

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
December 20, 2021
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Mazzarella _____	Councilman Smith _____
Councilman Minniti _____	Councilman Toal _____
	Council President Hund _____

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County 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 is Suspended

Team Recognition: 2021 Clark Reign Girls 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

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. 21-30 AN ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWAGE AUTHORITY**
- 2. 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.**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through December 16, 2021 in the amount of \$327,784.96

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:

3. **PUBLIC HEARING:** Authorizing the submission of an application for funding for the Year 48 Community Development Block Grant Program
4. Award of Professional Services contracts through a fair and open process for 2022
 - A. Auditor – Wiss & Company, LLP
 - B. Engineering Services – Grotto Engineering Associates, LLC
 - C. Professional Planner – Shamrock Enterprises, LTD
 - D. Labor Attorney – Apruzzese, McDermott, Mastro & Murphy
 - E. Bond Counsel – Rogut McCarthy LLC
 - F. Special Counsel – Triarsi, Betancourt, Wukovits & Dugan, LLC
5. Ratifying the action of the Business Administrator to acquire the services necessary to remediate the sewer main break emergency discovered on New York Ave. and Reifel Street
6. Approving, Authorizing and Ratifying the execution and delivery of a Confidential Release between Verizon and the Township of Clark
7. Authorizing the Township Planning Board to undertake a preliminary investigation to determine whether the proposed study area, 1072 – 1088 Raritan Road qualifies as an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5.
8. Authorizing Final Payment to S. Brothers, Inc. for work completed on the 2020 Capital Roadway Improvements, Phase 2 in the amount of \$20,076.87
9. Adopting the Union County Multi-Jurisdictional Hazard Mitigation Plan
10. Authorizing the Mayor and/or Business Administrator to execute an agreement with Waste Management for Recycling Services
11. Authorizing Submission of a Strategic Plan for the Clark Municipal Alliance Grant for fiscal year July 1, 2022 – June 30, 2023
12. Authorizing the Health Officer to enter into an Agreement with the Visiting Nurse and Health Service for the year 2022 in the amount of \$7,986.00
13. Authorizing the Business Administrator to execute an agreement with Vonage for telephone equipment and service for the Municipal Building

14. Resolution opposing fast-tracked legislation which seeks to expand allowable unfunded mandates

CONSENT AGENDA RESOLUTIONS:

15. Appointing Special Law Enforcement Officers effective January 1, 2022
16. Authorizing the Police Chief to issue Clothing Bin Permits for the year 2022
17. Authorizing the Tax Collector to refund overpayment of 2021 taxes in the amount of \$19,075.86

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. 21-30
Adopted _____

PH1

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 11, 2021

TOWNSHIP OF CLARK
Ordinance No. 21-31
Adopted _____

PH 2

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: January 11, 2022

TOWNSHIP OF CLARK
 Resolution 21-177
 December 20, 2021

3

WHEREAS the County of Union is accepting applications for funding for the Year 48 Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and/or Business Administrator to submit the following projects to the County of Union for Year 48 of the Community Development Block Grant Program:

Senior Citizen Program	\$55,000.00
ADA Curb and Ramp Improvements	\$36,000.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/12-20CDBGyr48submission

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

TOWNSHIP OF CLARK
Resolution 21-178
December 21, 2021

4A

WHEREAS there exists a need for an Auditor for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the professional position of Auditor and publicly opened at 10:00 am on December 8, 2021; and

WHEREAS the Business Administrator has reviewed all documents required by the Request for Proposals (RFP) and recommends award of professional services contract to Wiss & Company, LLP to perform the Audit.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Wiss & Company, LLP in accordance with NJSA 19:44A-20.5.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFP Auditor

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

TOWNSHIP OF CLARK
Resolution 21-179
December 20, 2021

4B

WHEREAS there exists a need for per diem Engineering Services including the duties of the Municipal Engineer for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS three (3) proposals were received for the position of Professional Engineering Services under the duties of the Municipal Engineer and were publicly opened at 10:00 am on December 8, 2021; and

WHEREAS the Business Administrator has reviewed all documents required by the Request for Proposals (RFP) and recommends award of professional services contract to the firm of Grotto Engineering Associates, LLC for the year 2022.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to the firm of Grotto Engineering Associates, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFPEngineer

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

TOWNSHIP OF CLARK
Resolution 21-180
December 20, 2021

4C

WHEREAS there exists a need for Professional Planning Services for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS three (3) proposals were received for the position of Professional Planner and were publicly opened at 10:00 am on December 8, 2021; and

WHEREAS the Business Administrator has reviewed all documents required by the Request for Proposals (RFP) and recommends award of professional services contract to the firm of Shamrock Enterprises, LTD for the year 2022.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Planning Services to the firm of Shamrock Enterprises, LTD in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFPPlanner

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

TOWNSHIP OF CLARK
Resolution 21-181
December 20, 2021

4 D

WHEREAS there exists a need for Labor Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS two (2) proposals were received for the professional position of Labor Counsel and publicly opened at 10:00 am on December 8, 2021; and

WHEREAS the Business Administrator has reviewed all documents required by the Request for Proposals (RFP) and recommends award of professional services contract to Apruzzese, McDermott, Mastro & Murphy for the year 2022.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Apruzzese, McDermott, Mastro & Murphy in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFPLaborAttorney

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

TOWNSHIP OF CLARK
Resolution 21-182
December 20, 2021

4 E

WHEREAS there exists a need for Bond Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS two (2) proposals were received for the professional position of Bond Counsel and publicly opened at 10:00 am on December 8, 2021 and

WHEREAS the Business Administrator has reviewed all documents required by the Request for Proposals (RFP) and recommends award of professional services contract to Rogut McCarthy, LLC to the professional position of Bond Counsel for the year 2022.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Rogut McCarthy, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFPBondCounsel

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

TOWNSHIP OF CLARK
Resolution 21-183
December 20, 2021

4 F

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS qualification submissions for the position of Special Counsel to represent the Township in litigated matters, contested tax appeals and to provide such other extraordinary legal services as may be required from time to time and to perform such services as are required pursuant to the Request for Proposals, were received on December 8, 2021 and publicly opened at 10:00 am; and

WHEREAS proposals were received by the Business Administrator with a recommendation to award the firm of Triarsi, Betancourt, Wukovits & Dugan, LLC for these services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby approves a contract for professional services for the year 2022 with Triarsi, Betancourt, Wukovits & Dugan LLC, 186 North Avenue East, Cranford, NJ 07016 to provide litigation and tax appeal services to the Township together with such other legal services as may be required pursuant to the Request for Proposals; and

BE IT FURTHER RESOLVED that the value of the contract is subject to the 2022 budget appropriation; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20RFPSpecialCounsel

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

TOWNSHIP OF CLARK
Resolution 21-184
December 20, 2021

5

WHEREAS on November 14, 2021 a sewer main break was discovered on New York Avenue and Reifel Street; and

WHEREAS such break caused an inordinate amount of waste material which could affect the public health and welfare of the municipality; and

WHEREAS the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem which required the immediate delivery of services; and

WHEREAS the Business Administrator acquired the services of Frank Galbraith & Son Excavation and Demolition LLC in the amount of \$25,501.68 to remove and remediate the problem.

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

Res21/12-20 ExigencyNewYorkAveandReifelStreet

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

TOWNSHIP OF CLARK
Resolution 21-185
December 20, 2021

6

WHEREAS, the Township of Clark and Verizon New Jersey Inc., Sedgwick Claims Management Services, Inc., National Union Fire Insurance Company of Pittsburgh PA, and their insurance carriers, members, partners, subsidiaries, affiliates, parents, and related companies (collectively, the “Releasees”), are parties to that certain Confidential Property Damage Settlement Agreement and Release, dated on or about November 30, 2021 (the “Release”).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the Release in such form and substance as was reviewed by the Council Members on the Governing Body, be and hereby is approved, and the execution and delivery to the Releasees of the Release by the Mayor or the Business Administrator be and hereby are authorized, ratified, confirmed and approved *nunc pro tunc*, as of November 30, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC,
 Township Clerk

STEVEN M. HUND,
 Council President

Res21/12-20VerizonRelease

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

AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 60.01, 61, 62 AND 63 IN BLOCK 60 QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the parcels with frontage on Raritan Road identified on the official tax map of the Township as Block 60, Lots 60.01, 61, 62 and 63 (the "Study Area") meet the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, the Township Mayor and Council finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area, Block 60, Lots 60.01, 61, 62 and 63, as a Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, as follows:

I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J. S.A.40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A.40A:12A-5, to be designated as a Redevelopment Area.

II. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained therein.

III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

IV. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township should designate the Study Area as a Redevelopment Area. Such recommendation shall be submitted to the Township Council by March 2022.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condernnation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.
Adopted by the Township Council on December 20, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/AuthPBtostudy1072-1088RaritanRd-AreainNeedofRedev

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

TOWNSHIP OF CLARK
Resolution 21-187
December 20, 2021

8

WHEREAS S. Brothers, Inc. has completed work on the 2020 Capital Roadway Improvements - Phase II and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Twenty Thousand, Seventy-Six Dollars and Eighty-Seven Cents (\$20,076.87) including final quantities change order which increases the adjusted contract amount by Fifteen Thousand, Nine Hundred Forty-Six Dollars and Twenty-Nine Cents (\$15,946.29); and

WHEREAS the Chief Financial Officer and/or Business Administrator has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 20-18 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 S. Brothers, Inc. to be Twenty-Four Thousand, Four Hundred Fifty-Two Dollars and Sixty-Three Cents (\$24,452.63); and

WHEREAS S. Brothers, Inc. has submitted a Maintenance Bond in the amount of \$24,452.63.

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 S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882 in the amount of \$20,076.87 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20FinalPymt2020CapRoadsPhase2-SBro

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

TOWNSHIP OF CLARK
Resolution 21-188
December 20, 2021

9

RESOLUTION ADOPTING THE UNION COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Township of Clark, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Division of Emergency Services and Mitigation Planning Committee and;

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, Inc. (Michael Baker), the contracted vendor assisting with the planning process. Links were links also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the Township of Clark:

1. The Union County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on July 1, 2021 by the Union County Division of Emergency Services to the New Jersey Office of Emergency Management and submitted on October 4, 2021 to the Federal Emergency Management Agency and subsequently approved by both agencies on November 17, 2021, be and is hereby adopted as an official plan of the County of Union; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Township of Clark departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Clark, and this resolution shall not be interpreted so as to mandate any such appropriation.

4. The Township of Clark Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURHER RESOLVED that the Emergency Management Coordinator forward a certified true copy of this resolution to the Union County Division of Emergency Services. PASSED by the governing body of the Township of Clark, on this 20th day of December 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20AdoptingUCHazardMitigationPlan

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

TOWNSHIP OF CLARK

Resolution 21-189

December 20, 2021

10

WHEREAS the recycling contract with the Plainfield Municipal Utilities Authority has been canceled; and

WHEREAS the Administration recommends entering into an agreement with Waste Management Inc. on an emergency basis to provide curbside recycling pickup and disposal services for a period not to exceed six months; and

WHEREAS Waste Management Inc. has proposed a monthly fee of Twenty-Five Thousand Dollars (\$25,000) plus clean disposal fees not to exceed Eighty-Seven Dollars (\$87) a ton and in instances where the pickup is contaminated and not suitable for recycling, Waste Management Inc. will provide the Township of Clark photographic support and the load will be billed at a rate not to exceed One-Hundred Twenty Dollars (\$120) a ton.

NOW, THEREFORE BE IT RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20AuthWasteManagement-Recycling

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

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2021-June 2025
July 1, 2022 to June 30, 2023

//

TOWNSHIP OF CLARK
Resolution 21-190
December 20, 2021
FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Clark Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Clark Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Clark Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Clark Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$ 10,597.00
Cash Match	\$ 2,649.00
In-Kind	\$ 7,948.00

2. The Clark Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

Governor's Council on Alcoholism and Drug Abuse
 Fiscal Grant Cycle July 2021-June 2025
 July 1, 2022 to June 30, 2023

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

APPROVED:

 SALVATORE BONACCORSO, Mayor

Res21/12-20MunAllianceSubmissionForm1B

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

CERTIFICATION

I, Edith L. Merkel, Municipal Clerk of the Township of Clark, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Clark Township Council on this 20th day of December 2021.

 Edith L. Merkel, Municipal Clerk

TOWNSHIP OF CLARK
 Resolution 21-191
 December 20, 2021

12

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) dba Holy Redeemer Home Care, Inc. in the amount not to exceed \$7,986.00 for the period commencing January 1, 2022 and terminating on December 31, 2022, pending the approval of the 2022 Municipal Budget.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/12-20Auth2022VNHScontract

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

TOWNSHIP OF CLARK
Resolution 21-192
December 20, 2021

13

WHEREAS it is necessary to upgrade the telephone system in the Municipal Building to accommodate current and future communication needs; and

WHEREAS the Administration has solicited three quotes for the purchase and installation of a high-speed fiber optic cable, telephone service and equipment as follows:

Vendor(s)	One-time Cost	Monthly Recurring Cost
Monmouth Telecom	\$7,949.75	\$1,522.92
Comcast/Vonage	\$4,356.50	\$1,407.42
Comcast/Ring Central	\$4,356.50	\$1,646.88

WHEREAS Comcast, in conjunction with Vonage have proposed the most responsive, responsible and advantageous quote: and

WHEREAS the Administration recommends entering into a 36-month contract with Comcast for the Fiber Optic Cable and a separate contract with Vonage for the purchase of telephone equipment and installation of the telephone system.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Administration and authorizes the Mayor and/or Business Administrator to execute contracts with the abovementioned companies; and

BE IT FURTHER RESOLVED that the value of the contract is subject to the 2022 budget appropriation.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20AuthTelephoneSystemUpgrade-ComcastVonage

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

**RESOLUTION OPPOSING FAST-TRACKED LEGISLATION WHICH SEEKS
TO EXPAND ALLOWABLE UNFUNDED MANDATES**

WHEREAS legislation has been fast-tracked that would allow lawmakers in Trenton to adopt a broad category of laws, rules, and regulations as unfunded mandates on local governments; and

WHEREAS the Township of Clark joins the New Jersey League of Municipalities, the New Jersey School Boards Association and New Jersey Association of Counties in strongly opposing Assembly Bill 6217 and Senate Bill 4284 (A6217/S4284); and

WHEREAS currently, as provided by the New Jersey Constitution, any law, rule, or regulation that is determined to be an unfunded mandate upon boards of education, counties, or municipalities because it does not authorize resources other than the property tax to offset the additional direct expenditures required for its implementation ceases to be mandatory and expires and the same constitutional provision also clearly and exclusively details the extent of any exemptions to the constitutional prohibition on unfunded mandates; and

WHEREAS these constitutionally provided for exemptions have been codified in P.L.1996, c.24, which A6217/S4284 now seeks to amend to include an exemption not provided for in the New Jersey Constitution; and

WHEREAS the legislation would now exempt as unfunded mandates, “any new law, rule, or regulation concerning any health care benefits plan or program and coverage under such plan or program provided by public employers to their employees and beneficiaries”; and

WHEREAS unfunded mandates come at a cost to local property taxpayers and local governments are continuously tasked with doing more with less; and

WHEREAS unfunded state mandates on local governments come at a cost to our residents both in terms of the provision of local services and on their property tax bills; and

WHEREAS the constitutional amendment prohibiting unfunded mandates, approved by voters nearly three decades ago, became a strong tool in helping to ease the burdens on local property taxpayers for decisions made in Trenton; and

WHEREAS the weakening or neutering of this constitutional provision and its corresponding exemptions cannot be done without the approval of these same voters.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby expresses its opposition to this legislation and that the Legislature is strongly urged to reject A6217/S4284; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor of the State of New Jersey, the Majority Speaker, the Minority Speaker, the Senate President, and the Speaker of the House.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/12-20OpposeUnfundedMandatesA6217/S4284

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

TOWNSHIP OF CLARK
Resolution 21-194
December 20, 2021

CA 15

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby appoint the following named individuals as Class 1 and Class 2 Special Law Enforcement Officers to serve for the period commencing January 1, 2022 and concluding December 31, 2022.

- Class 1 Beceiro, Anthony R.
- Class 1 Buczynski, Thomas
- Class 1 DeMarzo, Victor
- Class 1 DeVre, Arthur
- Class 1 Flicek, Francis
- Class 1 Tarantino, Robert
- Class 2 Bauer, Albert C.
- Class 2 Ehling, John
- Class 2 Hilongos, Julian
- Class 2 King, Andrew
- Class 2 Leonardis, Richard
- Class 2 Parnes, Kenneth

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20 SpecialLawEnforcementOfficers 2022

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

TOWNSHIP OF CLARK
Resolution 21-195
December 20, 2021

CA 16

WHEREAS, it is necessary and desirable in order to ensure the general health and welfare of the residents of the Township of Clark to provide uniform procedures for administering the issuance, renewal and revocation of licenses for the placement of clothing bins within the Township; and

WHEREAS, Chapter 117, Section 10 of the Code of the Township of Clark provides for enforcement by the Police Department and the Construction Code Official.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operators having met all the requirements of Chapter 117 of the Code of the Township of Clark are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Police Chief is hereby authorized and directed to issue permits to the vendors listed as follows to be displayed according to law effective January 1, 2022 through December 31, 2022.

Clothing Bin Operators

Location of Bins

American Recycling Technologies, Inc.

78 Westfield Avenue (2 bins)

98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010

Attn: Bruce Binler (917-939-5275)

Carecycle, Inc.

76 Central Avenue (2 bins)

625 Wortman Avenue

Brooklyn, NY 11208

Attn: Peter Salm (866-931-0232)

American Recycling Technologies, Inc.

315 Westfield Avenue (2 bins)

98 Cutter Mill Road, S-290N

Great Neck, NY 11021-3010

Attn: Bruce Binler (917-939-5275)

American Recycling Technologies, Inc.

1060 Raritan Road (2 bins)

98 Cutter Mill Road, S-290N

Great Neck, NY 11021-3010

Attn: Bruce Binler (917-939-5275)

The Read Foundation
 655 Amboy Avenue, S-407
 Woodbridge, NJ 07095
 Attn: Jacqueline Mancuso (848-250-0336)

6 Broadway (2 bins)

We Collect Clothes for a Cause
 625 Wortman Avenue
 Brooklyn, NY 11208
 Attn: Peter Salm (866-468-7228)

1300 Raritan Road (2 bins)

American Recycling Technologies, Inc.
 98 Cutter Mill Road, S-290N
 Great Neck, NY 11021-3010
 Attn: Bruce Binler (917-939-5275)

140 Central Avenue (2 bins)

Giving Will LLC
 P.O. Box 329
 Woodbridge, NJ 07095
 Attn: Anthony Cruz (855-448-4648)

1074 Raritan Road (2 bins)

Planet Aid
 18 Commerce Road
 Fairfield, NJ 07004
 Attn: Joel Podelsky (848-219-0426)

1030 Raritan Road (1 bin)

12 Clarkton Drive (1 bin)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

STEVEN M. HUND
 Council President

Res21/12-20ClothingBins

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

TOWNSHIP OF CLARK
Resolution 21-196
December 20, 2021

CA 17

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:

TAX REFUNDS 2021						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
8	15		Sofianakos, Alexander	344	Oak Ridge Road	\$ 336.55
28	10.02		Guarraci, Anthony	8	Ayers Lane	\$ 493.81
31.03	9.01	C0019	Markos, Vasili	1168	Lake Ave, Unit #19	\$ 1,967.37
38.1	7		Sarnecki, Joseph & Marisa	171	Jupiter Street	\$ 3,060.60
40	6		Maza, Jose Jr	20	Holland Drive	\$ 2,956.70
46	8		John & Maria Zamboni	77	Terhune Road	\$ 58.82
90	18		Sourimto, Aliaksandr	65	Washington St	\$ 2,604.33
121	36		Ramos, Filipe & Catherine	40	John Street	\$ 2,933.37
139	1.01		Mojsa, Miciej & Karolina	358	Carolina Street	\$ 2,730.82
162	16		Morgese, Michael & Samantha	333	West Lane	\$ 1,933.49
					Total Refunds	\$ 19,075.86

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/12-20TaxRefund(s)

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