

**AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
July 6, 2015  
Municipal Building, Room 30  
7:30 PM**

**ROLL CALL:**

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

**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, 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.

**RESOLUTIONS:**

1. Authorizing the filing of a Declaratory Judgment with the Superior Court concerning Affordable Housing
2. Complying with New Jersey Best Practices procedures that Municipal Vehicle Use Policy be in written form
3. Award of Contract to W. E. Timmerman for the Purchase of a Three Wheel Street Sweeper in the total amount of \$192,123.00
4. Authorizing the Business Administrator to submit a grant application to the Preserve Union County Grant Program in the amount of \$40,000.00 for the Dr. William Robinson Plantation
5. **Council as ABC Board:** Authorizing the annual renewal of Alcoholic Beverage Licenses for the 2015-2016 License Term

**INTRODUCTION OF PROPOSED ORDINANCE:**

6. **AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 45 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED TRAFFIC CONTROL SIGNALS**

Public Hearing July 20, 2015

**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

Resolution \_\_\_\_\_

July 6, 2015

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Motion \_\_\_\_\_ O'Connor \_\_\_\_\_ Second \_\_\_\_\_ Albanese \_\_\_\_\_

**WHEREAS**, it has come to the attention of the Township of Clark that New Jersey Supreme Court issued an opinion *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing* and

**WHEREAS**, the Court decided that it would dissolve the exhaustion-of-administrative-remedies under the Fair Housing Act of 1985 (FHA); and

**WHEREAS**, the holding authorizes the courts to hear and decide actions addressing municipal compliance with constitutional *Mount Laurel* obligations by municipalities that sought protections of the FHA through COAH; and

**WHEREAS**, the holding permits municipalities file a declaratory judgment action seeking a judicial determination that it's housing plan is presumptively valid because it presents a realistic opportunity for the provision of its fair share of its housing region's present and prospective need for low- and moderate-income housing; and

**WHEREAS**, in the event that a municipality does not file a declaratory judgment action, an action solely focused on whether the municipality's housing plan meets its *Mount Laurel* obligations may be brought by a party against that municipality; and

**WHEREAS**, in all declaratory judgment actions brought before the Courts, the trial court may grant temporary periods of immunity prohibiting exclusionary zoning actions from proceeding against the municipality; and

**WHEREAS**, in all declaratory judgment actions brought before the Courts, the trial court's approval of a municipality's plan may result ultimately in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the FHA; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, authorizes the Township to file a declaratory judgment action for the Court's evaluation of the Township's plan as proof of constitutional compliance.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-6 COAH Declaratory Judgment  
Aye Nay Abstain Absent  
Albanese \_\_\_\_\_  
Barr \_\_\_\_\_  
Hund \_\_\_\_\_  
Mazzarella \_\_\_\_\_  
O'Connor \_\_\_\_\_  
Toal \_\_\_\_\_  
Smith \_\_\_\_\_

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 6, 2015

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

**WHEREAS** the Township of Clark had a verbal understanding of the restricted use of municipally owned vehicles; and

**WHEREAS** the best practice position, as set forth by the State of New Jersey suggested that such policy be set forth in written form; and

**WHEREAS** the position of the Township of Clark is to promote the encouragement of use of municipal vehicles by our supervisory and on-call employees as they are subject to 24 hour call duty or other legitimate business reasons.

**NOW THEREFORE BE IT RESOLVED** that the use of municipal vehicles is non-taxable if the following conditions are adhered to:

- (a) The employee is required to use the vehicle for legitimate business reasons
- (b) The employee's personal use of the vehicle is restricted as herein stated, to driving to and from home and work, except for infrequent, de minimus, or emergency occurrences
- (c) The employee complies with the policy
- (d) The employer has some reasonable method to monitor employee compliance
- (e) The vehicle driven by the employee qualifies as a non-personal use vehicle, such as clearly marked police, fire or public safety officer vehicles; and

**BE IT FURTHER RESOLVED** that a written policy will be sent to all such employees.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-6MunVehicleUsePolicy

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 6, 2015

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

**WHEREAS** the Governing Body of the Township of Clark advertised on June 11, 2015 and received one (1) bid for a Three Wheel Street Sweeper with Belt Conveyor on June 25, 2015 at 10:00 am; and

**WHEREAS** the one (1) lowest responsible bidder was W. E. Timmerman Co, Inc., 3554 Route 22 West, Whitehouse, New Jersey in the amount of \$188,427.00 for the Base Bid, \$3,696.00 for the optional Lifeline Hopper Liner and \$2,236.00 for the optional Right Hand Side Broom Tilt with Indicator; and

**WHEREAS** the Base Bid of \$188,427.00 plus the optional Lifeline Hopper Liner in the amount of \$3,696.00 for a total amount of \$192,123.00 meets the needs of the township; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to W. E. Timmerman Co, Inc. in the amount of \$192,123.00; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount not to exceed \$192,123.00 funded by Bond Ordinance 15-04 as attached hereto as a "Certification of Availability of Funds".

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to W. E. Timmerman Co, Inc. in the amount of \$192,123.00 subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-6AwardStreetSweeper

Aye Nay Abstain Absent

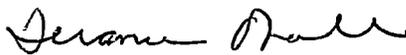
Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

**CERTIFYING FUNDS FOR THE FULL AMOUNT OF A CONTRACT IN THE  
CURRENT FISCAL YEAR CERTIFICATION OF AVAILABILITY OF FUNDS**

DATE: July 1, 2015

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14-5, and any other applicable requirement, I Terence O'Neill, Chief Financial Officer of the Township of Clark, New Jersey have ascertained that there are available sufficient uncommitted appropriations to award a payment/contract to W. E. Timmerman Co., Inc. in the amount not to exceed \$ 192,123.00 for Three Wheel Street Sweeper with Belt Conveyor

Funds for certification are therefore being made available and certified against the appropriation for the Department of Public Works Account No. \_\_\_\_\_ or Ordinance No. Bond Ordinance 15-04.



\_\_\_\_\_  
Terance O'Neill  
Chief Financial Officer

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 6, 2015

4

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

**WHEREAS** the Union County Board of Chosen Freeholders is sponsoring the Preserve Union County Grant Program, which makes funding available to local municipalities, to assist them in Historical Preservation; and

**WHEREAS** the Township has funding in the amount of \$40,000 for a preservation plan and submission of the long form for historical eligibility determination for the Dr. William Robinson Plantation located at 593 Madison Hill Road, Clark, NJ, and desires additional funding in the amount of \$40,000 from the Historical Preservation Grant Program; and

**WHEREAS** the Mayor and the Township Council believe that it is in the Township's best interest to submit an application to the Historical Preservation Grant Program for funding consideration in the amount of \$40,000 towards the purchase of said study.

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

1. The Township Business Administrator is hereby authorized to submit a grant application to the Preserve Union County Grant Program.
2. The Governing Body intends to match the \$40,000 with the Township Capital Account.
3. The Township Clerk is hereby directed to forward certified copies of this resolution to the Business Administrator, Victoria Durbin Drake, Preserve Union County Grant Program Trust Fund Administrator, and to James Pelletiere, Clerk of the Board of Chosen Freeholders for distribution to all County Freeholders.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-6AuthorizeSubmission-PreservationGrant

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 6, 2015

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following licenses are approved for their annual renewal: Plenary Retail Consumption Licenses in the sum of \$2,500.00; Plenary Retail Distribution Licenses in the sum of \$1,728.00; Club Licenses in the sum of \$188.00, be renewed for the Year 2015-2016, effective as of July 1, 2015.

- 2002-44-002-004      Clark Circle Liquors & Lounge Inc.  
t/a Wine Anthology  
77 Central Ave., Clark, NJ 07066
  
- 2002-33-003-004      Whole Foods Market Group Inc.  
Mailing address: 550 Bowie Street, Austin, TX 78703
  
- 2002-33-004-007      Garry's Catering LLC  
440 Madison Hill Road, Clark, NJ 07066
  
- 2002-33-005-009      Clark BBQ Inc.  
1419 Raritan Road, Clark, NJ 07066
  
- 2002-33-007-007      Apple Food Service  
1255 Raritan Road, Clark, NJ 07066
  
- 2002-44-008-005      Rotondo's Oak Ridge Liquors Inc.  
t/a Rotondo's Liquors, Deli and Fine Foods, Inc.  
1040 Lake Avenue, Clark, NJ 07066
  
- 2002-33-009-004      1085 Central Ave. Restaurant Corp.  
t/a Molly Maguire's Irish Pub & Restaurant  
1085 Central Avenue, Clark, NJ 07066
  
- 2002-33-010-007      CLKDIN LLC  
t/a Manny's Diner  
1030 Raritan Road, Clark, NJ 07066
  
- 2002-33-011-007      1199 Corp.  
t/a Tarantella's Ristorante  
1199 Raritan Road, Clark, NJ 07066
  
- 2002-31-012-001      Clark Post #328 The American Legion  
t/a American Legion Clark Post 328  
78 Westfield Avenue, Clark, NJ 07066

- 2002-31-013-002      Deutscher Club Clark Inc.  
787 Featherbed Lane, Clark, NJ 07066
  
- 2002-31-015-001      The Gran Centurions  
440 Madison Hill Road, Clark, NJ 07066
  
- 2002-33-018-012      Paragon Restaurant Group LLC  
77 Central Avenue, Clark, NJ 07066
  
- 2002-31-019-001      Columbian Club of Clark Inc.  
27 Westfield Ave., Clark, NJ 07066
  
- 2002-31-020-001      Polish Cultural Foundation Inc.  
177 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res15/7-6 ABC Renewals

Aye Nay Abstain Absent

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

INTRO ORD  
6

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

Introduced: July, 2015 Public Hearing: July 20, 2015

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

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

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 45  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED TRAFFIC CONTROL SIGNALS**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey as follows:

**SECTION 1.** That the following Traffic Control Signal Installation shall be installed and operated at the following mentioned intersection and as per the designated plan:

<u>LOCATION</u>	<u>DESIGNATED PLAN/DATE</u>	<u>REVISED TIMING DIRECTIVE DATE</u>
Raritan Road (CR607) at Driveway for Hyatt Hills Golf Course and Clark Commons Shopping Center	As-built 07/06/15	07/06/15

**SECTION 2.** That the Traffic Control Signal installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control devices and Title 39 of the Revised Statutes; shall conform to the design and shall be maintained and operation, as authorized by the NJ Department of Transportation.

**SECTION 3.** That all prior ordinances or resolutions or portions thereof of the Township of Clark inconsistent herewith be and they are hereby repealed.

**SECTION 4.** That this ordinance shall become effective upon adoption and publication as required by law and upon the approval of the Commissioner of the Department of Transportation.

**SECTION 5.** That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not effect the validity of the remaining portion hereof.

**SECTION 6.** When the Ordinance is finally adopted, the Township Clerk is to send a certified copy to Thomas O. Mineo, P.E., Union County Engineer, 2325 South Avenue, Scotch Plains, NJ 07076 and to Chris Barretts, Manager, Bureau of Traffic Engineering and Safety Programs, NJ Department of Transportation, 1035 Parkway Avenue, Trenton, NJ 08625

**SECTION 7.** This ordinance shall take effect upon adoption and upon publication according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
Council President

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

Ord15/7-6Ch347Sec45TrafficSignalControls

Aye Nay Abstain Absent

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