

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  
August 16, 2021  
7:30 pm**

**ROLL CALL:**

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

**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.

**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](http://www.ourclark.com)

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 12, 2021 in the amount of \$206,760.59

**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:**

1. Supporting the Board of Education in their efforts to urge Governor Murphy to give serious reconsideration to his recent Executive Order mandating masks in schools in favor of a masking optional approach instead
2. Authorizing the Mayor and/or Business Administrator to enter into a five (5) year contract from January 1, 2022 to December 31, 2026 for Animal Control Services with Associated Humane Societies, Inc. (NJSA 40:48-5.1)
3. Authorizing the Business Administrator and Clerk to execute a Shared Services Agreement with the Clark Board of Education for the planning and construction of the Arthur L. Johnson High School Athletic Field Improvements
4. Award of Contract for the 2021 Capital Road Improvements – Phase 2, Fulton Street and Willow Way to S & L Contractors, LLC in the amount of \$249,676.50
5. Award of Contract to S. Brothers, Inc. for the 2021 NJDOT Road Improvements to Lincoln Blvd and Lupine Way in the amount of \$244,522.14
6. Award of Contract for the Collection and Disposal of Leaves to Frank Galbraith & Son Excavation and Demolition in the amount of \$31,200.00
7. Authorizing the Mayor to sign an agreement with Union County for Leaf Composting at a rate of \$4.00 per cubic yard loose or \$6.00 per cubic yard compacted
8. Renewing the Professional Services contract with CGP&H as the Administrative Agent for the Township's Affordable Housing Program
9. Appointing Thomas Ronan as a member of the Clark Volunteer Fire Department
10. Authorizing the Tax Collector to make the proper adjustments for 100% Property Tax Exemption of Block 4.03 Lot 44 in accordance with a directive from the U.S. Department of Veterans Affairs
11. Authorizing the Chief Financial Officer to refund overpayment of 2021 taxes in the amount of \$6,461.63
12. Authorizing the submission of a grant application and execution of all necessary documents by the Mayor and/or Business Administrator for the Greening Union County Grant in the amount of \$6,950.00

## **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  
Resolution 21-127  
August 16, 2021

**WHEREAS** at the June 21 Board of Education Regular Meeting, the Board of Education passed a resolution urging Governor Murphy to adopt a masking optional approach in New Jersey public schools for the 2021-2022 school year through which families would be given choice; and

**WHEREAS** on Friday, August 6, 2021, Governor Murphy issued an Executive Order mandating masks in New Jersey public schools for the start of the 2021-2022 school year; and

**WHEREAS** the Board of Education believes that Governor Murphy needs to reconsider this decision and allow school district by school district, and township by township, in conjunction with their students' parents/guardians to make the decision that works best for their individual school communities.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Township of Clark hereby support the Board of Education Resolution which urges Governor Murphy to give serious reconsideration to this recent Executive Order in favor of a masking optional approach instead; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to Governor Murphy, State Senate President Stephen M. Sweeny, Assembly Speaker Craig Coughlin, Union County Municipal Clerks and the New Jersey League of Municipalities.

ATTEST:

APPROVED:

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

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

Res21/8-16SupportBdofEdRes-maskoptionalapproach

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

TOWNSHIP OF CLARK  
 Resolution 21-128  
 August 16, 2021

2

**WHEREAS** there exists a need for Animal Control Services for the Township of Clark; and

**WHEREAS** in accordance with N.J.S.A.40:48-5.1 which authorizes a municipality that does not have a public pound for the keeping of stray dogs, cats or other domestic pets, and there exists in the county wherein such municipality is situated or in any adjoining county, a pound maintained continuously for at least one year by any humane society, the municipality shall enter into negotiations and may contract with such society for any period not exceeding 5 years; and

**WHEREAS** the Health Officer and Business Administrator have completed negotiations and have reviewed all documents required and recommend that the township enter into a contract with Associated Humane Societies, Inc., 124 Evergreen Avenue, Newark, New Jersey 07114-2133 in the amount of \$37,500.00.

**NOW, THEREFORE, 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/or Business Administrator to enter into a five (5) year contract commencing January 1, 2022 and ending December 31, 2026 for Animal Control Services with Associated Humane Societies, Inc.

ATTEST:

APPROVED:

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

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

Res21/8-16AnimalControl2022-2026

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

TOWNSHIP OF CLARK  
Resolution 21-129  
August 16, 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 Business Administrator and Township Clerk to execute a Shared Services Agreement with the Clark Board of Education, maintaining offices located at 365 Westfield Avenue, Clark, New Jersey 07066 for planning and construction of the Arthur L. Johnson High School Athletic Field Improvements.

**ATTEST:**

**APPROVED:**

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

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

Res21/8-16AuthSharedServiceAgrmt-ALJAthleticFields

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

TOWNSHIP OF CLARK  
Resolution 21-130  
August 16, 2021

4

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on July 22, 2021 for the 2021 Capital Road Improvements – Phase 2, Fulton Street and Willow Way; and

**WHEREAS** five (5) bid proposals were received on August 3, 2021 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were:

<u>Contractor</u>	<u>Amount</u>
S & L Contractors, LLC of Berkeley Heights, NJ	\$249,676.50
S. Brothers, Inc. of South River, NJ	\$270,047.16
DLS Contracting of Fairfield, NJ	\$305,433.50

**WHEREAS** S & L Contractors, LLC, PO Box 424, Berkeley Heights, NJ 07922 submitted the lowest responsible bid in the amount of Two Hundred Forty-Nine Thousand, Six Hundred Seventy-Six Dollars and Fifty Cents (\$249,676.50) which meets the needs of the Township as specified by the Township Engineer; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C-04-21-012-001 as attached hereto as a “Certification of Availability of Funds”; and

**WHEREAS** the Township Engineer has presented written approval for the award of the contract to S & L Contractors, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to S & L Contractors, LLC in the amount of \$249,676.50; and

**BE IT FURTHER RESOLVED** by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

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

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

Res21/8-16AwardCapRoads-S&LContractors

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

TOWNSHIP OF CLARK  
Resolution 21-131  
August 16, 2021

5

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on July 22, 2021 for the 2021 NJDOT Road Improvement Program – Lincoln Blvd. and Lupine Way; and

**WHEREAS** three (3) bid proposals were received on August 3, 2021 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were S. Brothers, Inc. of South River, NJ with a bid in the amount of \$244,522.14, Top Line Construction Corp., of Somerville, NJ with a bid in the amount of \$273,094.03, and DLS Contracting Corp. of Fairfield, NJ with a bid in the amount of \$299,664.00; and

**WHEREAS** S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid in the amount of Two Hundred Forty-Four Thousand, Five Hundred Twenty-Two Dollars and Fourteen Cents (\$244,522.14) which meets the needs of the Township as specified by the Township Engineer; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C-04-21-012-002 as attached hereto as a “Certification of Availability of Funds”; and

**WHEREAS** the Township Engineer has presented written approval for the award of the contract to S. Brothers, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$244,522.14; and

**BE IT FURTHER RESOLVED** by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

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

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

Res21/8-16AwardNJDOT-LincolnLupine-SBrothers

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

TOWNSHIP OF CLARK  
Resolution 21-132  
August 16, 2021

6

**WHEREAS** the Governing Body of the Township of Clark advertised on July 22, 2021 and received two (2) bids for the Collection and Disposal of Leaves on August 3, 2021 at 10:00 a.m.; and

**WHEREAS** the two (2) lowest responsible bidders were:

<u>Bidder</u>	<u>Amount</u>
Frank Galbraith & Son Excavation and Demolition	\$31,200.00
Nature's Choice Corporation	\$93,500.00

**WHEREAS** the lowest responsible bidder was Frank Galbraith & Son Excavation and Demolition, 831 Raritan Road, Scotch Plains, NJ 07076 in the amount of \$31,200.00; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Frank Galbraith & Son Excavation and Demolition; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2021 Municipal Budget, Account Number 26-306-223, not to exceed \$31,200.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Frank Galbraith & Son Excavation and Demolition, in the amount of \$31,200.00, subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

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

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

Res21/8-16AwardLeaves-Galbraith

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

TOWNSHIP OF CLARK  
Resolution 21-133  
August 16, 2021

7

**WHEREAS** the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Memorandum of Understanding and a Hold Harmless Agreement with the County of Union for leaf composting; and

**WHEREAS** leaf composting at the Union County Facility is charged at the rate of \$4.00 per cubic yard loose or \$6.00 per cubic yard compacted; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2021 Municipal Budget, Account Number 26-306-223, not to exceed \$40,800.00.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

ATTEST:

APPROVED:

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

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

Res21/8-16UCLeafComposting

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

TOWNSHIP OF CLARK  
 Resolution 21-134  
 August 16, 2021

8

**WHEREAS** Chapter 66, Section 15B of the Code of the Township of Clark requires the designation by resolution of one or more Administrative Agents to administer newly constructed affordable housing and rehabilitation units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and the Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS** Community Grants, Planning & Housing (CGP&H), 101 Interchange Plaza, Suite 301, Cranbury, New Jersey 08512-3716 was awarded a Professional Services Contract to perform such services for the Township of Clark as hereinabove described as required by the Code and approved by the Court; and

**WHEREAS** the renewal agreement submitted by CGP&H meets the needs the Township.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a Professional Services contract to CGP&H as the Administrative Agent responsible for the administration of affordable units; and

**BE IT FURTHER RESOLVED** that the Business Administrator is hereby authorized and directed to enter into a contract with CGP&H for a one-year period beginning July 20, 2021 in an amount not to exceed \$46,000.00.

ATTEST:

APPROVED:

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

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

Res21/8-16AuthCGP&HcontractAffordableHousingAgent

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

TOWNSHIP OF CLARK  
Resolution 21-135  
August 16, 2021

9

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Thomas Ronan is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 16<sup>th</sup> day of August 2021.

ATTEST:

APPROVED:

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

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

Res21/8-16AppointFireFighter-Ronan

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

TOWNSHIP OF CLARK  
Resolution 21-136  
August 16, 2021

**WHEREAS** the Tax Assessor has certified that the U.S. Department of Veterans Affairs has deemed Geoffrey Bass to be 100% permanently disabled, in accordance with N.J.S.A. 54:4-3.30 et. seq.; and

**WHEREAS** Geoffrey Bass owns the property listed in the tax duplicate as 57 Brookside Terrace, Clark, NJ, Block 4.03 Lot 44, and is entitled to one hundred percent of the taxes for this property exempt; and

**WHEREAS** the taxes for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2021, totaling, \$8,172.15, and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2022, totaling \$8,041.01, will be cancelled; and

**WHEREAS** one hundred percent of the taxes on this property will be entitled to exemption for as long as Geoffrey Bass is an owner of the property.

**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 make the proper adjustments to exempt this property as indicated above.

ATTEST:

APPROVED:

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

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

Res21/8-16DisabledVeteranTaxExemption-Bass

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

11

TOWNSHIP OF CLARK  
Resolution 21-137  
August 16, 2021

**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:

CLARK TOWNSHIP						
TAX REFUNDS- 2021						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
4	25		Mevawala, Kirit	291	Willow Way	\$ 1,102.46
38.06	10		Orenberg, Daniel	118	Jupiter Street	\$ 2,347.56
38.11	8		Favilla, James & Katherine	35	Surrey Road	\$ 3,011.61
<b>TOTAL REFUND</b>						<b>\$ 6,461.63</b>

ATTEST:

APPROVED:

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

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

Res21/8-16TaxRefund(s)

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

TOWNSHIP OF CLARK  
Resolution 21-138  
August 16, 2021

12

**WHEREAS** the Township of Clark is eligible to participate in the Greening Union County Tree-Planting Program; and

**WHEREAS** funding is available through a matching grant from the Union County Open Space, Recreation & Historic Preservation Trust Fund; and

**WHEREAS** the anticipated cost of the 20 trees to be requested is \$6,950.00; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Account #1-01-26-290-216 as attached hereto as a "Certification of Availability of Funds".

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby authorizes the submission of a grant application and execution of all necessary documents by the Mayor and/or Business Administrator for the Greening Union County Grant in the amount of \$6,950.00; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be included in the submission packet to be sent to Union County.

ATTEST:

APPROVED:

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

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

Res21/8-16AuthGreeningUCGrant

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