

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
August 2, 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 as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. 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
2. 21-22 AN ORDINANCE TO AMEND SECTION 36 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"
3. 21-23 AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"

RESOLUTIONS:

4. Accepting a Body Worn Camera Grant in the amount of \$65,216.00 and Authorizing the Mayor to execute the Award Documents

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. 21-21
Adopted _____

PH 1

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, flagstuffs and public buildings are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles, flagstuffs 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 flagstuffs 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, flagstuffs 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 _____

PH 2

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								
Hund								
Entire Council								
TOTAL								

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		✓						
Hund								
Entire Council								
TOTAL								

TOWNSHIP OF CLARK
Resolution 21-126
August 2, 2021

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WHEREAS the Clark Township Police Department has applied for funding through the SFY21 Body-Worn Camera Grant Program in the New Jersey Department of Law and Public Safety, Office of the Attorney General in the amount of \$65,216.00; and

WHEREAS the funds are available under Award number 21-BWC-100 for the Award period January 1, 2021 through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of Township of Clark, County of Union, State of New Jersey hereby authorizes the Mayor and/or appropriate township officials to execute the award documents for the SFY21 Body-Worn Camera Grant Program in the amount of \$65,216.00 and acknowledges the terms and conditions for administering the Grant, including the administrative compliance and audit requirements; and

BE IT FURTHER RESOLVED that the Clark Township Police Department is hereby authorized to accept the award of the SFY21 Body-Worn Camera Grant Program funds in the amount of \$65,216.00, for the purpose described in the application.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/8-2AuthAcceptAward-BodyWornCameraGrant

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

CERTIFICATION

I, Edith L. Merkel, Municipal Clerk of the Township of Clark, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Clark Township Council on this 2nd day of August 2021.

Edith L. Merkel, Municipal Clerk