

This Notice is being sent to you, for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
November 9, 2016  
Municipal Building, Room 30  
7:30 PM**

**ROLL CALL:**

**Councilwoman Albanese** \_\_\_\_\_ **Councilman O'Connor** \_\_\_\_\_  
**Councilman Barr** \_\_\_\_\_ **Councilman Smith** \_\_\_\_\_  
**Councilman Mazzarella** \_\_\_\_\_ **Councilman Toal** \_\_\_\_\_  
**Council President Hund** \_\_\_\_\_

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

**INTRODUCTION OF PROPOSED ORDINANCE:**

1. **AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 84 ENTITLED ANIMALS, CHAPTER 170 ENTITLED FOOD ESTABLISHMENTS AND CHAPTER 248 ENTITLED PEDDLING AND SOLICITING OF THE CODE OF THE TOWNSHIP OF CLARK**

**RESOLUTIONS:**

2. Authorizing the Mayor and Clerk to execute a Settlement Agreement with the Fair Share Housing Corporation
3. Authorizing the settlement of the Racer Properties, LLC tax appeals
4. Authorizing the transfer of funds within the 2016 Municipal Budget
5. Authorizing the Health Officer and Township Clerk to enter into an agreement between the Township of Clark and the City of Elizabeth STD Clinic

**PUBLIC COMMENTS**

Please state your name and address for the record.

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

INTRO 1

Introduced: November 9, 2016 Public Hearing: November 21, 2016

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 84 ENTITLED ANIMALS, CHAPTER 170 ENTITLED FOOD ESTABLISHMENTS AND CHAPTER 248 ENTITLED PEDDLING AND SOLICITING OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Chapters and Sections of the Code are amended as follows:

**SECTION 1. Chapter 84, Animals**

Section 84-2E "Fees" is amended as follows:

Sub-Section E(1) is revised to read as indicated: "The person applying for a license shall pay the fee in Sub-Section E(3) below which include in addition to the state fees and a fee of \$1.00 for an annual or replacement dog tag for each dog. The same fees shall be charged for annual renewal of each license.

Sub-Section E(2) is deleted in its entirety

Sub-Section E(3) Schedule of license fees for cats and dogs is amended to both **delete** the existing schedule and **replace** it as follows:

|                         |         |
|-------------------------|---------|
| Neutered/Spayed Dog     | \$22.20 |
| Non-Neutered/Spayed Dog | \$25.20 |
| Neutered/Spayed Cat     | \$18.00 |
| Non-Neutered/Spayed Cat | \$20.00 |

**SECTION 2: Chapter 170, Food Establishments**

Section 170-4D is amended by changing "\$100.00" to "\$275.00"

Section 170-5C is deleted in its entirety.

Section 170-7C(1) "Fees" is amended by changing "\$25.00" to "\$275.00"

**SECTION 3: Chapter 248, Peddling and Soliciting**

248-1 "Definitions" is amended as follows:

Transient Merchant - The second sentence is revised to remove the reference to food vendor, as indicated: "Transient Merchant" also includes a mobile

~~food vendor, as defined in Chapter 170, Article I, and any person who, as a private enterprise, schedules, organizes or promotes any entertainment, concerts, athletic events, contests or competitions or beauty pageants to be held on a non-regular basis and which require the payment of a fee for entry or admission, wherein such event is to take place within the confines of the Township; provided, however, that no such person shall be classified as a transient merchant if he/she is sponsored by an bona fide civic, fraternal, educational or religious organization having a local chapter in the Township.~~

Section 248-3 "Fees" is amended to eliminate the lettered sections and replace them as follows:

Each applicant under this article shall pay a fee of \$275.00 for such annual license, which shall not be prorated.

Section 248-3B. is deleted in its entirety

Peddlers and solicitors at public events sponsored by the Township of Clark shall pay a fee in the amount of \$275.00 per vendor, booth, stand or motor vehicle.

**SECTION 4:**

**Inconsistent Ordinances:**

Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:**

**Effective Date:**

This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**STEVEN M. HUND**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord16/11-9Chapters84,170,248Amendments

Aye Nay Abstain Absent

Albanese \_\_\_\_\_  
Barr \_\_\_\_\_  
Mazzarella \_\_\_\_\_  
O'Connor \_\_\_\_\_  
Smith \_\_\_\_\_  
Toal \_\_\_\_\_  
Hund \_\_\_\_\_

2

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
November 9, 2016

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the Mayor and Clerk of the Township of Clark to execute the attached Settlement Agreement in order to fully implement and conclude the settlement of the COAH litigation between the Fair Share Housing Corporation and the Township of Clark presently pending in the Superior Court of New Jersey Law Division Union County Docket No. UNN-L-2441-15.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
STEVEN M. HUND  
Council President

Res16/11-9COAH Settlement Agreement  
Aye Nay Abstain Absent

|            |       |
|------------|-------|
| Albanese   | _____ |
| Barr       | _____ |
| Mazzarella | _____ |
| O'Connor   | _____ |
| Smith      | _____ |
| Toal       | _____ |
| Hund       | _____ |

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
November 9, 2016

3

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the settlement of the Racer Properties, LLC tax appeals with respect to the years 2010 through 2017 in accord with the Stipulations of Settlements attached hereto; and

**BE IT FURTHER RESOLVED** that the Director of Law together with his Assistant Counsel and the Tax Assessor of the Township of Clark are hereby authorized to execute the same on behalf of the Township of Clark.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
STEVEN M. HUND  
Council President

Res16/11-9RacerTaxAppeals  
Aye Nay Abstain Absent

|            |       |
|------------|-------|
| Albanese   | _____ |
| Barr       | _____ |
| Mazzarella | _____ |
| O'Connor   | _____ |
| Smith      | _____ |
| Toal       | _____ |
| Hund       | _____ |

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

November 9, 2016

4

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2016 budget appropriations in accordance with the following schedule of transfers.

**Clark Township  
Budget Transfers  
November 9, 2016**

|                   |                | <u>From</u> | <u>To</u> |
|-------------------|----------------|-------------|-----------|
| Municipal Council | Other Expense  | -           | 1,000.00  |
| Assessments       | Other Expenses | 10,000.00   | -         |
| Law               | Other Expenses | -           | 15,000.00 |
| Engineering       | Other Expenses | -           | 15,000.00 |
| Planning Board    | Other Expenses | 15,000.00   | -         |
| Zoning            | Other Expenses | 5,000.00    | -         |
| Code Enforcement  | Other Expenses | -           | 1,000.00  |
| Police            | Other Expenses | -           | 5,000.00  |

|                                 |                  |                  |                  |
|---------------------------------|------------------|------------------|------------------|
| Fire                            | Salaries & Wages | 10,000.00        | -                |
| Fire                            | Other Expenses   | -                | 10,000.00        |
| Fire Hydrants                   | Other Expenses   | 8,000.00         | -                |
| Recreation                      | Salaries & Wages | -                | 10,000.00        |
| Recreation                      | Other Expenses   | -                | 1,000.00         |
| Celebration of Public<br>Events | Other Expenses   | 10,000.00        | -                |
|                                 | <b>Total</b>     | <b>58,000.00</b> | <b>58,000.00</b> |

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 STEVEN M. HUND  
 Council President

Res16/11-9Transfers

Aye Nay Abstain Absent

|            |       |
|------------|-------|
| Albanese   | _____ |
| Barr       | _____ |
| Mazzarella | _____ |
| O'Connor   | _____ |
| Smith      | _____ |
| Toal       | _____ |
| Hund       | _____ |

5

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
November 9, 2016

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the Health Officer and Township Clerk are hereby authorized to enter into an agreement between the Township of Clark and the City of Elizabeth, Department of Health and Human Services, Division of Health; Sexually Transmitted Disease (STD) Clinic for the period commencing January 1, 2017 and shall remain valid through December 31, 2017.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
STEVEN M. HUND  
Council President

Res16/11-9 2017STDAgrmt-CityofEliz  
Aye Nay Abstain Absent

|            |       |
|------------|-------|
| Albanese   | _____ |
| Barr       | _____ |
| Mazzarella | _____ |
| O'Connor   | _____ |
| Smith      | _____ |
| Toal       | _____ |
| Hund       | _____ |