

**AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
July 7, 2014  
Municipal Building, Room 30, 7:30 PM**

**ROLL CALL:**

<b>Councilwoman Albanese</b> _____	<b>Councilman O'Connor</b> _____
<b>Councilman Barr</b> _____	<b>Councilman Smith</b> _____
<b>Councilman Mazzarella</b> _____	<b>Councilwoman Soyka</b> _____
	<b>Council President Toal</b> _____

**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 Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

- 1. AN ORDINANCE TO AMEND CHAPTER 279, ARTICLE VI, SECTION 279-25H OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "GREASE TRAPS"**
- 2. AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 161, ARTICLE 8, SUB-SECTIONS 35 THROUGH 41 OF THE CODE OF THE TOWNSHIP OF CLARK TO CREATE THE POSITION OF DIRECTOR OF THE DIVISION OF FIRE CODE ENFORCEMENT**

**INTRODUCTION OF PROPOSED ORDINANCE:**

(The Supplemental Debt Statement has been properly and timely filed in accordance with State Law)

- 3. BOND ORDINANCE TO AUTHORIZE THE FUNDING OF THE MUNICIPAL CONTRIBUTION TO ROADWAY IMPROVEMENTS AT THE INTERSECTION OF RARITAN ROAD AND CENTRAL AVENUE IN CONNECTION WITH THE CLARK COMMONS PROJECT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Public Hearing July 21st

**RESOLUTION:**

4. Authorizing the Tax Collector to submit an application to the Director of the Division of Local Government Services to participate in the electronic tax sale pilot program

**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:**

Introduced: June 16, 2014 Public Hearing: July 7, 2014

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

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

**AN ORDINANCE TO AMEND CHAPTER 279, ARTICLE VI,  
SECTION 279-25H  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "GREASE TRAPS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 279, Article VI, Sub-Section 279-25H of the Code of the Township of Clark entitled "Grease Traps" is hereby amended and supplemented, as follows:

**SECTION 1:** Delete existing Section H.

**SECTION 2:** Replace existing Section H as follows: "The operator of the affected establishment shall provide a quarterly grease trap report to the Township. Complete reports shall include the grease trap cover sheet as provided by the Township, grease trap cleaning invoice(s), grease trap bioenzyme invoice(s), and waste oil disposal records for each quarter. Quarterly reports shall adhere to the below schedule. The grace period shall mean calendar days and shall include weekends and holidays."

<u>Quarter</u>	<u>Due Date</u>	<u>Grace Period</u>
Jan 1 – March 31	March 31	April 10
April 1 – June 30	June 30	July 10
July 1 – Sept 30	Sept 30	Oct 10
Oct 1 – Dec 31	Dec 31	Jan 10

**SECTION 3:** **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 4:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: July 30, 2014

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

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

Ord14/6-16Ch279GreaseTraps

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

PH #2

TOWNSHIP OF CLARK  
Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_

Introduced: June 16, 2014 Public Hearing: July 7, 2014  
Motion: Barr Motion: \_\_\_\_\_  
Seconded: Mazzarella Seconded: \_\_\_\_\_

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 161, ARTICLE 8, SUB-SECTIONS 35 THROUGH 41  
OF THE CODE OF THE TOWNSHIP OF CLARK  
TO CREATE THE POSITION OF DIRECTOR OF THE  
DIVISION OF FIRE CODE ENFORCEMENT**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 161, Article 8, Sections 35 through and including 41 of the Code of the Township of Clark are hereby amended and supplemented, as follows:

**SECTION 1:** Section 35 is hereby amended to read "There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the head of which shall be known as the "Director." Said Official shall report any and all operations of the Fire Code Enforcement Office to the Mayor, Business Administrator and Township Council. Any fire inspectors employed by the Fire Code Enforcement Office shall report directly to the Director. All vehicles and equipment used by the Office shall be under the control of the Director, subject to the final approval of the office of the Mayor and/or his designee."

**SECTION 2:** Section 39, Subsection A is hereby amended to read "The Division of Fire Prevention and Protection shall be under the supervision and control of the Director."

**SECTION 3:** Section 39, Subsection B is hereby amended to read "The Division of Fire Prevention and Protection shall have at least one paid Fire Official/Fire Marshal/Fire Code Official, who shall be the Director, and such paid inspectors and other employees as may be necessary to properly enforce the Uniform Fire Code."

**SECTION 4:** The title of Section 40 is hereby amended to read, "Director of the Division of Fire Prevention (Director)."

**SECTION 5:** Section 40, Subsection A is hereby amended to read "The Director shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time."

**SECTION 6:** Section 40, Subsection B is hereby amended to read "The Director, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of the Division. Inspections, budget and vehicle assignment shall be within his discretion."

**SECTION 7:** Section 40, Subsection C is hereby amended to read "The Director shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed appropriate for such compensation as may be approved by the governing body of the Township of Clark."

**SECTION 8:** Section 40, Subsection D is hereby amended to read "The Director shall have command authority to the rank of Deputy Chief at any fire or emergency calls in the Township of Clark and Union County prior to the arrival of the Assistant Chief or Chief of the Clark Fire Department. During any fire or emergency calls, the Director will pass command to the Assistant Chief or Chief of the Clark Fire Department only. The Director will report to the Assistant Chief or the Chief of the Clark Fire Department only during the duration of any such emergency or fire call."

**SECTION 9:** Section 40, Subsection E is hereby amended to read "Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark

**SECTION 10:** Section 40, Subsection F is hereby amended to read "Removal. The Director, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

**SECTION 11:** **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 12:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: July 30, 2014

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

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

Ord14/6-16Ch161DirectorFireCodeEnforcement

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

INTRO # 3

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

Introduced: July 7, 2014 Public Hearing: July 21, 2014

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

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

**BOND ORDINANCE TO AUTHORIZE THE FUNDING OF THE MUNICIPAL CONTRIBUTION TO ROADWAY IMPROVEMENTS AT THE INTERSECTION OF RARITAN ROAD AND CENTRAL AVENUE IN CONNECTION WITH THE CLARK COMMONS PROJECT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to fund the municipal contribution to roadway improvements at the intersection of Raritan Road and Central Avenue in connection with the Clark Commons Project in, by and for the Township. Said improvements shall include the acquisition of interests in real property and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general

improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$500,000, and (4) \$25,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$475,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$25,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$25,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$475,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: August 14, 2014

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**BRIAN P. TOAL**  
 Council President

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

Ord14/7-7BondOrd\$500,000RaritanRdCentralAveRoadImpr

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 7, 2014

4

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

**WHEREAS** NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

**WHEREAS** the Director of the Division of Local Government Services has promulgated rules and regulation for pilot programs; and

**WHEREAS** the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

**WHEREAS** the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

**WHEREAS** an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

**WHEREAS** the Township of Clark wishes to participate in the pilot program for an electronic tax sale.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in electronic tax sale program and submit same to the Director of the Division of Local Government Services.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/ 7-7ElectronicTaxSaleProgram

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