

**AGENDA**  
**SPECIAL COUNCIL MEETING**  
**430 WESTFIELD AVE., CLARK, NJ 07066**  
**August 1, 2022**  
**7:30 pm**

**ROLL CALL:**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

- 1. 22-08 AN ORDINANCE TO AMEND CHAPTER 189 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "HOUSING STANDARDS"**
- 2. 22-09 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING**
- 3. 22-10 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$725,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 4. 22-11 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND, KNOWN AS BLOCK 21 AND LOT 10.01, IN THE TOWNSHIP OF CLARK TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)**

5. 22-12 AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND, KNOWN AS BLOCK 38 AND LOT 13.01, IN THE TOWNSHIP OF CLARK TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)
6. 22-13 AN ORDINANCE AMENDING ORDINANCE 22-07 ENTITLED AN ORDINANCE TO AMEND ARTICLE I, CHAPTER 145, SECTION 3 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "POLICE DEPARTMENT"

**PUBLIC COMMENTS:**

Each person addressing the Council shall give their 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. 22-08

Adopted \_\_\_\_\_

PH 1

Introduced: July 18, 2022 Public Hearing: August 1, 2022

**AN ORDINANCE TO AMEND CHAPTER 189  
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED  
"HOUSING STANDARDS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 189, entitled "Housing Standards," of the Code of the Township of Clark be and hereby is amended as follows:

**SECTION 1: Amendment:** Chapter 189 be and hereby is amended and supplemented by adding a new Article III, stating as follows:

§189-18 Definitions.

"Dust wipe sampling" means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

"Tenant turnover" means the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

"Visual assessment" means a visual examination for deteriorated paint or visible surface dust, debris, or residue.

§189-19

A. The owner of a single-family, two-family, and multiple rental dwelling located within the Township shall register such rental dwelling with the Township by completing, providing all information called for by, and signing, a form prescribed by the Construction Code Official and filing such completed, signed form with the Construction Code Official within two weeks after the effective date of this ordinance, or on or before the date that such owner takes title to such rental dwelling. The Construction Code Official shall maintain all such completed, signed forms in the Construction Code Official's Office. Alternatively, such owner instead may register and provide such information at <https://www.ourclark.com/FormCenter/Construction-8/Rental-Unit-Registration-for-Clark-Towns-67>

B. Subject to §189-19 of this Article III of this Chapter 189, the Construction Code Official shall inspect every single-family, two-family, and multiple rental dwelling located within the Township at tenant turnover for lead-based paint hazards or within two years of the effective date of N.J.S.A. 52:27D-437.16, *et al.*, whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification pursuant to this section. The owner of any such rental dwelling shall not permit any tenant turnover without first complying with this Section hereof. The Township shall charge the dwelling owner or landlord and the dwelling owner or landlord shall pay the Township in advance of any inspection, a fee of \$125.00 for each unit inspected to cover the cost of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.

C. The dwelling owner or landlord may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Subsection B of this Section instead of the municipal inspection contemplated by Subsection B of this Section. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor, the term "Construction Code Official" shall also mean and include such lead evaluation contractor for purposes of this Article III of this Chapter 189 (except for the purposes of §189-27).

D. The Construction Code Official or such lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this Article III of this Chapter 189, may consult with the local health board, the Department of Health, or the Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

#### §189-20

Notwithstanding anything in §189-19 to the contrary, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- (1) has been certified to be free of lead-based paint;

(2) was constructed during or after 1978;

(3) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1, *et seq.*;

(4) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

(5) has a valid lead-safe certification issued in accordance with this Article III of this Chapter 189.

#### §189-21

A. If the Construction Code Official finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this Article III of this Chapter 189, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.1, *et al.* Upon the remediation of the lead-based paint hazard, the Construction Code Official shall conduct an additional inspection of the unit to certify that the hazard no longer exists. The Construction Code Official may charge an additional fee in the amount specified in subsection A of §189-19 for such additional inspection.

B. If the Construction Code Official finds that no lead-based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to this Article III of this Chapter 189 or following remediation of a lead-based paint hazard pursuant to subsection A of this §189-21, then the Construction Code Official shall certify the dwelling unit as lead-safe on a form prescribed by the Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to N.J.S.A. 52:27D-437.20. The lead-safe certification provided to the property owner by Construction Code Official pursuant to this subsection B of this §189-21 shall be valid for two years.

#### §189-22

Beginning on the effective date of N.J.S.A. 52:27D-437.16 *et al.* property owners shall:

(1) provide evidence of a valid lead-safe certification obtained pursuant to this Article III of this Chapter 189 as well as evidence of the most recent tenant turnover at the time of the cyclical inspection carried out under the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A1 *et seq.*, unless not required to have had an inspection by the Construction Code Official pursuant to paragraph (1), (2), or (3) of §189-20;

(2) provide evidence of a valid lead-safe certification obtained pursuant to this section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by the Construction Code Official pursuant to paragraphs (1), (2), (3), and (4) of §189-20, and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and

(3) maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants, if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by the Construction Code Official pursuant to paragraphs (1), (2), (3), and (4) of §189-20.

#### §189-23

If the Construction Code Official finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this Article III of this Chapter 189, then the Construction Code Official shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.8.

#### §189-24

If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Construction Code Official shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge an additional fee in the amount specified in subsection A of §189-19 for such additional inspections.

#### §189-25

In addition to the fees charged for inspection of rental housing pursuant to subsection A of §189-19 and §189-24, the Township shall assess an additional fee of \$20 per unit inspected by the Construction Code Official for the purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D437.1, *et al.*, concerning lead hazard control work,

unless the unit owner demonstrates that the Department of Community Affairs already has assessed an additional inspection fee of \$20 pursuant to the provisions of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to this Article III of this Chapter 189 shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this §189-25 shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

#### §189-26

A. If less than three percent of children tested in the Township, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Construction Code Official may inspect a dwelling located therein for lead-based paint hazards through visual assessment.

B. If at least three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the Department of Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or according to other data deemed appropriate by the commissioner, then the Construction Code Official shall inspect a dwelling located therein through dust wipe sampling.

C. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Construction Code Official shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge fees in accordance with this section for such additional inspections.

#### §189-27

The Township and the Construction Code Official shall be authorized to conduct investigations and issue penalties not inconsistent with this subsection to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or this Article III of this Chapter 189. If the Township or the Construction Code Official determines that a property owner has failed to comply with a provision of N.J.S.A. 52:27D-437.16

*et al.* or this Article III of this Chapter 189 with respect to a rental dwelling unit owned by the property owner, the property owner shall first be given 30 days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

**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: August 24, 2022

**ATTEST:**

**APPROVED:**

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

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**JAMES A. MINNITI,**  
 Council President

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**SALVATORE BONACCORSO,**  
 Mayor

Ord22/7-18 22-08AmendCh189-rentaldwellinglead-basedpainthazards

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

TOWNSHIP OF CLARK  
Ordinance No. 22-09  
Adopted \_\_\_\_\_

PH 2

Introduced: July 18, 2022 Public Hearing: August 1, 2022

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306,  
ARTICLE V, OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED WILDLIFE FEEDING**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 306, Article V, entitled Wildlife Feeding is hereby deleted in its entirety and replaced as follows:

**§306-26 Purpose.**

The purpose of this article is to prohibit the feeding of unconfined wild animals /or stray animals in or on any public or private property within the Township of Clark so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

**Findings.**

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

**Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

#### FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wild or stray animals, including, but not limited to, purposely or knowingly leaving or storing any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or bird seeds, fruit, or grain in a manner that would constitute an attractant to any wild animal or waterfowl. Feeding does not include baiting in the legal taking of fish or game.

#### PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

#### STRAY ANIMAL

Shall mean and include any dog or cat that is not licensed to a Township of Clark resident pursuant to the Code of the Township of Clark and kept and maintained on the resident's property.

#### WILD ANIMAL

Any animal which is not normally domesticated in this state, including but not limited to deer, fox, raccoons, opossum, groundhogs, rabbits, hare, squirrels, chipmunks, skunks, mice, rats, bats, and waterfowl. "Wild animal" shall not include stray animals, birds other than waterfowl, or fish. "Deer" means a ruminant animal having deciduous antler, or antlers, usually in a male only.

#### **§306-27 Prohibited conduct.**

- A. The keeping, maintenance or feeding of wild animals is prohibited. The maintenance or feeding of privately owned cats or dogs in such a manner as to create unsanitary conditions, attract vermin, or be potentially detrimental to health or create a public health nuisance is hereby prohibited. No person shall feed, on any public or private property on or in the Township of Clark, any wild animal or stray animal excluding wild animals which are confined lawfully for commercial or scientific purposes (for example, wild animal confined in zoos, enclosures at a municipally licensed circus or other exhibitions, or rehabilitation centers, or wild animals at research facilities, environmental education centers or farm animals).

- B. No person shall feed on any public or private property any wild animal as described and set forth subsection B of this Article.
- C. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, or grain in a manner that would constitute an attractant to any wild animal.
- D. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food sources or attractants after being directed by the Township to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food.
- E. Feeding of birds shall be permitted outdoors at such times and in such numbers that:
  - (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
  - (2) Such feeding does not create an accumulation of droppings on the property and surrounding properties;
  - (3) Such feeding does not become an attractant for rodents or other wild animals; and
  - (4) Bird feeders are placed at least four feet above the ground.

**§306-28 Enforcement.**

The Township of Clark Health Department and the Police Department are each given full power and authority to enforce this Article. Any other person may also enforce this Article by filing a complaint with the Township Health Department. Any person found to be in violation of this Article shall be ordered to cease the feeding immediately.

**§306-29 Violations and penalties.**

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to the following penalties:

- A. First offense. For a violation of a provision of this Article, the violator of said provision will be issued a written warning.
- B. Second offense. Subsequent to the issuance of a written warning, for a violation of a provision of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$500 and/or to a period of community service not to exceed 30 days.
- C. Third and subsequent offense(s). For any subsequent violation of the provisions of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$1,000 and/or to a period of community service not to exceed 90 days.
- D. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation of this Article.

**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.

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

Effective Date: August 24, 2022

**ATTEST:**

**APPROVED:**

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

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**JAMES MINNITI**  
Council President

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**SALVATORE BONACCORSO**  
Mayor



TOWNSHIP OF CLARK

PH 3

Ordinance No. 22-10

Adopted \_\_\_\_\_

Introduced: July 18, 2022 Public Hearing: August 1, 2022

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$725,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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

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

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized

and the down payment appropriated by this ordinance. It is hereby determined and stated that the Township anticipates receiving a State of New Jersey Library Construction Bond Act Grant in the amount of \$228,750 to finance the cost of the Public Library improvements described in Section 4.A hereof. Any of said grant funds received shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

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

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

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Supplemental funding for the undertaking of the following improvements to public buildings: (i) exterior improvements and replacement of the HVAC system at the Clark Public Library and (ii) replacement of the HVAC system and energy efficiency improvements at various public buildings. It is hereby determined and stated that the Township has heretofore appropriated the sum of \$502,000 for such improvements pursuant to Ord. No. 21-24 adopted on October 18, 2021, as amended by Ord. No. 22-05 adopted on May 2, 2022.

Appropriation and Estimated Cost	\$570,000
Down Payment Appropriated	\$ 27,150
Bonds and Notes Authorized	\$542,850
Period of Usefulness	15 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$110,000
Down Payment Appropriated	\$ 5,280
Bonds and Notes Authorized	\$104,720
Period of Usefulness	5 years

C. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) a rescue boat, (ii) fire hose, (iii) turnout gear and (iv) various items of firefighting, rescue and safety equipment.

Appropriation and Estimated Cost	\$ 45,000
Down Payment Appropriated	\$ 2,150
Bonds and Notes Authorized	\$ 42,850
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$725,000
Aggregate Down Payment Appropriated	\$ 34,580
Aggregate Amount of Bonds and Notes Authorized	\$690,420

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$132,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$34,580, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$34,580 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$690,420 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal

amount not exceeding \$690,420 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with

respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 13.17 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$690,420 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation

notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all

the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date:

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**JAMES MINNITI**  
**Council President**

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

Ord22/7-18 22-10 Bond Ord 725K

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

INTRO  
4

TOWNSHIP OF CLARK

Ordinance No. 22-11

Adopted \_\_\_\_\_

Introduced: August 1, 2022 Public Hearing: August 15, 2022

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND, KNOWN AS  
BLOCK 21 AND LOT 10.01, IN THE TOWNSHIP OF CLARK TO BE SOLD AT  
PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)**

**WHEREAS**, the Township Council has determined that certain municipally owned land designated as Block 21 Lot 10.01 on the Tax Map of the Township of Clark (hereinafter the "subject property" or the "property"), consisting of one undersized parcel of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council that the subject property shall be sold by private sale. The property is being sold by the Township "as is"; and

**BE IT FURTHER ORDAINED**, in accordance with N.J.S.A. 40A:12-13(b)(5) and with N.J.S.A. 40A:12-13.2, the subject property is being offered to the adjacent property owners as it is an undersized lot; and

**BE IT FURTHER ORDAINED**, the following terms and conditions shall apply:

**SECTION 1:**

1. The subject property being sold is subject to the express condition that it shall be added to and become a part of the adjacent lands of the purchaser and it shall for all future purposes be considered as one parcel.

2. The Township Council reserves the right to reject all bids.

3. The minimum bid the Township will consider is \$400.00, plus the cost of recording the deed, agrees that deeds shall be recorded by the purchaser, and shall be responsible for all Township cost associated with the sale of the property. Including, but not limited to, attorney cost and any and all advertisement fees.

4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 21, Lot 10.01" and shall be submitted within twenty (20) days after advertisement of sale required by N.J.S.A. 40A:12-13(b)5.

5. Potential Bidders are advised:

A. To conduct all necessary title searches prior to the date of the sale

B. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Clark as to the conditions of the property; the premises are being sold in their present conditions "as is".

C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Clark.

D. That no employee, agent or officer of the Township of Clark has any authority to waive, modify or amend any of the conditions of the sale.

E. That offers for the property must be made for a sum equal or greater to the minimum bid price of \$400.00.

F. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

6. Additional Terms the Successful Bidder must comply with:

A. Bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within 10 days of notice of acceptance of their bid. In the event the bidder fails to timely deposit 10% of the bid price, the Township may re-auction the subject property.

B. The property purchased shall be merged with the bidder's existing property.

C. The successful bidder shall pay at the time of closing: (1) The balance of the purchase price and (2) The cost of recording deeds and agrees that deeds shall be recorded by the purchaser.

D. To pay prorated real estate taxes for the balance of the current year as of the date of closing.

E. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

F. That the failure to close title as agreed shall forfeit to the Township of Clark any and all money deposited with the Township.

G. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.

H. That the title shall close on or before October 31, 2022, and that date shall be considered time of the essence. The Township reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.

I. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

J. All sales are subject to final approval by the Township Council.

K. Parties interested in submitting bids and who require additional information, should contact Edie Merkel, Township Clerk, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066.

7. The Township does not warrant or certify title to the property and in no event shall the Township of Clark be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Township, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.

8. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

9. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

## **SECTION 2:**

**CONSTRUCTION:** Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

## **SECTION 3:**

**INCONSISTENCY:** Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

## **SECTION 4:**

**SEVERABILITY:** In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which



TOWNSHIP OF CLARK  
Ordinance No. 22- 12  
Adopted \_\_\_\_\_

INTRO  
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Introduced: August 1, 2022 Public Hearing: August 15, 2022

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND, KNOWN AS  
BLOCK 38 AND LOT 13.01, IN THE TOWNSHIP OF CLARK TO BE SOLD AT  
PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)**

**WHEREAS**, the Township Council has determined that certain municipally owned land designated as Block 38 Lot 13.01 on the Tax Map of the Township of Clark (hereinafter the "subject property" or the "property"), consisting of one undersized parcel of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council that the subject property shall be sold by private sale. The property is being sold by the Township "as is"; and

**BE IT FURTHER ORDAINED**, in accordance with N.J.S.A. 40A:12-13(b)(5) and with N.J.S.A. 40A:12-13.2, the subject property is being offered to the adjacent property owners as it is an undersized lot; and

**BE IT FURTHER ORDAINED**, the following terms and conditions shall apply:

**SECTION 1:**

1. The subject property being sold is subject to the express condition that it shall be added to and become a part of the adjacent lands of the purchaser and it shall for all future purposes be considered as one parcel.

2. The Township Council reserves the right to reject all bids.

3. The minimum bid the Township will consider is \$2,000.00, plus the cost of recording the deed, agrees that deeds shall be recorded by the purchaser, and shall be responsible for all Township cost associated with the sale of the property. Including, but not limited to, attorney cost and any and all advertisement fees.

4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 38, Lot 13.01", and shall be submitted within twenty (20) days after advertisement of sale required by N.J.S.A. 40A:12-13(b)5.

5. Potential Bidders are advised:

A. To conduct all necessary title searches prior to the date of the sale

B. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Clark as to the conditions of the property; the premises are being sold in their present conditions "as is".

C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Clark.

D. That no employee, agent or officer of the Township of Clark has any authority to waive, modify or amend any of the conditions of the sale.

E. That offers for the property must be made for a sum equal or greater to the minimum bid price of \$2,000.00.

F. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

6. Additional Terms the Successful Bidder must comply with:

A. Bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within 10 days of notice of acceptance of their bid. In the event the bidder fails to timely deposit 10% of the bid price, the Township may re-auction the subject property.

B. The property purchased shall be merged with the bidder's existing property.

C. The successful bidder shall pay at the time of closing: (1) The balance of the purchase price and (2) The cost of recording deeds and agrees that deeds shall be recorded by the purchaser.

D. To pay prorated real estate taxes for the balance of the current year as of the date of closing.

E. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

F. That the failure to close title as agreed shall forfeit to the Township of Clark any and all money deposited with the Township.

G. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.

H. That the title shall close on or before October 31, 2022, and that date shall be considered time of the essence. The Township reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.

I. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

J. All sales are subject to final approval by the Township Council.

K. Parties interested in submitting bids and who require additional information, should contact Edie Merkel, Township Clerk, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066.

7. The Township does not warrant or certify title to the property and in no event shall the Township of Clark be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Township, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.

8. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

9. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

## **SECTION 2:**

**CONSTRUCTION:** Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

## **SECTION 3:**

**INCONSISTENCY:** Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

## **SECTION 4:**

**SEVERABILITY:** In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.



TOWNSHIP OF CLARK  
Ordinance No. 22-13  
Adopted \_\_\_\_\_

INTRO  
6

Introduced: August 1, 2022 Public Hearing: August 15, 2022

**AN ORDINANCE AMENDING ORDINANCE 22-07 ENTITLED  
AN ORDINANCE TO AMEND ARTICLE I, CHAPTER 145, SECTION 3  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "POLICE DEPARTMENT"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Chapter 145, Section 3 of the Code is hereby amended as follows:

**SECTION 1:** §145-3E.(1)(d) is amended as follows:  
  
(d) Use of a police vehicle (local use only) shall be fixed at ~~\$108.00~~  
\$150.00

**SECTION 2:** §145-3E.(2)(b) is amended as follows:  
  
(b) All requests for outside police details under this section shall give at least one hours' advance notice. Failure to provide such advance notice shall result in an increase of the hourly fee for such detail from \$60 per hour to ~~\$70~~-\$90 per hour

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

Effective Date: September 7, 2022

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**JAMES MINNITI**  
Council President

