

This Notice is 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
July 19, 2021
7:30 pm**

ROLL CALL:

| | |
|-----------------------------|------------------------------|
| Councilwoman Albanese _____ | Councilman O'Connor _____ |
| Councilman Mazzarella _____ | Councilman Smith _____ |
| Councilman Minniti _____ | 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, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

Regular Order of Business Suspended

Police Department Appointments: P.O. Steven Alleman, P.O. Kevin Chan and P.O. Giovannina Prisco

Regular Order of Business Resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Reports given this evening will be available in the Clerk's office and on the township website www.ourclark.com

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

- 1. 21- 20 AN ORDINANCE TO SUPPLEMENT CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC" SECTION 36A ENTITLED "LEFT TURNS" OF THE CODE OF THE TOWNSHIP OF CLARK**

INTRODUCTION OF PROPOSED ORDINANCES:

- 2. 21-21 AN ORDINANCE TO ADD ARTICLE IV TO CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PARKS AND RECREATION" RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES, FLAGSTAFFS AND PUBLIC BUILDINGS**

3. **21-22 AN ORDINANCE TO AMEND SECTION 36 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"**
4. **21-23 AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 15, 2021 in the amount of \$303,378.51

CITIZEN HEARING ON THE AGENDA:

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.

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

RESOLUTIONS:

5. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2020 Annual Audit entitled General Comments and Recommendations
6. Approving the 2020 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
7. Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Mildred Terrace and Brentwood Road Improvement Project.
8. Ratifying, Authorizing and Directing the execution and delivery of a Shared Services Agreement with the Clark Board of Education for school parking lot improvements
9. Appointing Allain Diaz, Fethmat Nisharleabhain and Richard Villane as members of the Clark Volunteer Fire Department
10. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$30,086.96 for the Clean Communities Grant
11. Authorizing the Mayor to execute a Developer's Agreement with L'Oréal USA S/D, Inc. for the property located at 30 and 100 Terminal Avenue

Council as the ABC Board:

12. Rescinding the Alcoholic Beverage Club License previously held by the Gran Centurions which no longer meets the criteria to hold the License
13. Authorizing the annual renewal of the Alcoholic Beverage License held by the Polish Cultural Foundation for the 2021-2022 Term

CONSENT AGENDA RESOLUTIONS:

14. Authorizing the Tax Collector to refund overpayment of 2021 sewer fees in the amount of \$1,192.67
15. Authorizing the Tax Collector to refund overpayment of 2021 taxes in the amount of \$8,551.46
16. Rescinding Resolution 21-101 which authorized the Tax Collector to prepare and mail estimated tax bills which are no longer necessary

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
Ordinance No. 21-20
Adopted _____

PH 1

Introduced: June 21, 2021 Public Hearing: July 19, 2021

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 ENTITLED
“VEHICLES AND TRAFFIC” SECTION 36A ENTITLED “LEFT TURNS”
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 347, Article V, § 347-36A. entitled “Left Turns” is hereby supplemented as follows:

SECTION 1: § 347-36A. is supplemented as follows:

| From | Onto | Hours |
|----------------|---------------|--|
| Oak Ridge Road | Kincaid Place | 7:00 am to 9:00 am Monday to Friday |

SECTION 2: **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 3: **Effective date:**

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

Effective Date: August 11, 2021

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

TOWNSHIP OF CLARK
Ordinance No. 21-21
Adopted _____

INTRO 2

Introduced: July 19, 2021 Public Hearing: August 2, 2021

**AN ORDINANCE TO ADD ARTICLE IV TO
CHAPTER 240
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "PARKS AND RECREATION"
RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES,
FLAGSTAFFS AND PUBLIC BUILDINGS**

WHEREAS, the Government Speech Document establishes that a government organization, such as the Township of Clark, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (see, Matal v. Tam, 137 S. Ct. 1744, 1757 (2017)), and

WHEREAS, the Township of Clark maintains flagpoles and may install and maintain in the future flagstaffs on various public buildings and within public parks and playgrounds within the Township of Clark; and

WHEREAS, the Township Council wishes to permit the display of commemorative flags upon Township owned flagpoles and flagstaffs as a form of government expression.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Clark, Union County, New Jersey, that the following Article of Chapter 240 of the Code of the Township of Clark entitled "Display of Flags" be and hereby is supplemented and amended by adding the following:

SECTION 1. Chapter 240, "Parks and Recreation," of the Code of the Township of Clark be and hereby is amended by adding thereto the following Article IV stating in full as follows:

Article IV. Display of flags.

(a) In addition to the Official Flag of the United States of America, the Township of Clark may display on Township-owned flagpoles, flagstaffs and on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.

(b) The Official Flag of the United States of America shall be displayed highest and any such additional flags shall be flown below the Official Flag of the United States of America. The Official Flag of the United States of America shall be displayed in accordance with and in the

manner prescribed in Chapter 1 of Title 4 of the United States Code (4 U.S.C.S. §§ 1-10).

(c) The Township's flagpoles, flagstaves and public buildings are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles, flagstaves and public buildings are to be used exclusively by the Township, where the Council may display a commemorative flag as a form of government expression. The Township will not display a commemorative flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.

(d) No person shall display or place upon any flagpole flagstaves or on public buildings owned by the Township of Clark any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Clark and without the express written permission of the Township of Clark.

(e) In addition to the Official Flag of the United States of America and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles, flagstaves and on public buildings owned by the Township of Clark as a form of expression of government speech, in the manner set forth above:

- 1) The Official Flag of the State of New Jersey;
- 2) P.O.W./M.I.A. (Prisoner of War/Missing in Action) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902); and
- 3) The Official Flags of the Army, the Navy, the Marine Corp., the Airforce, the Coast Guard and the Space Force of the United States of America.

(f) Nothing contained herein is intended to abridge the right of the citizens of the Township of Clark to petition or request the Township Council to authorize an expression of government speech.

SECTION 2. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 4. Effective Date - This ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective Date: August 25, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

Ord21/7-19 21-21 Ch240ArtIVFlags

| | Motion to | Second | Motion to | Second | | | | |
|----------------|-----------|--------|-----------|--------|-----|-----|---------|--------|
| | Introduce | | Adopt | | Aye | Nay | Abstain | Absent |
| Albanese | | | | | | | | |
| Mazzarella | | | | | | | | |
| Minniti | | | | | | | | |
| O'Connor | | | | | | | | |
| Smith | | | | | | | | |
| Toal | | | | | | | | |
| Hund | | | | | | | | |
| Entire Council | | | | | | | | |
| TOTAL | | | | | | | | |

TOWNSHIP OF CLARK
Ordinance No. 21-22
Adopted _____

INTRO 3

Introduced: July 19, 2021 Public Hearing: August 2, 2021

**AN ORDINANCE TO AMEND SECTION 36 OF CHAPTER 347
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "VEHICLES AND TRAFFIC"**

BE IT ORDAINED by the Township Council of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" be and hereby is amended in the following particulars:

SECTION 1: Section 347-36 entitled "Turn Prohibitions" be and hereby is amended and supplemented to create a new Subsection C entitled "All Turns" and includes the following:

| From | Onto | Days/Hours |
|--------------|-------------|--|
| Raritan Road | Shadow Lane | While School is in Session from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 4:00 p.m. |

SECTION 2: **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 3: **Severability:** If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

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

Effective Date: August 25, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

Ord21/7-19 21-22AmendCh347TurnsProhibited-ShadowLane

| | Motion to | Second | Motion to | Second | | | | |
|----------------|-----------|--------|-----------|--------|-----|-----|---------|--------|
| | Introduce | | Adopt | | Aye | Nay | Abstain | Absent |
| Albanese | | | | | | | | |
| Mazzarella | | | | | | | | |
| Minniti | | | | | | | | |
| O'Connor | | | | | | | | |
| Smith | | | | | | | | |
| Toal | | | | | | | | |
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| Entire Council | | | | | | | | |
| TOTAL | | | | | | | | |

TOWNSHIP OF CLARK
Ordinance No. 21-23
Adopted _____

INTRO 4

Introduced: July 19, 2021 Public Hearing: August 2, 2021

**AN ORDINANCE TO AMEND SECTION 33 OF
CHAPTER 347
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "VEHICLES AND TRAFFIC"**

WHEREAS, the Township of Clark Police Department recommends the installation of a "STOP" sign on Chestnut Street at its intersection with Acorn Drive.

WHEREAS, the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department to promote the health, safety, and welfare of its residents.

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended in the following particulars:

SECTION 1: Article V entitled "Traffic Regulations" Section 347-33 entitled "Stop Intersections" is amended and supplemented so as to include the following:

| <u>Intersection</u> | <u>"STOP" Sign on:</u> |
|------------------------------------|------------------------|
| Chestnut Street and Acorn Drive | Chestnut Street |

SECTION 2: All other provisions of Section 347-33 remain in effect.

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: **Severability:** If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

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

Effective Date: August 25, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

Ord21/7-19 21-23AmendCh347StopSign-Chestnut

| | Motion to | Second | Motion to | Second | | | | |
|----------------|-----------|--------|-----------|--------|-----|-----|---------|--------|
| | Introduce | | Adopt | | Aye | Nay | Abstain | Absent |
| Albanese | | | | | | | | |
| Mazzarella | | | | | | | | |
| Minniti | | | | | | | | |
| O'Connor | | | | | | | | |
| Smith | | | | | | | | |
| Toal | | | | | | | | |
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| Entire Council | | | | | | | | |
| TOTAL | | | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-114
July 19, 2021

5

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local
Governing Body who, after a date fixed for compliance,
fails or refuses to obey an order of the Director of Local
Government Services, under the provisions of this Article,

shall be guilty of a misdemeanor and, upon conviction,
 may be fined not more than one thousand dollars (\$1,000.00)
 or imprisoned for not more than one year, or both, in
 addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/7-19AuditReport-GroupAffidavit

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-115
July 19, 2021

6

RESOLUTION APPROVING THE 2020 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2020; and

WHEREAS the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

WHEREAS the Governing Body has received the 2020 Annual Audit – Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2020 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19AuditCorrectiveActionPlan

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK

UNION COUNTY

AUDIT REPORT YEAR: DECEMBER 31, 2020

FINDINGS/CONDITIONS#1:

That the price sheet related to cooperative or state contract services and materials was not available for review.

EXPLANATION AND CORRECTIVE ACTION:

The Township will revise its process in the future to include a requirement that the price sheets for items purchased through a cooperative arrangement or state contract be retained by the Township. This will help verify and confirm that pricing on quotes supports the related goods and services outlined in the agreement(s).

7

**TOWNSHIP OF CLARK
COUNTY OF UNION
STATE OF NEW JERSEY
RESOLUTION 21-116
July 19, 2021**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE MILDRED TERRACE AND BRENTWOOD
ROAD IMPROVEMENT PROJECT**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Clark formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022-Mildred Terrace and Brentwood Road-I-00408** to the New Jersey Department of Transportation on behalf of the Township of Clark.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council

On this 19 day of July, 2021

Edith L. Merkel, Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19NJDOT2022GrandResolutionMildredTerr&BrentwoodRd

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
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| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK

8

RESOLUTION 21-117

July 19, 2021

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 through 40A:65-35 (the “Act”), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Clark and the Board of Education of the Township of Clark in the County of Union, a school district of New Jersey (the “Board”) have identified an area where working together through shared services will result in positive outcomes for both the Township and the Board; and

WHEREAS, the area where both the Township and the Board will be sharing services is in the pavement of Capital Road and School Parking Lot Improvements (the “Project”); and

WHEREAS, the Township and the Board have entered into a Shared Services Agreement (“Agreement”) pursuant to N.J.S.A 40A:65-4, under which the Township of Clark shall provide, and the Board shall receive, services comprised of, *inter alia*, the preparation of plans and specifications, with the assistance of the Board, and the advertisement for sealed bids, the analysis of such sealed bids to determine the lowest responsible bidder, and the award of a contract therefor to such lowest responsible bidder, which each local unit participating in this Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of the Township of Clark and the Board including services from licensed or certified professionals required by statute to be appointed; and

WHEREAS, the Board has agreed with the Township’s acceptance of the Lowest Bid (as such term is defined in the Agreement), the award of the Contract to Contractor, and by virtue of the Agreement, to participate in the Project and Contract, and to reimburse and repay to the Township, the Board’s Work Bid Price (as such term is defined in the Agreement), together with a *pro-rata* share of the interest paid by the Township of Clark in connection with the financing of bond anticipation notes with which to fund the contract.

WHEREAS, the Shared Services Agreement for the pavement of Capital Road and School Parking Lot Improvements in which the bid for said contract was awarded to S. Brothers, Inc. in the amount of \$1,239,274.79 on June 21st, 2021; and

WHEREAS, previously the Township and the Board already had authorized the Agreement as an Interlocal Services Agreement pursuant to N.J.S.A 40:8A-1, *et seq.*, but such enabling statute has been repealed since 2007.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in the County of Union, State of New Jersey, that it hereby ratifies, authorizes and directs the execution and delivery of a Shared Services Agreement by the Mayor or the Business Administrator and the Township Clerk in such form as is substantially similar to the Agreement previously approved.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/7-19SharedServices-BdofEdParkingLots

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
 Resolution 21-118
 July 19, 2021

9

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Allain Diaz, Fethmat Nisharleabhain and Richard Villane are hereby appointed as Members of the Clark Volunteer Fire Department effective this 19th day of July 2021.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/7-19AppointFireFighters- Diaz Nisharleabhain Villane

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-119
July 19, 2021

10

WHEREAS N.J.S.A. 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 and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, 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 2021 in the sum of \$30,086.96 which is now available from the State of New Jersey in the amount of \$30,086.96; and

BE IT FURTHER RESOLVED that the like sum of \$30,086.96 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$30,086.96.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19 Ch159CleanCommunities

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
 Resolution 21-120
 July 19, 2021

//

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk to execute a Developer's Agreement with L'Oréal USA S/D, Inc., having its principal office located at 111 Terminal Avenue, Clark, New Jersey 07066 for the tract of land identified as Block 58, Lots 4 and 5, situated at 30 and 100 Terminal Avenue, Clark, New Jersey 07066.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/7-19AuthDevAgrmnt-L'Oreal

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-121
July 19, 2021

ABC 12

WHEREAS the Gran Centurions of Clark had actively held and used ABC Club License #2002-31-015-001 at 440 Madison Hill Road, Clark, New Jersey 07066 until June 23, 2021; and

WHEREAS the property was sold on June 23, 2021 and is no longer occupied by the Gran Centurions; and

WHEREAS the Gran Centurions no longer has the minimum sixty (60) voting members required by N.J.S.A. 33:1 et seq. to hold an ABC Club License; and

WHEREAS based on the aforementioned facts as well as written notification from the court appointed receiver, of the conveyance of the property, a renewal application will not be submitted and the license should be rescinded.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey for the above reasons that it hereby rescinds Alcoholic Beverage Control License #2002-31-015-001 held by the Gran Centurions of Clark; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Director of the Division of Alcoholic Beverage Control.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19RescindABCLicense-GranCenturions

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
 Resolution 21-122
 July 19, 2021

ABC 13

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Alcoholic Beverage Control Club License number 2002-31-020-001 held by the Polish Cultural Foundation, with premises located at 177 Broadway, Clark, New Jersey 07066 having fulfilled all the requirements for renewal including payment to the Township of Clark in the sum of \$188.00, is hereby renewed for the Year 2021-2022, effective as of July 19, 2021.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/7-19ABCRenewal-PolishCulturalFoundation

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-123
July 19, 2021

CA 14

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2021 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 Tax Collector is hereby authorized and directed to make the refund(s) as per the following schedule.

| | | | Sewer Refund 2021 | | | | |
|-----|-------|--------|-------------------------------|---------|----------------------------|-------------------------------|--------------------|
| REF | Acct# | Name | # | Address | Reason | Refund | |
| 21 | 14R | 5292-0 | ZAM Holdings LLC | 1139 | Raritan Road, Unit #203 | overpaid | \$ 20.10 |
| 21 | 15R | 431-0 | Crincoli, Rocco & Danielle | 89 | Willow Way | overpaid due to Adjustment | \$ 35.00 |
| 21 | 16R | 708-0 | Ash, Neil | 486 | Raritan Road | overpaid due to Adjustment | \$ 1,037.57 |
| 21 | 17R | 4392-0 | Belmas, Marek | 4 | Park Street | overpaid due to Adjustment | \$ 100.00 |
| | | | | | | TOTAL REFUNDS | \$ 1,192.67 |

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19SewerRefund(s)

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK
Resolution 21-124
July 19, 2021

CA 15

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2021 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 Tax Collector is hereby authorized and directed to make refund(s) in accordance with the following schedule:

| BLOCK | LOT | QUAL. | NAME | # | ADDRESS | REFUND |
|----------------------|-----|-------|-----------------------------------|-----|----------------|--------------------|
| 179 | 28 | | Pace, Taylor & Petrowski, Anthony | 33 | Colonial Drive | \$ 2,151.27 |
| 181 | 2 | | Stisi, Joseph & Devann | 71 | Colonial Drive | \$ 360.73 |
| 65 | 2 | | Chapman, Theresa | 18 | Dawn Drive | \$ 1,884.55 |
| 77 | 34 | | Brown, Jason & Felicia | 20 | King Street | \$ 2,057.26 |
| 164.01 | 5 | | Halsch, Megan | 408 | East Lane | \$ 2,097.65 |
| Total Refunds | | | | | | \$ 8,551.46 |

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19TaxRefund(s)

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O'Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |

TOWNSHIP OF CLARK

Resolution 21-125

July 19, 2021

CA 16

WHEREAS Resolution 21-101 adopted June 21, 2021 authorized the Clark Township Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72 due to the late adoption of the State Budget, and the subsequent delay in the Union County Board of Taxation’s ability to certify tax rates throughout Union County, resulting in the Tax Collector’s inability to mail the Township’s 2021 tax bills on a timely basis; and

WHEREAS the Division of Local Government Services has since prepared levy certifications for counties and municipalities that have adopted their budgets and made all required submissions to the Division; and

WHEREAS the Director of the Division of Local Government Services began releasing certifications to County Boards of Taxation on July 12, 2021, and said County Board has certified the tax levy, as required; and

WHEREAS the Tax Collector of the Township of Clark received the tax rate on July 12, 2021 permitting regular tax bills to be mailed within the proper statutory limits, with no need to extend the grace period.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union and State of New Jersey that it hereby rescinds Resolution 21-101.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/7-19RescindRes21-101EstimatedTaxBills

| | Motion | Second | Aye | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Albanese | | | | | | |
| Mazzarella | | | | | | |
| Minniti | | | | | | |
| O’Connor | | | | | | |
| Smith | | | | | | |
| Toal | | | | | | |
| Hund | | | | | | |
| Entire Council | | | | | | |
| TOTAL | | | | | | |