

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
November 15, 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 Hawk, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

Regular order of business suspended:

Mayor's presentation: Kumpf Lady Cougars 7<sup>th</sup>/8<sup>th</sup> Grade Soccer Team

Regular order of business resumes.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

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

- 1. 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**
- 2. 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**

3. **21-28 AN ORDINANCE TO AMEND SECTION 56 OF CHAPTER 195 ENTITLED “DEVELOPMENT REVIEW COMMITTEE” OF THE CODE OF THE TOWNSHIP OF CLARK**
4. **21-29 AN ORDINANCE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

**INTRODUCTION OF PROPOSED ORDINANCES:**

5. **21-30 AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWAGE AUTHORITY**

Public Hearing December 20th

6. **21-31 AN ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWAGE AUTHORITY, THE BOROUGHES OF GARWOOD, KENILWORTH, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD, AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD, AND WOODBRIDGE.**

Public Hearing December 20th

**PAYMENT OF CLAIMS:**

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through November 12, 2021 in the amount of \$343,622.07

**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:**

7. Resolution to opt in to Examination Exemption Civil Service Hiring Procedures for the Police Department
8. Authorizing the Mayor and/or Business Administrator to execute the Risk Management Consultant’s Agreement with World Insurance Associates for 2022
9. Appointing John Baumgartner as a member of the Clark Volunteer Fire Department
10. Approving the Council Meeting Calendar for 2022
11. Approving the 2022 Holiday Schedule
12. Authorizing the transfer of funds within the 2021 Municipal Budget

**CONSENT AGENDA RESOLUTIONS:**

13. Authorizing the Tax Collector to refund overpayment of 2021 taxes in the amount of \$25,136.29
14. Authorizing the Tax Collector to refund overpayment of 2021 sewer fees in the amount of \$488.25

**NEW BUSINESS ON THE CALENDAR:**

**PUBLIC COMMENTS:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

TOWNSHIP OF CLARK

Ordinance No. 21-26

Adopted \_\_\_\_\_

PH 1

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:11-1 et 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 \_\_\_\_\_

PH 2

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>								

PH 3

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



PH 4

**TOWNSHIP OF CLARK**

**Ordinance No. 21-29**

**Adopted November 15, 2021**

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>								

TOWNSHIP OF CLARK

Ordinance No. 21-30

Adopted \_\_\_\_\_

INTRO 5

Introduced: November 15, 2021 Public Hearing: December 20, 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: January 12, 2021



# AGREEMENT

among

THE BOROUGHES 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. 21-31

Adopted \_\_\_\_\_

INTRO 6

Introduced: November 15, 2021 Public Hearing: December 20, 2021

**AN ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWAGE AUTHORITY, THE BOROUGHES OF GARWOOD, KENILWORTH, AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD, AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD, AND WOODBRIDGE.**

**SECTION 1:** The Mayor and Clerk of the Township of Clark are hereby authorized to execute a certain amendment (hereinafter referred to as "Amendment") to the Settlement Agreement, dated September 1, 1994, between Clark Township, and the municipalities of Garwood, Kenilworth, Roselle Park, Rahway, Westfield, Cranford, Springfield, and Woodbridge and the Rahway Valley Sewage Authority ("Settlement Agreement"), for the purpose of terminating the Settlement Agreement.

**SECTION 2:** A copy of the Amendment is attached as Appendix A and the termination of the Settlement Agreement shall become effective upon adoption of this Ordinance or a comparable ordinance adopted by all eleven (11) of the current member municipalities of the Authority, i.e., Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield, and Woodbridge, and the adoption of a Resolution by the Authority authorizing execution of the Amendment.

**SECTION 3.** **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 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:



## EXHIBIT A

### AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment (“Amendment”) is made as of the 1<sup>st</sup> day of September, 2021, by and among the Township of Clark (“Clark”), a municipality of the State of New Jersey, with offices located at 430 Westfield Avenue, Clark, New Jersey 07016, Rahway Valley Sewerage Authority, governmental entity organized under the laws of the State of New Jersey, with offices located at 1050 Hazelwood Avenue, Rahway, New Jersey 07065 (“RVSA” or the “Authority”), the City of Rahway (“Rahway”), with offices at 1 City Hall Plaza, Rahway, New Jersey 07065, and the Borough of Garwood (“Garwood”), with offices located at 403 South Avenue, Garwood, New Jersey 07027, as well as the Town of Westfield (“Westfield”), the Boroughs of Kenilworth (“Kenilworth”), Mountainside (“Mountainside”) and Roselle Park (“Roselle Park”), and the Townships of Cranford (“Cranford”), Scotch Plains (“Scotch Plains”), Springfield (“Springfield”) and Woodbridge (“Woodbridge”), municipal corporations duly organized under the laws of the State of New Jersey (hereinafter Westfield, Kenilworth, Roselle Park, Cranford, Mountainside, Scotch Plains, Springfield and Woodbridge are collectively referred to as the “Member Municipalities”).

**WHEREAS**, Clark entered into a certain Settlement Agreement with Cranford, Garwood, Kenilworth, Rahway, Roselle Park, Springfield, Westfield and Woodbridge (collectively referred to as the “Consenting Municipalities”) dated September 1, 1994 for the purpose of settling certain litigation between the Consenting Municipalities, Clark and the RVSA (“Settlement Agreement”); and

**WHEREAS**, subsequent to the entry into the Settlement Agreement, the Borough of Mountainside and the Township of Scotch Plains joined the Authority; and

**WHEREAS**, the Member Municipalities, Clark, and the Authority desire to terminate the Settlement Agreement and upon termination Clark shall be governed as it relates to excess flow rights pursuant to the same Agreement as all other Member Municipalities.

**NOW, THEREFORE**, it is mutually agreed as follows:

1. The Member Municipalities including Clark, hereby agree that the Settlement Agreement shall be terminated as of September 1, 2021.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in several counterparts, each of which signed counterparts shall be taken as an original, by the proper officers of the respective municipal corporations and the Authority and their respective seals where existing to be hereto affixed and attested, the said executions being duly authorized by ordinances of the governing bodies of the respective municipal corporations and by Resolution of the Authority as of the 1<sup>st</sup> day of September, 2021.

[Signature pages to follow]

7

**RESOLUTION TO OPT IN TO EXAMINATION  
EXEMPTION CIVIL SERVICE HIRING PROCEDURES**

**WHEREAS** the Township of Clark, County of Union, State of New Jersey (hereinafter referred to as the "Township") is a jurisdiction governed by Title 11A and the Civil Service regulations and rules established under Title 4A of the Administrative Code; and

**WHEREAS** P.L.2021, C.7 permits municipalities to hire police officers who may not have taken an open competitive examination for the title of Police Officer, but are otherwise duly qualified, have completed training, and hold a valid NJ Police Training Commission Certificate as Police Officer (Basic Course for Police Officer); and

**WHEREAS** recently adopted State legislation, Bill S-3220, approved as P.L.2021, C.7, would permit a municipality to exempt any person for an entry-level law enforcement person from taking the Civil Service law enforcement exam, as long as they have completed the full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission; and

**WHEREAS** the legislation would also require that a municipal or county police department may hire a person under this exemption only upon adoption of a conflict of interest and nepotism policy; and

**WHEREAS** the Township has duly established written policies governing nepotism and conflicts of interest; and

**WHEREAS** in order to effectuate this policy, a municipality must affirmatively "opt in" by adopting a Resolution authorizing such a hiring policy; and

**WHEREAS** Chief Harvey Barnwell, Officer-In-Charge has recommended that the Township effectuate this policy and "opt in" to this program in the interests of efficiency, expediency, and the promotion of public safety within the Township; and

**WHEREAS** this "opt in" provision shall remain valid until changed by a rescinding resolution of the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey for the reasons set forth above that the Township hereby authorizes such hiring policies related to the examination exemption as set forth in Bill S-3220, P.L.2021, C.7.; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be transmitted to the New Jersey Civil Service Commission.

ATTEST:

APPROVED:

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

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

Res21/11-15ExemptionCivilServiceHiringProcedures

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

TOWNSHIP OF CLARK  
 Resolution 21-169  
 November 15, 2021

8

**WHEREAS** the Township of Clark has resolved to join the New Jersey Municipal Self Insurers' Joint Insurance Fund ("NJMSIJIF") following a detailed analysis; and

**WHEREAS** the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

**WHEREAS** the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Clark does hereby appoint World Insurance Associates, LLC as its Risk Management Consultant in accordance with the Fund's Bylaws; and

**BE IT FURTHER RESOLVED** that the Mayor and/or Business Administrator and Township Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement effective 01/01/22 to 12/31/22 annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

ATTEST:

APPROVED:

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

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

Res21/11-15JIFRiskMgmtConsult-World

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

TOWNSHIP OF CLARK  
Resolution 21-170  
November 15, 2021

9

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that John Baumgartner is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 15<sup>th</sup> day of November 2021.

ATTEST:

APPROVED:

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

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

Res21/11-15AppointFireFighter-Baumgartner

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

TOWNSHIP OF CLARK  
 Resolution 21-171  
 November 15, 2021

10

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby approve the Meeting Calendar for the Year 2022 as outlined below.

**CLARK MUNICIPAL COUNCIL 2022 MEETING DATES**  
**Reorganization Meeting Monday, January 3, 2022**  
**315 Westfield Ave. – 7:00 pm**

**WORKSHOP MEETINGS 7:30 PM**

430 Westfield Avenue  
 Room 30

**PUBLIC MEETINGS 7:30 PM**

315 Westfield Avenue  
 Council Chambers

January 3 \*\*

February 7

March 7

April 4

May 2

June 6

July 5 (Tuesday)

August 1

September 6 (Tuesday)

October 3

November 9 (Wednesday)

December 5

January 18 (Tuesday)

February 22 (Tuesday)

March 21

April 18

May 16

June 20

July 18

August 15

September 19

October 17

November 21

December 19

\*\* Council Chambers 315 Westfield Avenue

ATTEST:

APPROVED:

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

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

Res21/11-15MeetingDates2022

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

TOWNSHIP OF CLARK  
 Resolution 21-172  
 November 15, 2021

//

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following dates, in addition to two floating holidays of each employee's choosing, for a total of 13 holidays, will constitute the official Township employee holiday calendar for the year 2022.

Martin Luther King Jr. Day	Monday	01/17/2022
Presidents Day	Monday	02/21/2022
Good Friday	Friday	04/15/2022
Memorial Day	Monday	05/30/2022
Independence Day	Monday	07/04/2022
Labor Day	Monday	09/05/2022
Columbus Day	Monday	10/10/2022
Veteran's Day	Thursday	11/11/2022
Thanksgiving Day	Thursday	11/24/2022
Day after Thanksgiving	Friday	11/25/2022
Christmas Day	Friday	12/26/2021

ATTEST:

APPROVED:

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

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

Res21/11-15Holidays2022

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

TOWNSHIP OF CLARK  
Resolution 21-173  
November 15, 2021

12

**WHEREAS** N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2021 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP  
BUDGET TRANSFERS**

	<u>To</u>	<u>From</u>
Finance: Salaries & Wages		20,000.00
Fire: OE	20,000.00	
	20,000.00	20,000.00

ATTEST:

APPROVED:

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

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

Res21/11-15BudgetTransfers

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

TOWNSHIP OF CLARK  
Resolution 21-174  
November 15, 2021

CA 13

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2021 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make refund(s) in accordance with the following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
CLARK TOWNSHIP						
TAX REFUNDS-2021						
85	2		Gackstatter, Brian	57	Kathryn Street	\$ 215.51
42	9		Brandon & Tamie Stearns	53	Lefferts Lane	\$ 2,888.93
173	30		Lebaron, Johnathan & Tracy	203	Miller Avenue	\$ 4,246.45
160	24		RMS Title Services LLC	276	Valley Road	\$ 2,532.06
164	44		Walter Horezga	310	Valley Road	\$ 2,909.27
4.03	44		Bass, Geoffrey William	57	Brookside Rd	\$ 4,086.08
34	34		DeGregorio, Anthony	347	Madison Hill Road	\$ 4,413.59
51	3		Jankauskas, Jamie	907	Raritan Road	\$ 1,901.87
192	4		Salanga, Marie Grace	8	Glennwood Terrace	\$ 1,942.53
<b>Total Refunds</b>						<b>\$ 25,136.29</b>

ATTEST:

APPROVED:

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

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

Res21/11-15TaxRefund(s)

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

TOWNSHIP OF CLARK  
Resolution 21-175  
November 15, 2021

CA 14

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2021 sewer fees; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make the refund(s) as per the following schedule.

CLARK TOWNSHIP	Sewer Refund 2021					
REF	Account #	Name	#	Address	Reason	Refund
21-19R	2101-0	Faria, Thomas	802	Featherbed Lane		\$ 18.90
21-20R	3985-0	Funk, Dennis & Michele	5	Florence Drive		\$ 140.00
21-21R	3406-0	Christathakis	237	Valley Road		\$ 49.35
21-22R	1556-0	Drivas, Michael & Christine	56	Devon Lane		<u>\$ 280.00</u>
<b>Total Refunds</b>						<b>\$ 488.25</b>

ATTEST:

APPROVED:

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

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

Res21/11-15SewerRefund(s)

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