeting will be October 24. Councilwoman Switlyk reported there were several presentations regarding special services. Councilwoman Switlyk reported on upcoming presentations. Councilwoman Switlyk reported that the district will be mailing flyers out to residents regarding the referendum on the ballot for the General election.

Mayor Higgins

Mayor Higgins reported Exxon will come in front of the Planning Board on October 17. Mayor Higgins reported a dentist will be in front of the Planning Board for concept review for the old TD Bank on Beaver Avenue. Mayor Higgins reported that Governor Christie will be at the Annandale Fire House for a Town Hall meeting on September 30.

Council President Mullay:

Council President Mullay reported the Township had a meeting with the potential developer for the old municipal building. Council President Mullay reported he was optimistic that a plan could be approved in the upcoming months

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Administrator Joss:

Administrator Joss reported roads will be paved in the next few days with the Morris County Co-op which includes Gleneagles Road, Muirfield Lane, Windy Hill Road, Dogwood Drive and Hunters Path. Administrator Joss reported he has a meeting with NJDOT on October 3 regarding the intersections of Rt. 31/Country Club Road and Rt. 22/Blossom Hill Road.

Marie Pardo, CFO:

Ms. Pardo reported on the budget.

ACTION:

INTRODUCTION OF ORDINANCES:

1094-16 - BOND ORDINANCE PROVIDING FOR VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$3,016,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,872,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mayor Higgins introduced the matter. Administrator Joss explained the ordinance.

MOTION was made by Council President Mullay to introduce the amended ordinance. Seconded by Mayor Higgins. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CLINTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

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SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Clinton, in the County of Hunterdon, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$3,016,000, said sum being inclusive of \$144,000 as the aggregate amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,016,000 appropriation, not provided for by the down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$2,872,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,872,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

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<u>Description</u>	<u>Appropriation</u>	<u>Debt Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<u>Public Works:</u>				
(i) construction of a new maintenance facility and related improvements thereto	\$1,950,000	\$1,857,100	\$92,900	30 years
(ii) purchase of a utility truck, a pickup truck, a tractor and roadside mower	\$ 208,000	\$198,060	\$ 9,940	5 years
<u>Police:</u>				
(iii) improvements to the parking lot at the Public Safety Building	\$ 220,000	\$ 209,500	\$10,500	10 years
(iv) purchase of a breath testing unit and a live fingerprint scan system	\$ 41,000	\$ 39,040	\$ 1,960	5 years
<u>Buildings and Grounds:</u>				
(v) improvements to all municipal-owned buildings, including, but not limited to, heating, ventilating and air conditioning improvements, well and water pump replacement, fire suppression repair or upgrade, roof repairs, interior alterations and security upgrades	\$ 130,000	\$ 123,800	\$ 6,200	15 years
<u>Fire and First Aid:</u>				
(vi) purchase of an ambulance	\$ 221,000	\$ 210,400	\$10,600	5 years
(vii) purchase of self-contained breathing apparatus, a brush truck and a fire hose	<u>\$ 246,000</u>	<u>\$ 234,100</u>	<u>\$11,900</u>	10 years
TOTALS	<u>\$3,016,000</u>	<u>\$2,872,000</u>	<u>\$144,000</u>	22.36 years

(b) The above improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection

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and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,872,000.

(d) The aggregate estimated cost of said improvements or purposes is \$3,016,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payments for said improvements or purposes in the aggregate amount of \$144,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Hunterdon make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined

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by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township

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may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 22.36 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,872,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$220,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

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SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,872,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a

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source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTIONS:

Action Item #1

Resolution #99-16 – Approving resolution to purchase rock salt

Mayor Higgins introduced the matter. Administrator Joss explained the resolution.

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

Roll Call:

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

WHEREAS, the Township of Clinton finds a need to purchase road rock salt to be used by the Department of Public Works, and

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WHEREAS, the Township belongs to the Hunterdon County Purchasing Co-op and said salt is available for purchase through the Co-op, as a result of a public bidding process conducted by the Co-op under contract number 51-HCCPS and

WHEREAS, the successful bidder was Atlantic Salt at a price of \$57.25 per ton;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that the Public Works Director is hereby authorized to purchase Rock Salt through contract 51-HCCPS at a total cost not to exceed \$100,000

Action Item #2

Resolution #100-16 – Authorizing surplus property to be auctioned

Mayor Higgins introduced the matter.

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

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D’Alleinne	Yes
Councilman President Mulla	Yes
Mayor Higgins	Yes

WHEREAS, the Township of Clinton is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Governing Body is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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 sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Township Municipal Clerk’s office.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

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2016 Auction Vehicles

<u>Year</u>	<u>Make/Model</u>	<u>VIN#</u>	<u>General Condition</u>
1987	Ford F-350	1FTHF36L3HNA34842	Normal Wear & Tear
1989	Mack Pumper	1MZA152LXKM001377	Normal Wear & Tear
1993	Ford Econo Van	1FDKE30M0PHC00575	Normal Wear & Tear
2002	Chevy Wagon	1GNDT13S322387945	Junk Title, scrap only
2002	Jeep Liberty	1J4GL48K52W314174	Normal Wear & Tear
2005	Crown Vic.	2FAFP71W35X117295	Check Engine Light On
2008	Chrysler Charger	2B3LA43H28H180562	Won't Start Due to Electrical, No back seat
2008	Crown Vic.	2FAHP71V78X155164	Trunk dented, missing RIF Head Light

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township of Clinton reserves the right to accept or reject any bid submitted.

VOUCHERS:

Mayor Higgins introduced the matter.

MOTION was offered by Council President Mullay to approve the check control registers dated September 28, 2016 totaling \$5,310,853.45. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

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

PUBLIC COMMENT:

Bucky Buchanan from Clinton First Aid Rescue Squad thanked the Council for considering buying an ambulance for the squad. Mr. Buchanan stated October 1 there will be a price increase on the ambulance that the squad has spec’d out. Mr. Buchanan stated this September has been the busiest month in history for the squad.

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EXECUTIVE SESSION:

Resolution #101-16

MOTION was made by Council President Mullay 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:

1. The Mayor and Council will now convene in a closed session which 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 subjects to be discussed is as follows:
 - Advice of counsel with respect to pending affordable housing litigation, terms and conditions of agreements in support of affordable housing project, litigation strategy and potential acquisition of property with public funds.
3. It is unknown precisely when, if ever, the matters discussed in this closed session may be disclosed to the public.
4. Matters involving litigation may be announced upon the conclusion of any trial or settlement of the litigation
5. It is possible at the conclusion of the closed session the Mayor and Council will reconvene in open session for the purpose of taking action on an agreement pertaining to the support affordable housing projects.

RETURN FROM EXECUTIVE SESSION:

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

MOTION was offered by Councilman D'Alleinne to approve an agreement with the Sewerage Authority to transfer capacity to support the affordable housing plan subject to review as to form and

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content and approval by the Township Attorney. Seconded by Councilman McTiernan. There being no further discussion the roll was called. Motion carried.

Roll Call:

Councilwoman Switlyk	Yes
Councilman McTiernan	Yes
Councilman D'Alleinne	Yes
Councilman President Mullyay	Yes
Mayor Higgins	Yes

MOTION TO ADJOURN:

MOTION was offered by Councilman D'Alleinne to adjourn at 8:29p.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: November 9, 2016