

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  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
October 17, 2016  
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 (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule 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.

Regular order of business suspended:

Mayor's presentation: Recognizing Glen Burkhardt, Walter Kawko and George Peterpaul for their act of bravery on September 20<sup>th</sup>

Regular order of business resumes

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Police, Fire and Emergency Management reports for the month of September 2016 have been received and are on file in the Clerk's office.

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

(No objections have been received in connection with the proposed Ordinances)

1. AN ORDINANCE TO SUPPLEMENT CHAPTER 347, SECTION 51 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DESIGNATION OF RESTRICTED STREETS"
2. AN ORDINANCE TO SUPPLEMENT CHAPTER 3, ARTICLE VIII, SECTION 3-26C OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DEPARTMENT OF ASSESSMENTS"

**INTRODUCTION OF PROPOSED ORDINANCE:**

3. AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XXIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DISTRICT REGULATIONS"

## **PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through October 13, 2016 in the amount of \$278,400.12

## **CITIZEN HEARING ON THE AGENDA:**

Council President opens the meeting to the public

Please state your name and address for the record.

**The Public may speak on any agenda item that does not have its own public hearing**

## **RESOLUTIONS:**

4. **Public Hearing:**  
Authorizing the submission of an application for funding for the Year 43 Community Development Block Grant Program
5. Rejecting the bid for the Collection and Disposal of Grass and authorizing the Business Administrator to re-bid for this service.
6. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$27,281.74 for the Recycling Tonnage Grant
7. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$3,707.94 for the Body Armor Grant
8. Authorizing the Mayor and/or Business Administrator to execute an Interlocal Services Agreement with the Clark Board of Education for Solid Waste Collection

## **CONSENT AGENDA RESOLUTIONS:**

9. Authorizing the Tax Collector to settle a tax appeal authorized by the Tax Court of New Jersey with credit to be issued in the amount of \$16,540.04
10. Authorizing the Chief Financial Officer to refund overpayment of Taxes in the amount of \$537.93
11. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$125.29

## **NEW BUSINESS ON THE CALENDAR:**

### **PUBLIC COMMENTS:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

### **MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

### **ADJOURNMENT:**

TOWNSHIP OF CLARK

PH # 1

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

Adopted \_\_\_\_\_

Introduced: September 19, 2016 Public Hearing: October 17, 2016

Motion: O'Connor Motion: \_\_\_\_\_

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

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347, SECTION 51  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "DESIGNATION OF RESTRICTED STREETS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 347, Section 51 of the Code of the Township of Clark is supplemented to provide the following:

**SECTION 1:** Parking shall be for residents only seven days a week from 7:00 a.m. to 8:00 p.m. on both sides of the street on the entire length of the street on the following streets:

1. Bullman Court
2. Cutler Place
3. Garside Place
4. Schuyler Drive

**SECTION 2:** The office of the Mayor shall issue such permits as may be necessary and appropriate to the administration of this Ordinance to qualified home owners.

Additionally, each home owner will receive six visitor passes. A one day pass for large family functions may be obtained from the Clark Police Department at least one week in advance and upon proper application therefore.

In addition to the residents residing on the streets referenced in Section 1 hereof, the office of the Mayor may issue such resident permits as may be necessary in order to provide parking for the residents residing at 934 and 946 Raritan Road and 1171, 1177, and 1181 Old Raritan Road. Said permits shall be issued in the same number and manner as those issued to the residents of the streets referenced in Section 1.

**SECTION 3:** The fine for violation of the provision of this Ordinance shall be the sum of \$50.00.

**SECTION 4:** This Ordinance is to be read in *pari materia* with all other pertinent and applicable ordinances. To the extent that any ordinances are inconsistent with the provisions hereof, they are hereby repealed to such inconsistencies.

**SECTION 5: Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: November 9, 2016

**ATTEST:**

**APPROVED:**

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

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

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

Ord16/9-19ResidentOnlyParkingBullmanCutlerGarsideSchuyler

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

PH # 2

Introduced: October 3, 2016 Public Hearing: October 17, 2016

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

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

**AN ORDINANCE TO SUPPLEMENT CHAPTER 3, ARTICLE VIII, SECTION 3-26C OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DEPARTMENT OF ASSESSMENTS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Article VIII, Section 3-26C is hereby supplemented in the following particulars:

**SECTION 1:** Section 3-26 C (4) Notify the Chief Financial Officer and the Governing Body of all tax appeals upon filing but no later than June 1<sup>st</sup> of each year.

**SECTION 2:** **Inconsistent Ordinances:** Any ordinances of the Township of Clark are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3:** **Effective Date:** This Ordinance shall take effect upon final adoption and publication, according to law.

Effective Date: November 9, 2016

**ATTEST:**

**APPROVED:**

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

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

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

Ord16/10-3 Suppl Ch 3 Sec 26C Assessments

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Hund	_____	_____	_____	_____

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

INTRO 3

Introduced: October 17, 2016 Public Hearing: November 21, 2016

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

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

**AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XXIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DISTRICT REGULATIONS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that it does hereby amend chapter 195 Article XXIII as follows:

**SECTION 1:** Section 195-131 DTV Downtown Village District Subsection F (3) should read Maximum (not Minimum)

**SECTION 2:** Section 195-133 CN Neighborhood Service Commercial District Subsection C (3) should read Maximum (not Minimum)

**SECTION 3:** **Inconsistent Ordinances:** Any ordinances of the Township of Clark are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** **Effective Date:** This Ordinance shall take effect upon final adoption and publication, according to law.

Effective Date: December 13, 2016

**ATTEST:**

**APPROVED:**

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

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

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

Ord16/10-17Ch195DistrictRegulations

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 17, 2016

4

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

**WHEREAS** the County of Union is accepting applications for funding for the Year 43 Community Development Block Grant Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and/or Business Administrator to submit the following projects to the County of Union for Year 43 of the Community Development Block Grant Program:

Senior Citizen Program	\$55,000.00
ADA Curb and Ramp Improvements	\$70,000.00

ATTEST:

APPROVED:

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

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

Res16/10-17PH-SubmitCDBGyr43  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 17, 2016

5

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

**WHEREAS** the Governing Body of the Township of Clark advertised and received one (1) bid for the Collection and Disposal of Grass on October 12, 2016 at 10:00 a.m.; and

**WHEREAS** the Business Administrator recommends that the bid be rejected in the best interest of the Township and seeks authorization to re-bid the project; and

**WHEREAS** Resolution 16-17 authorizes the Administration/Township Clerk to advertise for Bids for all necessary government operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby rejects the bid for the Collection and Disposal of Grass and grants authorization to re-bid said project.

ATTEST:

APPROVED:

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

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

Res16/10-17RejectRebidGrass  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 17, 2016

6

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

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$27,281.74 from the State of New Jersey, Recycling Tonnage Grant and wishes to amend its 2016 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$27,281.74 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
  - State and Federal Revenues off-set with Appropriations:
  - Recycling Tonnage Grant

BE IT FURTHER RESOLVED that the like sum of \$27,281.74 be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - (a) Operations Excluded from CAPS
  - State and Federal Programs off-set by Revenues:
  - Recycling Tonnage Grant

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

STEVEN M. HUND  
Council President

Res16/10-17Ch159RecyclingTonnage

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 17, 2016

7

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

**WHEREAS** N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS** the Township of Clark has received notice of an award of \$3,707.94 from the State of New Jersey, Body Armor Grant and wishes to amend its 2016 Budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$3,707.94 which is now available as a revenue from:

Miscellaneous Revenues:  
Special Items of General Revenue Anticipated  
with Prior Written Consent of the Director of the  
Division of Local Government Services:  
State and Federal Revenues Off-set with  
Appropriations:  
Body Armor Grant

**BE IT FURTHER RESOLVED** that the like sum of \$3,707.94 be and the same is hereby appropriated under the caption of:

General Appropriations:  
(a) Operations Excluded from CAPS  
State and Federal Programs Off-set by  
Revenues:  
Body Armor Grant

**BE IT FURTHER RESOLVED** that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

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

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

Res16/10-17Ch159BodyArmor  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 17, 2016

8

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

**WHEREAS** the Township of Clark wishes to contract with the Clark Board of Education for Solid Waste Collection; and

**WHEREAS** the Clark Board of Education is willing to accept such agreement.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Mayor and/or Business Administrator to execute an Interlocal Services Agreement with the Clark Board of Education for Solid Waste Collection.

**BE IT FURTHER RESOLVED** that a duly executed copy of this Resolution be forwarded to the Clark Board of Education.

ATTEST:

APPROVED:

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

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

Res16/10-17 Interlocal BdofEd Solid Waste

Aye Nay Abstain Absent

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

CA 9

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 17, 2016

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

**BE IT RESOLVED**, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>
71/3	136 Central Avenue	1,120,000	1,054,833	4,807.37	2011
71/3	136 Central Avenue	1,120,000	1,053,736	5,044.68	2012
71/3	136 Central Avenue	1,120,000	1,079,568	3,132.27	2013
71/3	136 Central Avenue	1,120,000	1,074,733	3,555.72	2014

**BE IT FURTHER RESOLVED**, that a credit be issued in the amount of \$16,540.04.

ATTEST:

APPROVED:

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

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

Res16/10-17TaxAppeal136Central  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 17, 2016

CA 10

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

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2016 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refund(s) in accordance with the following schedule:

TAX REFUNDS-2016						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
134	19.01	C-003	Edward & Renata Esposito	17	Brant Ave, Unit #3	\$ 537.93

ATTEST:

APPROVED:

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

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

Res16/10-17TaxRefund

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

CA 11

Resolution \_\_\_\_\_

October 17, 2016

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

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2016 sewer fees; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refund(s) as per the following schedule.

SEWER REFUNDS 2016		2016					
REF	#	Acct #	Name	#	Address	Reason	Refund
16	12R	1059-0	Manuel & Maria Moreira	86	Tudor Drive	overpayment	\$112.79
16	13R	3431-0	Karen & Anthony Stevens	112	Liberty Street	overpayment	\$12.50
					Total Refunds		\$125.29

ATTEST:

APPROVED:

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

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

Res16/10-17SewerRefunds

Aye Nay Abstain Absent

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