

RESOLUTION

APPROVING THE ADVANCEMENT OF PATROLMAN DYLAN DOHANIC TO PATROLMAN 8TH CLASS

WHEREAS, Patrolman Dylan Dohanic is now eligible for the rank of Patrolman 8th Class on or about January 7, 2022; and

WHEREAS, Chief of Police, Tom DeRosa requests Mayor and Council take action to grant the salary of Patrolman 8th Class, which is \$64,492 for the year 2022, effective January 7, 2022.

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 Chief of Police, Tom DeRosa, is hereby accepted and approved and Patrolman Dylan Dohanic is granted 8th Class salary.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022

RESOLUTION

**AUTHORIZING THE HIRING OF MICHAEL MALANGA AS
A POLICE OFFICER**

WHEREAS, there exists a vacancy in the position of probationary Police Officer in the Police Department; and

WHEREAS, the Chief of Police and Township Administrator have conducted a detailed examination process and interviewing of top candidates; and

WHEREAS, the Chief of Police and Administrator recommend that Mr. Michael Malanga be hired as a Police Officer with the Clinton Township Police Department, with a start date on or about February 15, 2022, contingent upon the successful completion of the following:

1. Successful completion of the Police Academy
2. Background Investigation
3. Psychological Evaluation
4. Medical Examination
5. Mayor and Council Approval

WHEREAS, Mr. Malanga shall start at the Probationary step, with a starting salary of \$45,910.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton, County of Hunterdon, State of New Jersey, that Mr. Michael Malanga is hereby hired pursuant to the terms of this resolution and the appropriate labor contract, and

BE IT FURTHER RESOLVED, that for seniority purposes, his date of hire (anniversary date) shall be his actual start date, which as stated above is estimated to be on or about February 15, 2022.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022

RESOLUTION

AUTHORIZING THE PURCHASE OF A 2021 POLICE INTERCEPTOR UTILITY AWD VEHICLE FROM WHITMOYER FORD, INC., NTE \$ 34,000

WHEREAS, there is a need to purchase a 2021 Police Interceptor Utility AWD vehicle for the Township of Clinton, in the County of Hunterdon, State of New Jersey; and

WHEREAS, the funds are available as evidenced by the Chief Finance Officer's Certification through a Capital Ordinance, Ordinance #1161-2022; and

WHEREAS, the Police of Chief has obtained 3 written quotes for the vehicle, where the lowest quote is from Whitmoyer Ford, Inc., NTE \$34,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in the County of Hunterdon that the Township of Clinton Police Department is hereby authorized to purchase a 2021 Police Interceptor Utility AWD vehicle from Whitmoyer Ford, Inc., NTE \$34,000.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022

RESOLUTION

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH CLINTON LIHTC URBAN RENEWAL LLC (BLOCK 82, LOT 4.03)

WHEREAS, Clinton LIHTC Urban Renewal LLC (“Developer”) is the designated affordable housing developer of approximately 6 acres situated along Route 31 in the AH-5 Affordable Housing zoning district (the “AH-5 zone”), which will be known as Block 82, Lot 4.03 (the “Property”) pursuant to certain development approvals more specifically described hereinbelow; and

WHEREAS, the Property is part of the ±40.38-acre “Marookian” property owned by the Township of Clinton (“Township”) and will ultimately be conveyed by the Township to Developer as authorized by Ordinance No. 1115-18 adopted by the Clinton Township Mayor and Council on June 13, 2018; and

WHEREAS, the Clinton Township Planning Board (“Board”) has granted Developer Amended Preliminary and Final Site Plan Approval, Amended Preliminary and Final Subdivision Approval, with “C(2)” Variances, Exceptions from the Township’s site plan ordinances and an Exception from the Residential Site Improvement Standards as memorialized by Resolution 2021-07 adopted on August 16, 2021 (the “Resolution”), to allow Developer to construct a 100% affordable housing project consisting of seven residential buildings containing eighty-four low and moderate income housing units, consisting of sixteen one-bedroom units, forty-seven two-bedroom units and twenty-one three-bedroom units to be distributed among the seven residential buildings, together with associated community building, common and amenity space, parking spaces, stormwater facilities, landscaping, lighting and other related improvements on the Property (the “Development”); and

WHEREAS, the Planning Board conditioned its approvals upon, among other things, the execution of a Developer’s Agreement between the Township and Developer providing for the development and improvement of the Property in compliance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Land Use Regulations of the Township of Clinton, the terms and conditions of the Planning Board’s Resolution, and the approved plans, and in such a manner that will ensure protection of adjacent/neighborhood properties, the public roads and related infrastructure in proximity to the Property;

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.
2. The developer’s agreement between the Township of Clinton and Clinton LIHTC Urban Renewal LLC on file with Clerk of the Township of Clinton is hereby approved, and the Mayor and Clerk are hereby authorized and directed to execute said agreement,

or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Township Attorney.

3. The Mayor, Administrator, Clerk, Township Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all other documents and undertake any and all acts necessary to effectuate the terms hereof.
4. This resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022

I, Carla Conner, Clerk of the Township of Clinton in Hunterdon County, New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Clinton Township Mayor and Council at a meeting held on January 26, 2022.

Carla Conner, RMC, Township Clerk

RESOLUTION

RESOLUTION AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY PLANET NETWORKS, INC. FOR INSTALLATION OF FIBER OPTIC CABLE TO FACILITATE EXPANDED SERVICE IN THE TOWNSHIP OF CLINTON

WHEREAS, Planet Networks Inc. (“Planet Networks”) is a provider of telecommunications services and is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey; and

WHEREAS, Planet Networks has petitioned the Township of Clinton (“Township”) for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and, where necessary, new utility poles, and/or in underground conduit; and

WHEREAS, the Federal Communications Commission (“FCC”) in its Declaratory Ruling and Third Report and Order WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at paragraph 36, page 15-16, has held that “an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service *** not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing services in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services”; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that “[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place”; and

WHEREAS, N.J.S.A. 27:16-6 provides, in part, that “[t]he board of [County Commissioners] shall not grant an easement, right of way, or use in, under, or over, any portion of a county road in a municipality, unless the governing body of the municipality *** shall consent thereto”; and

WHEREAS, N.J.S.A. 46:17-8 provides that “[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States, may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in upon, along, over or under any public street, road, or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interest of the Township and its citizens to grant consent to Planet Networks to install fiber optic cables and related facilities in the Township;

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

1. The preamble to this resolution is hereby incorporated as if more fully set forth herein.

2. The governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles or underground conduit where necessary, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities.
- c) Planet Networks shall indemnify, defend, and hold harmless the Township of Clinton, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the Township.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the Township as an additional insured on said insurance policy. Proof of said insurance shall be provided to the Township Clerk on an annual basis.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation, or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the Township nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.

3. The Mayor, Clerk, Township Attorney, and other appropriate officers, employees, and professionals, are hereby authorized and directed to undertake any and all acts necessary to effectuate the terms hereof.

4. This resolution shall take effect immediately.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022

RESOLUTION

RESOLUTION AUTHORIZING FINAL PAYMENT TO EMAZZANTI TECHNOLOGIES, NTE \$12,000

WHEREAS, the Township of Clinton has in previous years has retained the services of eMazzanti Technologies for purposes of providing off-site data backup and disaster mitigation for the Police Department's servers, computer support to the Police Department and Township personnel on an as-needed basis, and provide firewall security for the Township and its Police and Fire Departments; and

WHEREAS, the Township has contracted with another vendor for these services and has terminated the contract with eMazzanti for these services; and

WHEREAS, after a review of open and unpaid invoices, final payment due eMazzanti Technologies for the period May 2021 through February 2022 will not exceed \$12,000; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for the remaining invoices from eMazzanti Technologies;

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

The Administrator and CFO are authorized to review and pay the balance of open invoices for an amount not to exceed \$12,000 as final payment to eMazzanti.

ATTEST:

Carla Conner, Township Clerk

Brian Mullay, Mayor

Adopted: January 26, 2022