

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  
October 18, 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:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

- 1. 21-24 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,800,000 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.**

## **INTRODUCTION OF PROPOSED ORDINANCES:**

2. **21-25 AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY**
3. **21-26 AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 24 OF CHAPTER 3 ENTITLED “DEPARTMENT OF ADMINISTRATION AND HEALTH” OF THE CODE OF THE TOWNSHIP OF CLARK**
4. **21-27 AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f**
5. **21-28 AN ORDINANCE TO AMEND SECTION 56 OF CHAPTER 195 ENTITLED “DEVELOPMENT REVIEW COMMITTEE” OF THE CODE OF THE TOWNSHIP OF CLARK**
6. **21-29 AN ORDINANCE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**
7. **DISCUSSION: CY 2021 Best Practices Inventory**

Prepared and certified by James Ulrich, Chief Administrative Officer and Jennifer Kobliska, Chief Financial Officer –This discussion is held for the Governing Body’s Acknowledgement in compliance with the guidelines set forth by the New Jersey Division of Local Government Services in Local Finance Notice 2021-17 dated September 29, 2021. The discussion will be incorporated into the minutes of this meeting.

## **PAYMENT OF CLAIMS:**

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through October 8, 2021 in the amount of \$460,525.22

## **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:**

8. Authorizing final payment to CCM Contracting, Inc. for work completed on the 2020 Capital Roadway Improvements in the amount of \$30,658.26
9. Appointing Brett DaCosta, Phillip Schroeder and Matthew Owsiany as members of the Clark Volunteer Fire Department
10. Designating the Union County HAWK as an official newspaper of the Township
11. Canceling the 2020-2021 Municipal Alliance Grant

12. Authorizing Local Government Energy Audits and the solicitation and evaluation of solar photovoltaic system proposals to be performed by Greener by Design, LLC in an amount not to exceed \$5,000.00
13. Award of Contract to Regional Industries, LLC for Solid Waste Collection at Municipal and School Buildings in the amount of \$239,984.00
14. Authorizing the Mayor and/or Business Administrator to execute an Interlocal Services Agreement with the Clark Board of Education for Solid Waste Collection
15. Ratifying the action of the Business Administrator to acquire the services necessary to remediate the damage to sanitary and storm sewer lines caused by the installation of a Verizon telephone pole resulting in property damage and water flow undermining the newly installed pole

**CONSENT AGENDA RESOLUTIONS:**

16. Authorizing the Tax Collector to refund overpayment of 2021 taxes in the amount of \$4,829.20
17. Authorizing the Tax Collector to refund overpayment of 2021 sewer fees in the amount of \$140.00
18. Rescinding resolution 21-148 and Authorizing the Tax Collector to make the proper adjustments for 100% Property Tax Exemption of Block 30.06 Lot 2 in accordance with a directive from the U.S. Department of Veterans Affairs

**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:**

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TOWNSHIP OF CLARK  
Ordinance No. 21-24  
Adopted \_\_\_\_\_

Introduced: October 4, 2021 Public Hearing: October 18, 2021

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,800,000 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, State of New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new additional furnishings and a new fire engine, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment (including a contribution from the Clark Board of Education (the "Board of Education")) appropriated by this ordinance. It is hereby determined and stated that the Board of Education, in addition to the down payment contribution previously made, shall reimburse the Township for the

balance of the costs of the construction of artificial turf athletic fields at Arthur L. Johnson High School being undertaken by the Township pursuant to a shared services agreement with the Board of Education and set forth in Section 4.G hereof. Said funds from the Board of Education shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery consisting of a loader for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 140,000
Down Payment Appropriated	\$ 6,700
Bonds and Notes Authorized	\$ 133,300
Period of Usefulness	15 years

B. Acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Office of Emergency Management (OEM) consisting of (i) generators, (ii) pumps and (iii) radios.

Appropriation and Estimated Cost	\$ 20,000
Down Payment Appropriated	\$ 1,000
Bonds and Notes Authorized	\$ 19,000
Period of Usefulness	10 years

C. Acquisition of a new pumper fire engine, including original apparatus and equipment.

Appropriation and Estimated Cost	\$1,275,000
Down Payment Appropriated	\$ 60,750
Bonds and Notes Authorized	\$1,214,250
Period of Usefulness	10 years

D. Acquisition of new additional or replacement equipment and machinery for the use of the Police Department consisting of (i) body cameras and related equipment and (ii) license plate reader equipment.

Appropriation and Estimated Cost	\$ 350,000
Down Payment Appropriated	\$ 17,000
Bonds and Notes Authorized	\$ 333,000
Period of Usefulness	5 years

E. Undertaking of exterior improvements and replacement of the HVAC system at the Clark Public Library. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 502,000
Down Payment Appropriated	\$ 23,925
Bonds and Notes Authorized	\$ 478,075
Period of Usefulness	15 years

F. Acquisition of new additional furnishings consisting of furniture for the use of the Clark Public Library.

Appropriation and Estimated Cost	\$ 13,000
Down Payment Appropriated	\$ 5,625
Bonds and Notes Authorized	\$ 7,375
Period of Usefulness	5 years

G. Construction of artificial turf athletic fields at Arthur L. Johnson High School, including related amenities.

Appropriation and Estimated Cost	\$3,500,000
Down Payment Appropriated	\$ 345,000
Bonds and Notes Authorized	\$3,155,000
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$5,800,000
Aggregate Down Payment Appropriated	\$ 460,000
Aggregate Amount of Bonds and Notes Authorized	\$5,340,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$495,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that the aggregate sum of \$460,000 (consisting of (A) a \$345,000 contribution from the Board of Education for Purpose 4.G above and now on hand with the Township and (B) \$115,000 appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township to be used for the purposes, except purpose 4.G, in Section 4 above) is now available to serve as the down payment on said purposes. The sum of \$460,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$5,340,000 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$5,340,000 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 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 said 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 Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.25 years computed from the date of said bonds.

Section 11. 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 said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$5,340,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the Board of Education, 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

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. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: November 1, 2021

**ATTEST:**

**APPROVED:**

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

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

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

Ord21/10-4 21-24MultipurposeBondOrd5.8M

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

INTRO 2

TOWNSHIP OF CLARK

Ordinance No. 21-25

Adopted \_\_\_\_\_

Introduced: October 18, 2021 Public Hearing: November 15, 2021

**AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWAGE AUTHORITY**

**SECTION 1:** The Governing Body of the Township of Clark hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

**SECTION 2:** The revised Agreement approved by this Ordinance is attached as Appendix A (“2021 Agreement”) and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e., Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield, and Woodbridge (“Member Municipalities”).

**SECTION 3:** The 1995 Agreement, upon adoption of comparable ordinances by all Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

**SECTION 4:** **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 5:** **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 6:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: December 8, 2021

**ATTEST:**

**APPROVED:**

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

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

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

Ord21/10-18 21-25 Adopting RVSA Agreement

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

# APPENDIX A

# AGREEMENT

among

THE BOROUGHS OF GARWOOD, KENILWORTH,  
MOUNTAINSIDE AND ROSELLE PARK, THE CITY  
OF RAHWAY, THE TOWN OF WESTFIELD, AND  
THE TOWNSHIPS OF CLARK, CRANFORD, SCOTCH  
PLAINS, SPRINGFIELD AND WOODBRIDGE,  
MUNICIPAL CORPORATIONS OF THE STATE OF  
NEW JERSEY

Original Dated: January 11, 1995

Revision Dated: November 1, 2021

WHEREAS, the Boroughs of Garwood (“Garwood”), Kenilworth (“Kenilworth”), and Roselle Park (“Roselle Park”), the City of Rahway (“Rahway”), the Town of Westfield (“Westfield”), and the Townships of Clark (“Clark”), Cranford (“Cranford”), Springfield (“Springfield”) and Woodbridge (“Woodbridge”), all municipal corporations of the State of New Jersey (hereinafter sometimes collectively referred to as the “Original Municipalities”), have heretofore entered into a contract dated October 20, 1928, which contract had been supplemented by further contracts dated March 3, 1932 and August 31, 1936, the purpose of which contracts was jointly to construct, maintain, rebuild, repair and operate a trunk sewer (“Sewer”) and sewage treatment plant (“Treatment Plant”) within the Rahway Valley, and which Original Municipalities united in a Joint Meeting, pursuant to statute, and had been known familiarly as the Rahway Valley Joint Meeting (hereinafter referred to as the “Joint Meeting”); and

WHEREAS, a certain contract was then entered into by the Original Municipalities, dated August 8, 1951 (“1951 Agreement”), by which the Rahway Valley Sewerage Authority (hereinafter referred to as the “Authority”) was created pursuant to Chapter 138 of the Laws of 1946 (N.J.S. 40:14A-1 et seq.) (hereinafter referred to as the Statute); and

WHEREAS, the 1951 Agreement has been amended on several occasions, the latest amendments occurring in or about 1994, as a result of the settlement of certain litigation entitled “Mountainside v. Rahway Valley Sewerage Authority, et al.,” Docket No. L-016401-87, Superior Court of New Jersey, Union County (hereinafter referred to as the “Litigation”); and

WHEREAS, a certain contract was entered into by the Original Municipalities, together with the Township of Scotch Plains (“Scotch Plains”), which became a member in 1994, which was dated January 11, 1995 (“1995 Agreement”), and which contract incorporated the terms of the 1951 Agreement, together with all amendments previously approved since 1951 up through 1995; and

WHEREAS, this Agreement is intended to incorporate the terms of the 1995 Agreement, all amendments heretofore previously approved since 1995, and amendments herein adopted to provide an overall update.

NOW, THEREFORE, it is mutually agreed as follows:

1. The Original Municipalities, together with Scotch Plains, and the Borough of Mountainside (“Mountainside”), which became a member in February 1999 in accordance with a certain agreement between Mountainside, the Original Municipalities, and the Authority, dated as of April 1, 1994 (“Mountainside Agreement”), are collectively referred to as the “Member Municipalities”. The

Member Municipalities adopted comparable ordinances for the purpose of reforming the public body to be known as “The Rahway Valley Sewerage Authority”.

2. There shall be eleven (11) Members of the Authority collectively referred to as the “Board of Commissioners”, one to be appointed by the governing body of each of the eleven (11) Member Municipalities. A Commissioner need not be a member of the governing body of a Member Municipality. The respective terms of said Commissioners shall be as provided By the Statute.

3. The Board of Commissioners shall be empowered to adopt, as hereinafter provided, by-laws governing the fiscal affairs of the Authority providing for necessary officers, meetings, the order of business, standing and special committees and the like; and also rules and regulations governing the use of the Sewer and Treatment Plant. The current by-laws and rules and regulation remain in effect and may be amended by a two-thirds (2/3rds) vote of the Board of Commissioners, but no by-law or rule or regulation shall be in any way inconsistent with the provisions of this Agreement.

4. No Commissioner shall receive compensation greater than the rate of one hundred (\$100.00) Dollars per month for his or her attendance at regular or special meetings of the Authority and/or committees thereof, and not more than one thousand two hundred (\$1,200.00) Dollars in any calendar year; except that the Chairperson shall receive, in lieu of the commissioner’s compensation, compensation in the amount of two thousand (\$2,000.00) Dollars during his or her one (1) year term of office. Compensation as referenced herein may be increased consistent with N.J.S.A. 40:14A-1 et seq., and by Resolution of at least 3/4 of the Commissioners.

5. The Authority, notwithstanding any other provisions of the New Jersey Statutes in such cases made and/or provided, or as hereafter supplemented or amended, shall not issue any bonds other than bonds of the Authority as permitted by the New Jersey statutes.

6.1 – Omitted

6.2 – Omitted

7. Definitions.

7.1. Wherever in this Agreement reference is made to "present trunk sewer," said term shall mean and include all joint trunk sewers, sub trunk sewers, gravity relief sewers and spur sewers as shown on Plate A, dated 2021, hereto annexed.

7.2. Wherever in this Agreement the term “average daily flow” is used, it

shall mean the average number of gallons per day contributed by all of the Member Municipalities or each of the Member Municipalities for the preceding measuring year, such average daily flows to be determined utilizing continuous flow measurements.

7.3.1 Wherever in this Agreement reference is made to TSS or “Total Suspended Solids”, said term shall mean the average number of pounds of suspended solids per day contributed to the Sewer by all of the Member Municipalities or each of the Member Municipalities for the preceding measuring year as sampled at the New Jersey Department of Environmental Protection (“NJDEP”) recognized location(s) in the Authority’s New Jersey Pollutant Discharge Elimination System (“NJPDES”) Permit and as measured using the approved NJPDES laboratory procedure.

7.3.2 Whenever in this Agreement reference is made to BOD or “Biochemical Oxygen Demand”, said term shall mean the average number of pounds of BOD per day contributed to the Sewer by all of the Member Municipalities or each of the Member Municipalities for the preceding measuring year as sampled at the NJDEP recognized location(s) in the Authority’s NJPDES Permit and as measured using the approved NJPDES laboratory procedure.

7.4. Wherever in this Agreement reference is made to a “measuring year”, the said term shall mean a year from October first of one calendar year through September 30th of the following calendar year. Reference to the "preceding measuring year" shall mean the most recently completed of such measuring years.

7.5. Wherever in this Agreement reference is made to “time of travel”, the said term shall mean the estimated average time required for the sewage to flow from an upstream meter location to a downstream meter location as identified by mathematical modeling and rounded to the nearest 15-minute interval based upon best professional engineering judgment by the Authority’s Chief Engineer or his or her designee.

8.1. Each of the Member Municipalities shall have the right to use the Sewer, as shown on Plate A hereto annexed, by contributing sewage to the various spurs and sub-trunks within its limits such that the combined flow rates contributed to the Sewer by each Member Municipality shall be as follows:

**TABLE 1**  
**Peak Authorized Rates of Flow**

<b>Member Municipalities</b>	<b>Rates of Flow in Millions of Gallons per Day</b>
Clark	4.95
Cranford	9.19
Garwood	3.99
Kenilworth	2.75
Mountainside	3.15
Rahway	17.26
Roselle Park	1.94
Scotch Plains	4.73
Springfield	4.09
Westfield	10.94
Woodbridge	3.49

Such contribution shall be made as not to exceed the capacity of the spurs and sub trunks and so to not impede other Member Municipality’s access to their respective flow rights within the trunk sewer system.

8.2. Adequate pumping shall be done by the Authority at the Treatment Plant to maintain a capacity of 63.3 M.G.D. in Section 1, and a capacity of 58 M.G.D. in Section 1A.

8.3. The authorized rates of flow herein stated are the maximum rates of flow permitted (“Peak Flow Rights”). No Member Municipality shall have the right to exceed its authorized rate of flow in any part of the Sewer for any period of time as reasonably measured with commercially available technology at various locations, taking into consideration time of travel throughout the Sewer.

8.4. The rate of flow of a Member Municipality, for the various spurs and sub-trunks means the total rate of sewage contributed by the Member Municipality to the spur or sub-trunk, including contributions made to any upper sections of the Sewer which must pass through such spur or sub-trunk.

8.5. The allocations set up in the tables in this Agreement, granting flow rights to the Member Municipalities, are based upon the calculated capacity of the Sewer but should the capacity as actually determined be greater or less than these in the aggregate, the allocations to the Member Municipalities are to be either increased or decreased in the proportion of the rates of flow as allocated herein. Regardless of

rights in spurs and sub-trunks the capacity allocation in the main trunks shall not be exceeded by any Member Municipality.

8.6 – Omitted

8.7 – Omitted

8.8 – Omitted

9.1. Any Member Municipality's authorized flow rights shall be its own individual property. A Member Municipality may sell or assign its unused authorized flow rights, as may be determined by the Authority, in whole or in part to a Member or nonmember Municipality; provided, however, that no such assignment or sale shall be made unless the same flow rights shall first be offered, at the same price, to all other Member Municipalities by or after the offer in writing is sent to the Clerk of each Member Municipality and the offer is transmitted at a meeting of the Authority, and unless, at the expiration of thirty (30) days, such offer shall not have been accepted in writing by another Member Municipality, by mailing such acceptance to the Clerk of the Member Municipality making the offer and to the Executive Director of the Authority. If more than one (1) Member Municipality seeks to purchase all or any portion of the flow rights being offered, they shall be assigned to the Member Municipality(ies) offering to purchase in proportion to its (their) authorized flow rights under this Agreement. Nothing contained herein shall affect any sales of flow rights previously made.

9.2.1. If the Board of Commissioners is advised that any Member Municipality has exceeded its authorized Peak Flow Rights in Joint Trunk Section 1, as described in Section 8.1, for any parts of ten (10) separate days in the preceding measuring year the Authority shall provide notification of the exceedances to the Clerk(s) of said Member Municipality(ies), detailing the amount of the exceedance(s) and the associated Excess Rental Charge(s). Each applicable Member Municipality shall be given forty-five (45) days following issuance of such notification to provide written notification to the Board of Commissioners of the intention of the Member Municipality to dispute the Authority's determination. Upon receiving such notification disputing the determination, the Board of Commissioners shall adopt a resolution scheduling a meeting of the Board for the purpose of providing said Member Municipality with the opportunity to present evidence disputing the number of exceedances or the amount thereof. A certified copy of said resolution shall be mailed to the Clerk of said Member Municipality at least two (2) weeks prior to the date fixed for such meeting. In lieu of a meeting, each such Member Municipality may submit written documentation establishing the basis for its dispute and the Board of Commissioners shall determine if the Member Municipality has exceeded its Peak Flow Rights taking into consideration said

documentation. If no notification is received by the Board of Commissioners within the time frame stated above, the determination of the Authority shall be considered final and no meeting with the Member Municipality will be held nor will written documentation be considered.

Within sixty (60) days following resolution of any disputed exceedances as allowed for in this Section, said Municipality shall pay, in addition to all other charges for services during the year in which such excess use occurs, an annual Peak Flow Rights rental charge for the preceding measuring year based on the Peak Flow Rights used in excess of said Municipality's Peak Flow Rights ("Excess Rental Charge"). Excess Rental Charges shall be paid to the Treasurer of the Authority in the same manner as provided in Section 11.8 hereafter.

In lieu of payment of the Excess Rental Charge, a Member Municipality may expend an amount equal to or greater than the Excess Rental Charge to purchase additional Peak Flow Rights in accordance with Section 9.1 and/or represent work to the Member Municipality's sewer system to reduce infiltration and inflow in the measuring year when such excess use occurred and/or in the next measuring year. Documentation of said expenditure shall be provided to the Board of Commissioners within sixty (60) days following resolution of any disputed exceedances as allowed for in this Section. Said Municipality may request an extension of no more than an additional sixty (60) days to provide said documentation.

9.2.2. The annual Excess Rental Charge shall be assessed at the rate of five thousand (\$5,000.00) Dollars per million gallons of flow that exceeds a member Municipality's Peak Flow Rights, based on the actual number of gallons per day conveyed by the Member Municipality above its Peak Flow Rights. The Excess Rental Charge shall not include charges assessed for the first nine (9) exceedances, chronologically, in any measuring year.

9.2.3. Notwithstanding anything herein contained in this Section 9.2 to the contrary, Clark shall only be assessed an Excess Rental Charge on an annual basis for Peak Flow Rights if Clark has exceeded Peak Flow Rights of 5.0 M.G.D. ("Surcharge") on more than ten (10) separate days, as more fully described in Article 5 of a certain settlement agreement entered into as of the 1st day of September, 1994, by and among the Original Municipalities and the Authority ("Clark Settlement Agreement"). The amount of the Surcharge shall be determined annually based upon the eleventh (11th) highest Peak Flow Rights reading for Clark in excess of 5.0 M.G.D. during the preceding measuring year as shown on that certain graph attached as Exhibit A to the Clark Settlement Agreement, a copy of which is attached as Schedule E to this Agreement. Clark shall be required to adopt a bond ordinance in the amount of the Surcharge assessed on Clark for the preceding measuring year, and the Surcharge for each measuring year shall be expended by Clark on

Infiltration/Inflow work to the Clark sewerage system, all as more fully described in the Clark Settlement Agreement. Notwithstanding the provisions of Section 17 of this Agreement, the Clark Settlement Agreement shall not be amended without the approval of Clark.

9.3. The rights of the Authority, which may be asserted against a Member Municipality exceeding its authorized flow rights as hereinabove provided, shall not be deemed exclusive. The Authority, or any Member Municipality, shall be entitled to seek injunctive or other equitable relief as may be proper under the circumstances.

10.1. – Omitted

10.2 – Omitted

11. The Member Municipalities are responsible for the annual costs of maintenance, future repairs, rebuilding of any parts of the Sewer, any part of the Treatment Plant, increases in the capacity of the Sewer and/or the Treatment Plant, operation of all units of the sewage collection and the operation of the treatment system, which may be incurred by the Authority, as well as principal, interest and amortization on capital improvements (“Annual Cost”).

11.01. The Annual Cost and other debt of the Authority is allocated among the Member Municipalities each year in equal proportion to the fractional share of the contribution of each of the Member Municipalities ("Percent Share") to the (i) total average daily flow (“flow”), (ii) TSS, and (iii) BOD, from all of the Member Municipalities and certain user municipalities (“Users”) during the preceding measuring year (“General Formula”), and as fully set forth in Section 11.04.

11.02 – Omitted

11.03 – Omitted

11.04. The potential for fluctuation of the Percent Share for each of the Member Municipalities from one year to the next is due to variations in the three (3) separate components utilized to determine the Percent Share, i.e. flow, TSS, and BOD. The share of the annual budget for each Member Municipality is to be determined using a rolling five (5) year average.

11.1 et al. – Omitted

11.2. The allocation for TSS for each Member Municipality shall be in the same proportion which the suspended solids contributed by such Municipality bears to the sum of the TSS contributed by all of the Member Municipalities as may be

determined by the Authority and as measured at the NJDEP recognized location(s) in the Authority's NJPDES Permit.

11.3. The allocation for BOD for each Member Municipality shall be in the same proportion which the BOD contributed by such Municipality bears to the sum of the BOD contributed by all of the Member Municipalities as may be determined by the Authority and as measured at the NJDEP recognized location(s) in the Authority's NJPDES Permit.

11.4. The allocation for flow for each Municipality shall be in the same proportion which its average daily flow bears to the sum of the average daily flows of the Member Municipalities as may be determined by proper measurements to be made by the Authority.

11.5. Woodbridge hereby reconfirms that the Treatment Plant and such disposal works and additions and alterations thereto, as the Authority may consider necessary and proper, may be constructed and maintained within Woodbridge. In consideration of this determination, in determining the allocation for each of the Member Municipalities under this Section 10, there shall first be deducted and not included in the computation the use by Woodbridge to the extent of, but not exceeding, 500,000 gallons per day, average daily flow, and not more than 833 pounds per day of TSS and BOD, for which Woodbridge shall not be obligated to pay.

11.6 – Omitted

11.7 – Omitted

11.8. All charges to the Member Municipalities shall be billed annually and shall be due and payable in two (2) equal installments, April 1st and July 1st, and shall be paid to the Treasurer of the Authority. Payments that are not made by the fifth day of the applicable month shall bear interest at the rate of 6% per year.

12 – Omitted

13.1. The Authority shall not have the power to change the point of connection with the sewer of any Member Municipality except with the consent of such Member Municipality.

13.2. If any change in the location of the sewer is made at the request of any Member Municipality, any additional cost caused thereby shall be paid by said Member Municipality.

13.3 – Omitted





TOWNSHIP OF CLARK  
Ordinance No. 21-26  
Adopted \_\_\_\_\_

INTRO 3

Introduced: October 18, 2021 Public Hearing: November 15, 2021

**AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 24 OF CHAPTER 3  
ENTITLED "DEPARTMENT OF ADMINISTRATION AND HEALTH"  
OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that section 24 of Chapter 3 of the Code of the Township of Clark is hereby amended and supplemented by adding and ~~deleting~~ as follows with all other sections remaining unchanged:

**SECTION 1:** Section 3-24 is hereby amended to change the title of the section as follows:  
**Department of Administration and Health**

**SECTION 2:** Sub-section 3-24B entitled "Organization of Department" is hereby amended and supplemented to add two divisions to the department as follows:

B. Organization of Department. The Department of Administration ~~and Health~~ shall consist of the following ~~two~~ four Divisions:

- (1) Division of Administration
- (2) Division of Health
- (3) Division of Central Purchasing
- (4) Division of Affirmative Action

**SECTION 3:** Sub-section 3-24C. is hereby amended as follows:

~~C. 1.~~ 1. Division of Administration

**SECTION 4:** Sub-section 3-24D. is hereby amended as follows:

~~D. 2.~~ 2. Division of Health

(1) Organization. The Division of Health shall be headed by the Health Officer. ~~who shall serve as head of the Division. The Division of Health shall be organized into the following two Bureaus:~~

~~(a) Bureau of Health~~

~~(b) Bureau of Central Purchasing~~

~~(2) Bureau of Health~~

~~(a) Powers and duties. The Bureau of Health shall:~~

**SECTION 5:** Sub-section 3-24E. is hereby amended and supplemented as follows:

**E. 3. Division of Central Purchasing system**

(a) The Business Administrator shall be responsible for:

[1] Designating a Chief Purchasing Officer with QPA (Qualified Purchasing Agent) certificate to manage the daily operations.

~~[1]~~ [2] The procurement of goods and services required by all Township departments, including the appropriate bid invitations, evaluations and recommendations to the awarding authority pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1et seq).

~~[2]~~ [3] The updating and upgrading of specifications for all commodities and services purchased for the Township to fit requirement decisions to the best market advantage of the Township, considering all factors, including quality, quantity, time and place.

~~[3]~~ [4] The receipt, storage, issuance and accountability of and for surplus obtained for general consumption.

~~[4]~~ [5] The collection, sale and disposal of surplus property according to policy.

~~[5]~~ [6] The development and installation of a comprehensive inventory and control system for all equipment.

**SECTION 6:** Sub-section 3-24F. is hereby amended and supplemented as follows:

**F. 4. Division of Affirmative Action Officer.**

- (1) Created. There is hereby created the position of Affirmative Action Officer in the Department of Administration ~~and Health.~~
- (2) Appointment. The ~~Director of the Department Business~~ Administrator shall have the authority to appoint the person to serve in the position, subject to all applicable rules and regulations of the New Jersey Department of Personnel.
- (3) Duties/responsibilities. The Affirmative Action Officer shall work under the supervision of the ~~Director Business Administrator~~ and shall also be responsible for assignments at the discretion of the ~~Director Business Administrator~~, in addition to the functions and responsibilities set forth below:



TOWNSHIP OF CLARK  
Ordinance No. 21-27  
Adopted \_\_\_\_\_

INTRO 4

Introduced: October 18, 2021 Public Hearing: November 15, 2021

**AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f**

**WHEREAS**, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

**WHEREAS**, P.L. 2013 c. 28 does not require the governing body to grant exemptions; and

**WHEREAS**, granting exceptions to the mandatory policy would not be cost effective and would not allow the Township to take advantage of the Green Payroll system.

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

**SECTION 1:** All full-time and part-time non seasonal employees and elected public officials who receive compensation from the Township of Clark are mandated to have direct deposit of their compensation as of January 1, 2022 in accordance with Chapter 28 P.L. 2013, as defined under N.J.S.A. 52:14-15f(b).

**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: December 8, 2021

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**STEVEN HUND**  
Council President

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

Ord21/10-18 21-27DirectDeposit

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

INTRO 5

TOWNSHIP OF CLARK

Ordinance No. 21-28

Adopted \_\_\_\_\_

Introduced: October 18, 2021 Public Hearing: November 15, 2021

**AN ORDINANCE TO AMEND SECTION 56 OF CHAPTER 195 ENTITLED "DEVELOPMENT REVIEW COMMITTEE" 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 195, Article IX, § 195-56 Development Review Committee is hereby amended as follows:

**SECTION 1:** § 195-56A. the first paragraph shall be deleted in its entirety and replaced as follows with subsections 1, 2, 3, and 4 remaining unchanged:

"A. A Development Review Committee is hereby established to review all applications for Development or requests for review presented to the Planning Board or the Board of Adjustment. The Development Review Committee will be chaired by the Business Administrator and shall include the Township Engineer, Shade Tree Commissioner, Zoning Officer, A Police Department representative, a Fire Department representative and the Chairs of the Planning Board and the Board of Adjustment or their designees. In addition, such other Municipal, County, or State officials as may be deemed appropriate by the Business Administrator where particular expertise may be required on a specific application. The Development Review Committee shall have the following responsibilities:"

**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: December 8, 2021



INTRO 6

TOWNSHIP OF CLARK

Ordinance No. 21-29

Adopted \_\_\_\_\_

Introduced: October 18, 2021 Public Hearing: November 15, 2021

**AN ORDINANCE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.**

**WHEREAS**, supporting the transition to electric vehicles contributes to the Township of Clark's commitment to sustainability and is in the best interest of public welfare; and

**WHEREAS**, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

**WHEREAS**, the Township of Clark encourages increased installation of EVSE and Make Ready parking spaces; and

**WHEREAS**, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

**WHEREAS**, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

**WHEREAS**, adoption of this ordinance will support the Master Plan of the Township of Clark adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan, which includes to promote the conservation of ecological systems, environmental resources, and natural amenities which characterize the Township of Clark, as well as the land use, circulation, environmental and sustainability elements of the Master Plan; and

**WHEREAS**, the Township of Clark encourages greater ownership and use of electric vehicles, thus the Township of Clark is amending its Zoning and Land Use Ordinances to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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

**SECTION ON: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

**A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

**B. Definitions**

Certificate of Occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network

interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: Private EVSE is an EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: Publicly-accessible EVSE is an EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

### **C. Approvals and Permits**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.

3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

4. The Administrative Official, Zoning Officer, and/or Municipal Engineer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Township of Clark's land use regulations.

5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

- a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or

subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;

- b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
- c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

6. An application pursuant to Section 5. above shall be deemed complete if:

- a. the application, including the permit fee and all necessary documentation, is determined to be complete,
- b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
- c. a one-time written correction notice is not issued by the Administrative Official, Zoning Officer, and/or Municipal Engineer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.

8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

#### **D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.**

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

- a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
- b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
- c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

- d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
  - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
  - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements.**

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Article 24, Section 195-142 of the Township of Clark Code.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

## **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces.**

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

### **2. Installation:**

- a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

### **3. EVSE Parking:**

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code contained in Article III, Section 1-21. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate

payment for the space and observe the time limit for the underlying parking area, if applicable.

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety.

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Township of Clark's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township of Clark shall require the owners/designee of publicly-accessible EVSE to provide information on

the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs.

a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.

d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

- 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
- 2) Usage fees and parking fees, if applicable; and
- 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees.

a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be 0 for each hour that the electric vehicle is connected to the EVSE or per kWh.

b. This fee may be amended by a resolution adopted by the governing body.

c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

**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: December 8, 2021

**ATTEST:**

**APPROVED:**

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

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

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

Ord21/10-18 21-29 ElectricVehicles-Parking EVLaw

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

DISCUSSION 7  
**Local Finance Notice**

**LFN 2021-17**

**September 29, 2021**

**Philip D. Murphy**  
Governor

**Lt. Governor Sheila Y. Oliver**  
Commissioner

**Jacquelyn A. Suárez**  
Director

**Contact Information**

**Director's Office**

V. 609.292.6613

F. 609.633.6243

**Local Assistance Bureau**

V. 609.292.6858

F. 609.633.6243

**Financial Regulation  
and Assistance**

V. 609.292.4806

F. 609.984.7388

**Local Finance Board**

V. 609.292.0479

F. 609.633.6243

**Administrative Services Unit**

V. 609.292.6126

F. 609.633.6243

**Mail and Delivery**

101 South Broad St.

PO Box 803

Trenton, New Jersey

08625-0803

**Web:**

[www.nj.gov/dca/divisions/dlgs](http://www.nj.gov/dca/divisions/dlgs)

**E-mail:** [dlgs@dca.nj.gov](mailto:dlgs@dca.nj.gov)

**Distribution**

Administrators/Managers

Municipal CFOs

Municipal Clerks

Tax Collectors

Munic. Procurement Officials

Municipal Elected Officials

**2021 Municipal Best Practices Inventory**

Language authorizing the Best Practices Inventory is included in the FY2022 Appropriations Act. In anticipation of its inclusion in the final Appropriations Act, as has occurred in prior years, the Division of Local Government Services ("Division") has promulgated an updated Best Practices Inventory to all municipalities, through which the State obtains vital information about the status of municipal government practices in New Jersey.

The 2021 Inventory assesses each municipality's compliance with various laws and evaluates implementation of fiscal and operational best practices. Inventory answers provide taxpayers an additional means of evaluating their municipality's performance. The Inventory also identifies areas where municipalities may require further technical assistance. Furthering this objective, the Inventory contains an unscored survey section soliciting information on a variety of topics.

All municipalities, including those on a State Fiscal Year budget cycle, must submit their completed Inventory to the Division by close of business **Wednesday November 3, 2021**. The Division strongly recommends completing and filing the Inventory as soon as possible so any technical or substantive issues can be resolved in a timely fashion. No post-submission answer changes will be permitted.

Furthering the Division's implementation of technology solutions, the Best Practices Inventory continues to be hosted on the internet-based platform debuted in 2019. Click on <https://njdca.dynamics365portals.us/> to access the platform sign-in page. Please review the detailed step-by-step instructions on completing and submitting the Best Practices Inventory before accessing the platform. A helpful FAQ document concerning log-in and access is also provided.

As in prior years, the Division must determine whether some portion of a municipality's CMPTRA and ETR Aid will be withheld based on the results of its Inventory. The municipality's final formula aid payment represents the maximum amount of aid that is subject to withholding.

### Question Content and Scoring

The 2021 Best Practices Inventory features new and repeat questions on the following topics:

- Personnel
- Budget
- Financial Administration
- Capital Projects
- Transparency
- ARP LFRF Funds
- Procurement
- Cybersecurity
- Shared Services
- Tax Collection
- Opportunity Zones
- Fire Districts
- Environment
- Planning & Economic Development

A total of 48 questions are distributed amongst three scoring categories: Core Competencies (19 questions), Best Practices (8 questions), and Unscored Survey (21 questions). Four unscored survey questions are divided into multiple subparts to facilitate data tabulation. The Division has introduced a total of three (3) new scored questions to the 2021 Inventory. Each municipality must receive a minimum score of 15 on the Inventory to receive its full Final Aid payment.

Core Competencies address statutory and regulatory compliance obligations and other areas critical to sound municipal finance and operations. These questions score 1 point each, with positive credit awarded for “Yes” answers as well as “Prospective” and “N/A” responses when permitted by the question. Answers of “Prospective,” which apply to new questions, should only be used when a municipality is committed to making good faith efforts to implement the practice in the upcoming year.

The 2021 Inventory also includes a Best Practices category, which involve fiscal and operational practices that are of significant benefit to many municipalities but not foundational in nature, or uniformly applicable to all municipalities. All questions in the Best Practices category are worth one-half (1/2) point, with positive credit awarded for “Yes” answers as well as “N/A” responses when permitted by the question. Please note that “Prospective” responses are not permitted responses under the Best Practices category.

Answers of “N/A” are only appropriate if a specific requirement does not apply to a given municipality; however, please note that some questions limit “N/A” responses to certain circumstances. Municipalities answering “N/A” should provide an explanation in the Comment space as to why the question is not applicable.

There is a total of 27 scored questions (Core Competencies + Best Practices) for a total of 23 points. The thresholds for aid withholding are as follows:

Inventory Score	Final Payment Amount Disbursed	Impact on final 5% aid payment
15 and greater	100%	No withholding
11-14	75%	Lose 25% of final CMPTRA & ETR payment
7-10	50%	Lose 50% of final CMPTRA & ETR payment
0-6	0%	Lose 100% of final CMPTRA & ETR payment

Questions in the Best Practices category are considered “extra credit” because the Inventory’s scoring threshold is based on the number of Core Competencies for which the Division determined a municipality should earn positive credit, rather than Core Competencies + Best Practices combined. Thus, positive credit for Best Practices questions helps offset Core Competencies for which a municipality does not earn positive credit.

Unscored Survey questions are meant to gather information and do not count toward a municipality’s final score, although their completion is a required component of the Inventory. Answers to these questions will help determine where municipalities may require additional assistance and where the Division of Local Government Services and the Department of Community Affairs may need to prioritize technical assistance resources. Responses vary from “Yes/No” to multiple-choice to fill-in.

The Unscored Survey questions primarily emphasize Shared Services, ARP Funds, Tax Collection and Planning and Economic Development. Question 40 requires each municipality to upload a completed Excel-based Tax Sale Report (an upload file button will appear for the question). If your municipality can affirmatively answer Question 42, which pertains to known Opportunity Zone tax incentive projects, please complete and upload the [Opportunity Zone Project Status Spreadsheet](#).

### **Completing and Submitting the Inventory**

A municipality must answer all questions before the Best Practices platform will permit submitting the Inventory. Certain questions require information to be typed into the Comment section before the online platform counts the question as completely answered. Please refer to the [Instructions](#) for further details. Failing to submit the Inventory is deemed equivalent to a zero score.

The municipality’s Chief Finance Officer and Chief Administrative Officer must both certify the Inventory using the Online Platform. The Chief Administrative Officer is an individual who, regardless of title, is responsible for the municipality’s day-to-day operations. If a municipality does not have a business administrator or municipal manager, this person would be whichever individual (e.g. municipal clerk, chief financial officer) is responsible for running day-to-day operations. Every municipality has a Chief Administrative Officer.

The Municipal Clerk must certify that the Inventory and the results thereof were or will be discussed at a public meeting, inserting the date on which the meeting was or will be held; the inventory results and the certification of same by the chief administrative and financial officers referenced in the meeting minutes. Municipal Clerks likewise make their certification using the online platform and do not file a separate certification document. The purpose of the acknowledgement requirement is to ensure that local officials are apprised of their municipality’s Best Practices Inventory response. [Please do not wait for the Best Practices Inventory to be discussed at a governing body meeting before submitting the Inventory.](#)

State Fiscal Year municipalities have the same Wednesday November 3 deadline as Calendar Year municipalities.

### **Appeals of Best Practices Scores**

A municipality may appeal its score to the Director on or before the submission deadline, but not before submitting their Best Practices Inventory. Appeals must be submitted by close of business **Wednesday November 3, 2021** via email to [bestpractices@dca.nj.gov](mailto:bestpractices@dca.nj.gov) with the heading “Best

Practices Appeal". The Director may exercise discretion upon finding that a municipality's individual circumstances so warrant. Municipalities that wish to submit an appeal should do so in conjunction with their Inventory submission.

Approved: Jacquelyn A. Suárez, Director

<b>Document</b>	<b>Internet Address</b>
FY22 App. Act	<a href="https://www.njleg.state.nj.us/2020/Bills/AL21/133_.PDF">https://www.njleg.state.nj.us/2020/Bills/AL21/133_.PDF</a>
Best Practices Platform	<a href="https://njdca.dynamics365portals.us/">https://njdca.dynamics365portals.us/</a>
BPI Platform Instructions	<a href="https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI%20Online%20Platform%20Instructions%20-%202021.pdf">https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI%20Online%20Platform%20Instructions%20-%202021.pdf</a>
Log-In & Access FAQ	<a href="https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI_Log-In_and_Access_FAQ-2021.pdf">https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/BPI_Log-In_and_Access_FAQ-2021.pdf</a>
Tax Sale Report	<a href="https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/Tax%20Sale%20Results%20Spreadsheet.xlsx">https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/Tax%20Sale%20Results%20Spreadsheet.xlsx</a>
Opportunity Zone Status Spreadsheet	<a href="https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/OZ%20Best%20Practices%20Survey%20Form.xlsx">https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/OZ%20Best%20Practices%20Survey%20Form.xlsx</a>
BPI Question List	<a href="https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/2021%20DLGS%20Best%20Practices%20Inventory%20Questions%20.xlsx">https://www.nj.gov/dca/divisions/dlgs/programs/best_practices_docs/2021%20DLGS%20Best%20Practices%20Inventory%20Questions%20.xlsx</a>

TOWNSHIP OF CLARK  
 Resolution 21-152  
 October 18, 2021

8

**WHEREAS** CCM Contracting, Inc. has completed work on the 2020 Capital Roadway Improvements and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Thirty Thousand, Six Hundred Fifty-Eight Dollars and Twenty-Six Cents (\$30,658.26) including final quantities change order which increases the adjusted contract amount by Eighteen Thousand, Five Hundred Seventy-Five Dollars and Seventy-Six Cents (\$18,575.76); and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-20-011-001 as attached hereto as a “Certification of Availability of Funds”; and

**WHEREAS** Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond and Final Payment; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by CCM Contracting, Inc. to be Fifty-Six Thousand, One Hundred Fifty-Three Dollars and Seventeen Cents (\$56,153.17); and

**WHEREAS** CCM Contracting, Inc. has submitted a Maintenance Bond in the amount of \$56,153.17.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to CCM Contracting, Inc., 336 Route 22, Green Brook, New Jersey 08812 in the amount of \$30,658.26 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

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

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

Res21/10-18AuthChangeOrderFinalPymt2020CapRoads-CCM

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

TOWNSHIP OF CLARK  
Resolution 21-153  
October 18, 2021

9

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Brett DaCosta, Phillip Schroeder and Matthew Owsiany are hereby appointed as Members of the Clark Volunteer Fire Department effective this 18<sup>th</sup> day of October 2021.

ATTEST:

APPROVED:

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

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

Res21/10-18AppointFireFighter-DaCostaschroederOwsiany

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

TOWNSHIP OF CLARK  
Resolution 21-154  
October 18, 2021

10

**WHEREAS** the Union County HAWK, provides news coverage for the Township of Clark and the surrounding communities of Garwood, Fanwood and Scotch Plains and is qualified as a legal newspaper in accordance with N.J.S.A. 35:1 et. seq.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark in the County of Union, State of New Jersey that the Union County HAWK be designated as an Official Newspaper along with the previously designated Union County Local Source and the Star Ledger to which notices and other matters are to be provided under the Open Public Meetings Act (N.J.S.A. 10:4-6 to 10:21) for the Township; and

**BE IT FURTHER RESOLVED** that TAP into Clark remains designated as the Electronic News Source to which notices and other matters are to be provided under the Open Public Meetings Act.

ATTEST:

APPROVED:

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

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

Res21/10-18Newspapers-addUCHawk

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

TOWNSHIP OF CLARK  
Resolution 21-155  
October 18, 2021

11

**WHEREAS** the Township of Clark received a Municipal Alliance Grant from the County of Union for 2020-2021; and

**WHEREAS** the grant period has expired; and

**WHEREAS** the Chief Financial Officer has requested that the grant balance be cancelled;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the balance in the Municipal Alliance Grant is hereby cancelled.

ATTEST:

APPROVED:

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

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

Res21/10-18CancelMunAllianceGrant

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

TOWNSHIP OF CLARK  
 Resolution 21-156  
 October 18, 2021

12

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that Greener by Design, LLC is hereby authorized to perform Local Government Energy Audits (LGEAs) and the solicitation and evaluation of solar photovoltaic (PV) system proposals for various Municipal and Board of Education facilities in an amount not to exceed \$5,000.00.

ATTEST:

APPROVED:

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

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

Res21/10-18AuthGreenerbyDesignaudits-solar

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

TOWNSHIP OF CLARK  
Resolution 21-157  
October 18, 2021

13

**WHEREAS** one (1) bid was received on October 13, 2021 at 10:00 am for Solid Waste Collection for Township Municipal Buildings and Clark Board of Education Administration Building and Schools in accordance with specifications prepared by the Township Business Administrator as follows:

	<u>Waste only</u>	<u>Recycling only</u>	<u>Waste &amp; Recycling</u>
Regional Industries, LLC.	\$212,208.00	\$27,776.00	\$239,984.00

**WHEREAS** Regional Industries, LLC., 800 East Grand Street, Elizabeth, NJ 07201 submitted the lowest responsible bid in the amount of \$239,984.00 for waste and recycling for a five (5) year contract; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Regional Industries, LLC.; and

**WHEREAS** the Clark Board of Education has agreed to pay its prorated share of the costs of such solid waste collection and will enter into a Shared Services Agreement with the Township; and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Accounts 26-310-218 and 42-102-223 as evidenced by the Certification of Availability of Funds for 2021 and is dependent upon continued funding in future budgets.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards the contract for Solid Waste Collection for Township Municipal Buildings and Clark Board of Education Administration Building and Schools to Regional Industries, LLC. in the amount of \$239,984.00 for a five (5) year contract.

ATTEST:

APPROVED:

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

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

Res21/10-18AwardSolidWasteCollection-RegionalInd2021-2026

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

TOWNSHIP OF CLARK  
Resolution 21-158  
October 18, 2021

14

**WHEREAS** the Township of Clark wishes to contract with the Clark Board of Education for Solid Waste Collection; and

**WHEREAS** the Clark Board of Education is willing to accept such agreement.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Clark Board of Education for Solid Waste Collection.

**BE IT FURTHER RESOLVED** that a duly executed copy of this Resolution be forwarded to the Clark Board of Education.

ATTEST:

APPROVED:

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

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

Res21/10-18SolidWasteColl-SharedServwithBdofEd

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

TOWNSHIP OF CLARK  
 Resolution 21-159  
 October 18, 2021

15

**WHEREAS** Verizon, while installing a telephone pole located at 204 Briarheath Lane, caused extensive damage to the sanitary and storm sewer lines resulting in property damage and water flow undermining the newly installed pole; and

**WHEREAS** the debris which resulted from the flood damage presented an environmental hazard which could affect the public health and welfare of the municipality; and

**WHEREAS** the extent of the damage required immediate action to remediate the problem which required the delivery of services; and

**WHEREAS** the Business Administrator acquired the services of the following contractor to repair and remediate the problem:

Messercola Excavating Co Inc. \$17,452.00

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

ATTEST:

APPROVED:

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

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

Res21/10-18ExigencyVerizonBriarheath

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

TOWNSHIP OF CLARK  
Resolution 21-160  
October 18, 2021

CA 16

**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
	188	1	Jessica Hoff	579	Valley Road	\$ 2,249.71
	189	11	Louis & Rosa Benevento	3	Durham Drive	\$ 2,579.49
<b>TOTALS</b>						<b>\$ 4,829.20</b>

ATTEST:

APPROVED:

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

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

Res21/10-18TaxRefund(s)

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

TOWNSHIP OF CLARK  
Resolution 21-161  
October 18, 2021

CA 17

**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.

CLARK TOWNSHIP		Sewer Refund 2021					
REF	Acct #	Name	#	Address	Reason	Refund	
21	18R 2382-0	Rytvinski, Vitali & Volha	4	Wilshire Way	duplicate payment	\$ 140.00	
					<b>TOTAL</b>	<b>\$ 140.00</b>	

ATTEST:

APPROVED:

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

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

Res21/10-18SewerRefund(s)

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

TOWNSHIP OF CLARK  
Resolution 21-162  
October 18, 2021

CA 18

**WHEREAS**, Resolution 21-148 adopted September 20, 2021 must be rescinded and replaced to correct the details of the exemption; and

**WHEREAS**, the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Albert M. Cetroni, Jr. to be 100% permanently disabled effective March 11, 2021, in accordance with N.J.S.A.54:4-3.30 et. seq.; and

**WHEREAS**, Albert M Cetroni, Jr. owns the property listed in the tax duplicate as 103 Hall Drive, Clark, NJ, Block 30.06 Lot 2, and is entitled to one hundred percent of the taxes for this property exempt; and

**WHEREAS**, Albert M Cetroni Jr. was receiving a Totally Disabled Veteran deduction in Linden, New Jersey; and did not become the legal owner of Block 30.06 Lot 2 until August 31<sup>st</sup>, 2021, and therefore is not entitled to an exemption on the property for the 2<sup>nd</sup> and 3<sup>rd</sup> quarter 2021. The 4<sup>th</sup> Quarter of 2021 and the 1<sup>st</sup> and 2<sup>nd</sup> Quarter of 2022, will be cancelled.

**WHEREAS**, one hundred percent of the taxes on this property will be entitled to exemption for as long as Albert M. Cetroni is owner of the property.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that Resolution 21-148 is hereby rescinded and 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

Res21/10-18DisabledVeteranTaxExemption-Cetroni

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