

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
May 15, 2023
7:30 pm**

ROLL CALL:

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

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

Regular order of business suspended:

Proclamation Declaring May 21 – 27 as EMS week
Proclamation Declaring the first Friday in June to be National Gun Violence Awareness Day
Recognizing the 6th and 7th Grade Travel Basketball teams for their championship and tournament wins

Resume regular order of business

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. 23-16 AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 2 ENTITLED "FEES" OF CHAPTER 122 ENTITLED "CONSTRUCTION CODES, UNIFORM" OF THE CODE OF THE TOWNSHIP OF CLARK**

2. **23-17 AN ORDINANCE TO AMEND ARTICLE IX SECTION 62 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “PRIVATE PROPERTY OPEN TO PUBLIC”**
3. **23-18 AN ORDINANCE TO AMEND ARTICLE IX SECTION 63 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “FIRE ZONES”**

INTRODUCTION OF PROPOSED ORDINANCES:

The Public Hearing for each of the following ordinances will be held on June 19, 2023

4. **23-19 AN ORDINANCE TO AMEND CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “SEWERS” BY ADDING A NEW SUBSECTION 279-26 ENTITLED “GREASE TRAPS REGISTRATIONS REQUIRED.”**
5. **23-20 ORDINANCE AUTHORIZING THE SALE OF CERTAIN LAND IN THE TOWNSHIP OF CLARK TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)**
6. **23-21 AN ORDINANCE AMENDING PART II, CHAPTER 338, ENTITLED “TREES” OF THE ORDINANCES OF THE TOWNSHIP OF CLARK**
7. **23-22 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 347 ENTITLED “VEHICLES AND TRAFFIC” SECTION 27 ENTITLED “PARKING PROHIBITED DURING CERTAIN HOURS” OF THE CODE OF THE TOWNSHIP OF CLARK**

PAYMENT OF CLAIMS:

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through May 10, 2023 in the amount of \$329,374.88

CITIZEN HEARING ON THE AGENDA:

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 5 minutes in duration.

The Public may speak on any agenda item that does not have its own public hearing

RESOLUTIONS:

8. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$55,032.00 for the NJ Association of County and City Health Officials Grant
9. Authorizing release of the Performance Guarantees and remaining Escrow to Woodlawn Partners LLC for the 32/34 Ross Street Subdivision

10. Council as the Pool Utility authorizing the purchase of tables, benches and litter receptacles for the pool, from Barco Products in the amount of \$17,467.58
11. Award of contract to Top Quality Services LLC for Brush and Branch Grinding in the amount of \$40,000.00
12. Re-appointing Josephine Burkhardt and Robert Tarantino as Constables for a three-year term
13. Authorizing the Mayor and/or Business Administrator to execute an amendment to the Recycling Disposal Agreement with Waste Management to extend the current contract term to May 31, 2024
14. Award of Contract to Schaefer Fireworks for the July 4th Fireworks display in the amount of \$17,500.00
15. Authorizing the expansion of the professional services contract with the firm of DiFrancesco, Bateman, to include litigation services at a rate of \$175.00 per hour
16. Authorizing the expansion of the professional services contract with Barr & Gulyas LLC to include litigation services at a rate of \$175.00 per hour
17. Authorizing the Mayor and Township Clerk to execute a Developers Agreement with EURO-TIME, LLC for the property located at 221-223 Westfield Avenue

CONSENT AGENDA RESOLUTIONS:

18. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$892.84
19. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$10,220.00
20. Authorizing the Tax Collector to make the proper adjustments for 100% Property Tax Exemption of Block 102 Lot 16 in accordance with a directive from the U.S. Department of Veterans Affairs

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall give their name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 5 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK

Ordinance No. 23 - 16

Adopted _____

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND AND SUPPLEMENT
SECTION 2 ENTITLED "FEES"
OF CHAPTER 122 ENTITLED "CONSTRUCTION CODES, UNIFORM"
OF THE CODE OF THE TOWNSHIP OF CLARK**

WHEREAS, the Township Council wishes to change the fees payable in connection with construction in the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the following changes be made to Part II, Chapter 122, Section 2, entitled "Fees," of the Code of the Township of Clark be and hereby is supplemented, modified and amended to state as follows:

Section 1. Fees. Chapter 122, Section 2, entitled "Fees," hereby is deleted in its entirety and replaced with the following:

The following fee schedule shall be applicable as indicated:

A. Building.

(1) New building and additions (based on cubic volume):

- (a) Residential: \$0.045 per cubic foot.
- (b) Commercial: \$0.05 per cubic foot.
- (c) Minimum fee: \$125.
- (d) DCA fee (as same may be adjusted from time to time by the New Jersey State Department of Community Affairs): \$0.00371 per cubic foot.
- (e) Electronic Permitting recovery fee (as per P.L.2021, c.70) 0.00371 per cubic foot adjusted as per DCA.

(2) Alteration and renovations:

- (a) Residential: \$35 per \$1,000 cost of construction.
- (b) Commercial: \$40 per \$1,000 cost of construction.
- (c) Roofing and siding, commercial: \$40 per \$1,000 cost of construction.
- (d) Minimum fee: \$125.

- (e) DCA fee (as same may be adjusted from time to time by the New Jersey State Department of Community Affairs): \$1.90 per \$1,000 cost of work.
 - (f) Electronic Permitting recovery fee (as per P.L.2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee.
- (3) Combination of new buildings and alterations.
- (a) Fees shall be computed separately by cubic feet and cost of construction, which shall be the sum of both.
 - (b) The fee for plan review shall be 25% of the amount to be charged for the construction permit. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit. The fee for plan review shall not be refundable. [N.J.A.C. 5:23-4.18(a)1 and (b)1]
- (4) Certificate of occupancy or certificate of approval:
- (a) New building and addition:
 - [1] Ten percent of building subcode fee.
 - [2] Minimum fee: \$125.
 - (b) Certificate — change of use: \$300.
 - (c) Resale of a residential dwelling: \$125.
 - (d) Multiple dwellings (per unit): \$125.
 - (e) Resale of commercial or industrial building:
 - [1] Up to five offices: \$500.
 - [2] Each additional office over five offices: \$100 per office.
 - (f) Change of tenant, commercial/industrial: \$400.
 - (g) Engineering inspection (where required by the Construction Code Official):
 - [1] Initial Inspection \$150.
 - [2] Reinspection \$75.
- (5) Change of contractor:
- (a) For each subcode, as needed: \$50.
- (6) Swimming pools:
- (a) Aboveground pool: \$125.
 - (b) Below-ground pool: \$350.
- (7) Outside storage containers (allowed to remain for 30 days, may be extended two times at the discretion of the Construction Code Official): \$100.

- (8) Dumpster in accordance with § 302-29 Permit required; placement; removal; maintenance.
 - (a) Located in driveway \$50 for 14 days
 - (b) Located in street \$50 for 7 days
- (9) Fences: \$60.
- (10) Antennas (not more than 10 feet high and a thirty-two-foot radius): \$150.
- (11) Asbestos and lead abatement work: \$125.
- (12) Radon: \$60.
- (13) Office trailer: \$300.
- (14) Demolition:
 - (a) One- or two-family dwelling: \$400.
 - (b) Apartment buildings exceeding two stories: \$600.
 - (c) Garages, sheds, accessory uses: \$100.
 - (d) Commercial and industrial: \$40 per \$1,000 cost of demolition, minimum \$600; also escrow as per the Code for any demolitions.
- (15) Signs.
 - (a) All signs shall be computed at \$4 per square foot.
 - (b) Double-faced signs shall be charged the area of both sides of the sign.
 - (c) Minimum fee: \$100.
- (16) Elevators, escalators, etc. Elevator fees shall be set forth in N.J.A.C. 5:23-4.14(g).
- (17) Demand inspections:
 - (a) After-hour inspections: \$225 for each subcode.
- (18) Reinstatement of a construction permit that has become invalid in accordance with the Uniform Construction Code shall be the full price of the permit as calculated by the most current adopted fees. [N.J.A.C. 5:23-4.17(a)1]
- (19) Temporary and renewal certificate of occupancy: \$125.
 - (a) Note: No initial fee charged, provided certificate of occupancy fee is paid at time of request.
- (20) Engineering. Engineering inspections, as required (other than for a certificate of occupancy), will be performed on a time basis in accordance with contracts between the Township and its consultants.
 - (a) Minimum: \$300.

B. Electrical.

(1) Wiring:

- (a) One to 50 outlets, fixtures or switches: \$100.
- (b) Each additional 25 outlets or parts thereof (All switches, lighting and receptacles shall be counted as outlets.): \$50.
- (c) Note: For the purpose of computing this fee, the term "receptacles," "fixtures" or "switches" shall include lighting outlets, fluorescent fixtures, intercom devices, light standards, motors or equipment less than one horsepower (hp) or one kilowatt (kw), smoke and heat detectors, alarm devices, thermostats and communications outlets.

(2) Heating, cooking equipment or similar appliances:

- (a) Outlet for single unit of 30 kw or less: \$50.
- (b) Each additional unit or outlet of 30 kw or less: \$20.
- (c) Cable heat, first unit: \$50.
- (d) Each additional cable unit: \$25.

(3) Electrical devices, including motors, generators and transformers:

- (a) Single unit or group, not exceeding five motors, whose total capacity does not exceed:

Under 10 hp or kw	\$75
10 hp to 50 hp or 10 kw to 45 kw	\$150
50 hp to 100 hp or 45 kw to 112.5 kw	\$200
Over 100 hp or 112.5 kw	\$750

* To compute fee, count all motors, except plug-in appliances, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical currents.

(4) Service meter equipment and feeders:

- (a) Not over 200 amp: \$100.
- (b) 201 to 1,000 amp: \$200.
- (c) Over 1,000 amp: \$575.
- (d) On replacement of service exceeding five meters, for each additional meter: \$25.
- (e) Temporary pole service not over 200 amp: \$150.
- (f) Temporary pole service over 200 amp: \$250.

* To compute fee, count all motors, except plug-in appliances, including control equipment, generators, transformers and all heating, cooking or other devices

consuming or generating electrical currents.

(5) Electric signs, incandescent and fluorescent: \$100.

(6) Primary transformers, vaults, enclosures and substations:

(a) Not over 200 kva: \$125.

(b) Two hundred one kva to 500 kva: \$200.

(c) Over 500 kva: \$400.

Note: Above fees apply to each bank of transformers.

(7) In-ground swimming pools:

(a) Outlets and bonding: \$150.

(8) Aboveground swimming pools:

(a) Outlets and bonding: \$125.

(9) Miscellaneous:

(a) HVAC equipment (per unit): \$40.

(b) Furnace: \$40.

(c) Dishwasher: \$40.

(d) Garbage disposal: \$40.

(e) Electric dryer: \$40.

(f) Electric range: \$40.

(g) Hot-water heater: \$40.

(h) Hard-wired microwave oven: \$40.

(i) Electric baseboard heat greater than four feet in length: \$40.

(j) Geothermal, kw range of 3.8 to 19.2; heat pump, 2.6 kw to 7.4 kw: \$40.

(k) Surface units, 5.1 kw: \$40.

(10) Annual electrical inspection:

(a) Annual electrical inspection of public swimming pools, spas or hot tubs: \$250.

C. Plumbing.

1. First plumbing fixture or vent stack: \$60.

a. Water closet: \$40 each

b. Urinal/bidet: \$40 each

- c. Bathtub: \$40 each
- d. Lavatory: \$40 each
- e. Shower: \$40 each
- f. Floor drain: \$40 each
- g. Sink: \$40 each
- h. Dishwasher: \$40 each
- i. Drinking fountain: \$40 each
- j. Washing machine: \$40 each
- k. Hose bib: \$40 each
- l. Fuel-oil piping: \$40 per outlet
- m. Gas piping: \$40 per outlet
- n. Commercial gas piping: \$40 per \$1,000
- o. Sewer pump and sewer ejector \$100 each
- p. Interceptor/separator \$100 each
- q. Backflow devices/vacuum breakers (residential) \$40 each
- r. Reduced-pressure backflow devices (commercial/industrial) \$125 each
- s. Grease trap \$100 each
- t. Sewer connection and sewer capping \$100 each
- u. Water service connection and water service capping \$100 each
- v. Stacks \$40 each
- w. Indirect connection \$40 each
- x. Water-cooled A/C or refrigeration unit \$80 each
- y. Lawn sprinkler systems \$75
- z. Condensate drain \$40 per unit
- aa. Pool heater \$100
- bb. Gas dryer \$40 each
- cc. Laundry trays \$40 each
- dd. Garbage disposal \$40 each
- ee. Capping of water service \$100
- ff. Commercial and/or special fixtures, boilers, dishwashers and tie-in to process equipment \$100

2. Storm drainage system:

- (a) One roof drain: \$80.
- (b) Two to six roof drains: \$40 each.
- (c) Seven to 12 drains: \$30 each.
- (d) Thirteen and over: \$25 each.
- (2) Building storm drain:
 - (a) Up to eight inches: \$100.
 - (b) Ten inches to 15 inches: \$150.

- (c) Eighteen inches to 24 inches: \$250.
 - (d) Over 24 inches: \$350.
 - (3) Minimum fee: \$100.
- D. Fire protection: fire protection and other hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas- and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems.
- (1) Sprinkler heads or commercial detectors (smoke or heat):

1 to 20 heads or detectors	\$150
21 to 100 heads or detectors	\$200
101 to 200 heads or detectors	\$325
201 to 400 heads or detectors	\$750
401 to 1,000 heads or detectors	\$1,200
Over 1,000 heads or detectors	\$1,500
 - (2) Smoke detectors, residential (R-1, R-2, R-3):
 - (a) One to 12 detectors: \$80.
 - (b) Each additional 25 detectors: \$60.
 - (3) Central control station: \$150.
 - (4) Alarm devices (horns/strobes, pull stations, signaling devices): \$50.
 - (5) Alarm valves \$75
 - (6) Standpipe systems: \$350.
 - (7) Fire Pump \$200.
 - (8) Pre-engineered fire-suppression systems: \$200.
 - (9) Gas- or oil-fired appliance (which is not connected to the plumbing system): \$100.
 - (a) Gas- or wood-fired stove or fireplace: \$90.
 - (b) Water heaters: \$50.
 - (10) Kitchen exhaust systems: \$75.
 - (11) Storage tank installation (aboveground and underground):
 - (a) Up to 2,000 gallons: \$125.
 - (b) Over 2,000 gallons: \$175.
 - (12) Storage tank removal/abandonment (aboveground and underground):
 - (a) Up to 2,000 gallons: \$100.

TOWNSHIP OF CLARK
Ordinance No. 23 - 17
Adopted _____

PH 2

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND ARTICLE IX SECTION 62 OF
CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "PRIVATE PROPERTY OPEN TO PUBLIC"**

WHEREAS, the Township of Clark Police Department and Fire Department recommends the correction of names of private property entities open to the public.

WHEREAS, the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department and Fire Department to promote the health, safety, and welfare of its residents.

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Article 9 Chapter 347 of the Code of the Township of Clark entitled "Private Property Open To Public" is hereby amended in the following particulars:

SECTION 1: Article 9 entitled "Traffic Regulations" Section 347-62 entitled "Private Property Open to Public" is amended and supplemented to correct the following locations:

The former A&P on Raritan Road shall be amended to Acme.

The former Bally's Gym on Raritan Road shall be amended to Atlantic Urgent Care.

The former Crown Plaza on Walnut Avenue shall be amended to Holiday Inn.

The former Molly McGuire's on Central Avenue shall be changed to Central Kitchen & Cocktails.

The former Rite Aid on Central Avenue shall be amended to Walgreens.

SECTION 2: All other provisions of Section 347-62 remain in effect.

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

Effective Date: June 7, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord23/4-17 23-17AmendCh347-62PrivatePropertyOpenToPublic

		Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
	Albanese		✓						
Adopted	Hund								
Adopted as Amended	Mazzarella								
Defeated	Minniti	✓							
Tabled	O'Connor								
Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

TOWNSHIP OF CLARK
Ordinance No. 23 - 18
Adopted _____

PH 3

Introduced: April 17, 2023 Public Hearing: May 15, 2023

**AN ORDINANCE TO AMEND ARTICLE IX SECTION 63 OF
CHAPTER 347
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "FIRE ZONES"**

WHEREAS, the Township of Clark Police Department and Fire Department recommends the installation of a "Fire Zone Area" designation within certain properties located in the Township of Clark.

WHEREAS, the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department and Fire Department to promote the health, safety, and welfare of its residents.

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Article 9 Chapter 347 of the Code of the Township of Clark entitled "Fire Zone Areas" is hereby amended in the following particulars:

SECTION 1: Article 9 entitled "Traffic Regulations" Section 347-63 entitled "Fire Zones" is amended and supplemented to include the following:

<u>Location</u>	<u>Description</u>
Clark Commons, Raritan Road	Designated yellow curbing and striping along the front, side, and rear of the buildings.
Manny's, Raritan Road	Designated yellow curbing and striping along building side.
Clark Pool, Oak Ridge Road	Designated yellow curbing and striping along building side.
301 Central Avenue, Central Avenue	Designated yellow curbing and striping along building side.
CVS, Westfield Avenue	Designated yellow marking and striping along the side of the building.

SECTION 2: Article 9 entitled "Traffic Regulations" Section 347-63 entitled "Fire Zones" is amended and supplemented to correct the following locations:

The former A&P on Raritan Road shall be amended to Acme.

The former Bally's Gym on Raritan Road shall be amended to Atlantic Urgent Care.

The former Crown Plaza on Walnut Avenue shall be amended to Holiday Inn.

The former Molly McGuire's on Central Avenue shall be changed to Central Kitchen & Cocktails.

The former Rite Aid on Central Avenue shall be amended to Walgreens.

SECTION 3: All other provisions of Section 347-63 remain in effect.

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: June 7, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord23/4-17 23-18AmendCh347-63FireZones

		Motion to	Second	Motion to	Second				
		Introduce		Adopt		Aye	Nay	Abstain	Absent
	Albanese		✓						
Adopted	Hund								
Adopted as Amended	Mazzarella	✓							
Defeated	Minniti								
Tabled	O'Connor								
Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

INTRO 4

TOWNSHIP OF CLARK

Ordinance No. 23-19

Adopted _____

Introduced: May 15, 2023 Public Hearing: June 19, 2023

AN ORDINANCE TO AMEND CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS" BY ADDING A NEW SUBSECTION 279-26 ENTITLED "GREASE TRAPS REGISTRATIONS REQUIRED."

WHEREAS, it is in the interests of the Township of Clark and the citizens thereof to maintain the Township's sanitary sewer system by regulating the discharging of grease and other items that are detrimental to the sewer system; and

WHEREAS, §279-24 of the Township's current ordinance, which regulates grease traps, imposes upon business owners the cleaning of grease interceptors; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Clark as follows:

SECTION 1. Chapter 279 entitled "Sewers" is hereby amended and supplemented to create a new Subsection 279-26 entitled "GREASE TRAPS REGISTRATION REQUIRED," to include the following:

279-26 Grease Traps registration required.

- a. No grease trap shall be operated until a registration has been obtained from the Township Health Department by the owner of the establishment wherein the grease trap is operated.
- b. Registrations shall be required for each grease trap operated and shall be renewed annually.
- c. Registrations shall not be transferable between owners, businesses, or grease traps.
- d. Registrations shall be displayed conspicuously in public view, at eye level, and adjacent to the establishment's retail food establishment license.
- e. Initial and renewal registrations shall require completion of an application promulgated by the Township Health Department and submission of a fee in the amount of \$100.00 to the Township Health Department.
- f. Initial and renewal applications shall include the following: (1) A grease trap maintenance log for the last 12 months detailing cleaning with the date, specific grease trap, and person or licensed solid waste firm performing maintenance and (2) Copies of manifests, receipts, or other documentation confirming proper disposition of grease interceptor waste by a solid waste transporter.

INTRO 5

TOWNSHIP OF CLARK

Ordinance No. 23 - 20

Adopted _____

Introduced: May 15, 2023 Public Hearing: June 19, 2023

**ORDINANCE
AUTHORIZING THE SALE OF CERTAIN LAND 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 Council of the Township of Clark, County of Union, State of New Jersey, has determined that certain municipally-owned land designated as Block 76, Lot 4, on the Tax Map of the Township of Clark (hereinafter the "subject property" or the "property"), consisting of one undersized vacant 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 Buildings 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 Council of the Township of Clark that the subject property shall be sold by private sale. The property is being sold by the Township "as is".

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.

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 \$65,000.00, plus the other costs and expenses set forth hereinbelow, and agrees that deed shall be recorded by the purchaser.

4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope that it is a "Bid for Block 76, Lot 4, " on the date that is twenty (20) days after date of advertisement of sale (or if

such date falls on a nationally-recognized Federal or State holiday or on a weekend, on the immediately preceding business day) required by N.J.S.A. 40A:12-13(b)(5) by no later than 10:00 a.m.

5. Potential Bidders are advised:

A. To conduct all necessary title searches prior to the date that the bids are due.

B. That the description of the property is intended as a general guide only and may not be accurate. No representations or warranties of any kind are made by the Township of Clark as to the conditions of the property; as the premises are being sold in their present conditions "as-is," and all representations or warranties hereby are disclaimed and excluded from such sale.

C. That the sale is made subject to all applicable laws, statutes, rules, regulations and ordinances of the United States, the 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 to or greater than the minimum bid price of \$65,000.00.

F. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations, easements and other matters established of record or by prescription and without representation or warranty as to character of title of the property to be conveyed, and to such state of facts as an accurate survey may reveal.

6. Additional Terms the Successful Bidder must comply with:

A. Bidder shall deposit cash, official bank check, cashier's check or money order in the amount of not less than 10% of the bid price within ten (10) days of notice of acceptance of such bidder's bid, time being of the essence (or if such date falls on a nationally-recognized Federal or State holiday or on a weekend, on the immediately preceding business day). 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, (2) any and all recording fees, including without limitation, the cost of recording deeds and agrees that deeds and any other documents and instruments to be recorded shall be recorded by the purchaser, (3) all legal fees attributable to the auction and sale, including but not limited to, the cost of preparation of all legal documents, (4) the advertising costs relating to each property, and (5) the realty transfer fees and any mansion taxes or fees.

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 at 10:30 am on the date that is sixty (60) days after the date of notice of acceptance of such successful bidder's bid (or if such date falls on a nationally-recognized Federal or State holiday or on a weekend, on the next succeeding business day), in Room 24 at the Township Municipal Building, 430 Westfield Avenue, Clark, New Jersey, 07066, and that date shall be considered time of the essence.

I. The Township reserves the right to waive the requirement that two or more pieces of contiguous property be merged and treated as one piece of property.

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

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

L. Parties interested in submitting bids and who require additional information, should contact EDITH L. MERKEL, RMC, 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 bidding but no later than the closing. In the event of closing and a 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.

SECTION 5:

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 6:

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication and in accordance with the laws of the State of New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC,
 Township Clerk

WILLIAM F. SMITH,
 Council President

SALVATORE BONACCORSO,
 Mayor

Effective Date: July 12, 2023

Ord23/5-15 SaleofTwpPropB76L4

		Motion to	Second	Motion to	Second				
		Introduce		Adopt		Aye	Nay	Abstain	Absent
	Albanese								
Adopted	Hund								
Adopted as Amended	Mazzarella								
Defeated	Minniti								
Tabled	O'Connor								
Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

INTRO 6

TOWNSHIP OF CLARK

Ordinance No. 23 - 21

Adopted _____

Introduced: May 15, 2023 Public Hearing: June 19, 2023

AN ORDINANCE AMENDING PART II, CHAPTER 338, ENTITLED "TREES" OF THE ORDINANCES OF THE TOWNSHIP OF CLARK

WHEREAS, the Township of Clark desires to amend Part II, Chapter 338, entitled "Trees" of the Ordinances of the Township of Clark, to establish requirements for tree removal and replacement and penalties for noncompliance in the Township of Clark to protect the environment, public health, safety and welfare.

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

Section 1. Definitions. The following definitions be and hereby amend, supplement and are added to Article IV, Section 338-13, Part II, of Chapter 338, entitled "Trees" of the Ordinances of the Township of Clark:

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

"Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this Ordinance.

"Diameter at Breast Height (DBH)" means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the downhill side of the tree.

"Tree of Significance" means any tree that is recognized by the municipal governing body or local historical organization(s) as being of significance due to its size, unique value, age, rarity, or the aesthetic, botanical, ecological, and historical value.

"Homeowner" means a person(s) who owns a residence.

"Nuisance tree" means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or threatens public health, safety, or welfare.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Planting strip" means the part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

"Street Tree" means a tree planted in the sidewalk or a planting strip in the public right-of-way.

"Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

"Tree removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, and improper grading and/or soil compaction around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of tree treatments intended to manage invasive species.

Section 2. Application and Replacement Requirements. Article IV, Section 338-15, Part II, of Chapter 338, entitled "Trees" of the Ordinances of the Township of Clark, be and hereby is repealed and is replaced by the following in instead:

A. Application Process. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the Director of Public Works. No tree shall be removed until the Director of Public Works or the Director of the Shade Tree Commission has reviewed and approved the Tree Removal Application.

B. Tree Replacement Requirements.

1. Within a five-year period, any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under subsection D of this Section 2 of this Ordinance, shall be subject to the requirements of the Tree Replacement Requirements Table below. Applicants will be subject to and must pay when applying, an application fee as per the Tree Replacement Requirements Table below.

2. For Applicants, other than Homeowner.

Within a five-year period, any person, other than a homeowner, who removes one or more tree(s) with a DBH of 6" or more per acre, unless exempt under subsection D of this Section 2 of this Ordinance, shall be subject to the requirements of the Tree Replacement Requirements Table below.

3. For Homeowner Applicants.

Within a five-year period, any person that removes more than three (3) trees per acre that fall into categories 1, 2, or 3, combined, or any one (1) tree in categories 4 or 5 in the Tree Replacement Requirements table below, unless exempt under subsection D of this Section 2 of this Ordinance, shall be subject to the requirements of the Tree Replacement Requirements Table below.

4. The species type and diversity of replacement trees shall be in accordance with the approval the Director of Public Works or the Director of the Shade Tree Commission, in his or her discretion.

5. Replacement tree(s) shall meet the Required Actions in Table below, and shall be planted within twelve (12) months of the date of removal of the original tree(s). Replacement tree(s) shall be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months. Trees planted in temporary containers or pots do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Required Action	Application Fee <i>[Municipality may choose to include and determine appropriate fees.]</i>
1	DBH of 2.5" (for street trees) or 6" (for other trees) to 12.99"	Replant 1 tree in accordance with the approval the Director of Public Works or the Director of the Shade Tree Commission, with a minimum DBH of 1.5" for each tree removed.	\$30.00
2	DBH of 3" to 22.99"	Replant 2 trees in accordance with the approval the Director of Public Works or the Director of the Shade Tree Commission, with minimum DBHs of 1.5" for each tree removed.	\$30.00

3	DBH of 23"to 32.99"	Replant 3 trees with minimum DBHs of 1.5" for each tree removed.	\$30.00
4	DBH of 33"or greater	Replant 4 trees with minimum DBHs of 1.5" for each tree removed.	\$30.00
5	Tree of Significance*	Replant 5 trees with minimum DBHs of 1.5" for each tree removed.	\$30.00

*Tree of Significance removals shall be approved by the Director of Public Works or the Director of the Shade Tree Commission.

C. Replacement Alternatives.

If the Director of Public Works or the Director of the Shade Tree Commission, determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

1. Plant replacement trees in a separate area(s) approved by the Director of Public Works or the Director of the Shade Tree Commission.
2. Pay a fee of \$375.00 per tree removed. This fee shall be placed into a fund dedicated to tree planting.

D. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the following cases. Proper justification shall be provided, in writing, to the municipality by all persons claiming one or more of the exemptions as set forth below:

1. Clearing, cutting, and/or removal of trees which is necessary to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park, and/or garden. The requirement of proper justification shall be met by submission of a written description certifying why the person needs to clear, cut, and/or remove trees to service, maintain, or ensure the continued safe use of a lawfully existing structure, right-of-way, field, park, and/or garden and photographs substantiating same to the satisfaction of the Director of Public Works or the Director of the Shade Tree Commission.
2. Tree farms in active operation, nurseries, fruit orchards, and garden centers. The requirement of proper justification shall be met by submission of a written description certifying the active lawful operation of a tree farm, nursery, fruit orchard, or garden center and photographs substantiating same, to the satisfaction of the Director of Public Works or the Director of the Shade Tree Commission.
3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan. The requirement of proper justification shall

be met by submission of a written description certifying that the property is used for the practice of silviculture under an approved forest stewardship or woodland management plan, copies of all such approvals thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Work or the Director of the Shade Tree Commission.

4. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan. The requirement of proper justification shall be met by submission of a written description certifying that the property is subject to a New Jersey Department of Environmental Protection (NJDEP)-approved or U.S. Environmental Protection Agency (EPA)-approved environmental clean-up, or NJDEP-approved habitat enhancement plan, copies of all such approvals thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Work or the Director of the Shade Tree Commission.

5. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife. The requirement of proper justification shall be met by submission of a written description certifying that the property is subject to approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, copies of all such approvals and recommendations thereof in writing and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Works or the Director of the Shade Tree Commission.

6. Nuisance trees may be removed with no fee or replacement requirement. The requirement of proper justification shall be met by submission of a written description certifying that the trees targeted for removal are nuisance trees, photographs substantiating same and a written statement from licensed tree expert or arborist confirming such claim, to the satisfaction of the Director of Public Works or the Director of the Shade Tree Commission.

Section 3. Enforcement and Penalties. Article IV, Section 338-16, Part II, of Chapter 338, entitled "Trees" of the Ordinances of the Township of Clark, be and hereby is repealed and is replaced by the following in instead:

The Director of Public Works or the Director of the Shade Tree Commission shall enforce this Ordinance. Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine of \$875.00. The removal of a tree of significance

is not subject to a fine limit, which shall be fixed by the Municipal Court of the Township of Clark in its discretion, but such fine shall in no event be less than \$875.00.

Section 4. Removal of Trees from Commercial Lots. Article V, Sections 338-17, 18 and 21, Part II, of Chapter 338, entitled “Trees” of the Ordinances of the Township of Clark, be and hereby are repealed, and Section 338-22 be and hereby is repealed and is replaced by the following in instead:

The Director of Public Works or the Director of the Shade Tree Commission shall enforce this Ordinance. Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine of \$875.00. The removal of a tree of significance is not subject to a fine limit, which shall be fixed by the Municipal Court of the Township of Clark in its discretion, but such fine shall in no event be less than \$875.00.

Section 5. Protection of Trees in Clark Wildlife Preserve. Article VI, Section 338-23, Part II, of Chapter 338, entitled “Trees” of the Ordinances of the Township of Clark, be and hereby are repealed, and Section 338-23 be and hereby is amended and supplemented to state:

Any tree cut down or illegally removed in the Clark Wildlife Preserve and Habitat shall be replaced by the Township, at the cost of the offender, in accordance with Article IV, Sections 338-15(b)(4) and (5), Part II, of this Chapter 338.

Article VI, Sections 338-24, 25 and 26, Part II, of Chapter 338, entitled “Trees” of the Ordinances of the Township of Clark, be and hereby are repealed, and Section 338-27 be and hereby is repealed and is replaced by the following in instead:

Enforcement and Penalties. The Director of Public Works or the Director of the Shade Tree Commission shall enforce this Ordinance. Any person(s) who is found to be in violation of the provisions of this Ordinance shall be subject to a fine of \$875.00. The removal of a tree of significance is not subject to a fine limit, which shall be fixed by the Municipal Court of the Township of Clark in its discretion, but such fine shall in no event be less than \$876.

Section 6. Inconsistency. All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. Severability. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective Date: July 12, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC,
 Township Clerk

WILLIAM SMITH,
 Council President

SALVATORE BONACCORSO,
 Mayor

Ord 23/5-15 23-21TreeRemovalReplacement

		Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
	Albanese								
<input type="checkbox"/> Adopted	Hund								
<input type="checkbox"/> Adopted as Amended	Mazzarella								
<input type="checkbox"/> Defeated	Minniti								
<input type="checkbox"/> Tabled	O'Connor								
<input type="checkbox"/> Withdrawn	Toal								
	Smith								
	Entire Council								
	TOTAL								

TOWNSHIP OF CLARK
Ordinance No. 23 - 22
Adopted _____

INTRO 7

Introduced: May 15, 2023 Public Hearing: June 19, 2023

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC" SECTION 27 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS" OF THE CODE OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended and supplemented in the following particulars:

SECTION 1: Section 347-27 entitled "Parking prohibited during certain hours" is hereby amended and supplemented as follows:

Name of Street	Side	Days	Hours	Location
Lupine Way	West	All	8:00 am to 9:00 pm	From Runnymede Road to Oleander Way
Westfield Ave.	South	Wednesdays, except holidays	6:00 am to 8:00 am	From Bartell Place to Madison Hill Road

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: July 12, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

TOWNSHIP OF CLARK
 Resolution 23-76
 May 15, 2023

8

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$55,032.00 which is now available from the State of New Jersey, New Jersey Association of County and City Health Officials (NJACCHO) Grant in the amount of \$55,032.00; and

BE IT FURTHER RESOLVED that the like sum of \$55,032.00 is hereby appropriated under the caption New Jersey Association of County and City Health Officials (NJACCHO) Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$55,032.00.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/5-15 76Ch159NJACCHOGrant

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-77
May 15, 2023

9

WHEREAS Woodlawn Partners, LLC has requested release of the original Performance Guarantee in the amount of Twenty-Two Thousand, Nine Hundred Seventy-Two Dollars and Twenty Cents (\$22,972.20) and an additional Sewer Lateral Cash Bond in the amount of Five Thousand Dollars (\$5,000.00) for the 32/34 Ross Street Subdivision, located in Block 185, Lots 16.011 and 16.012; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the Performance Guarantee(s) and remaining escrow.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Engineer and authorizes release of the Performance Guarantee(s) and remaining escrow as stated herein for the abovementioned project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 77ReleaseBondsEscrow32-34Ross

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-78
May 15, 2023

10

WHEREAS the Department of Recreation has solicited and received quotes for Litter Receptacles, Tables and Benches for use at the Pool Facility with the following results:

Barco Products	\$17,467.58
Ben Shaffer Recreation	\$18,707.64

WHEREAS Barco Products, 24 N. Washington Ave., Batavia, Illinois 60510 provided the lowest responsible quote in the amount of Seventeen Thousand, Four Hundred Sixty-Seven Dollars and Fifty-Eight Cents (\$17,467.58) which meets the needs of the Township; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Pool Capital Outlay Account #3-08-55-512-291 as attached hereto as a "Certification of Availability of Funds".

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the purchase of Pool Equipment from Barco Products of Batavia, Illinois in a total amount not to exceed \$17,467.58.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 78AuthPurchaseofPoolEquip-Barco

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 23-79

May 15, 2023

11

WHEREAS there exists a need for Brush and Branch Grinding 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 five (5) proposals were received for the above-mentioned services and were publicly opened at 10:00 am on May 11, 2023 as follows:

COURTESY COPIES OF RFP WERE SENT TO:

<u>Contractor</u>	<u>Amount</u>
Britton Industries	\$77,000.00
Environmental Renewal, LLC	\$52,501.00
Firewood Farm, Inc.	\$40,500.00
Frank Galbraith & Son	\$44,687.00
Top Quality Services, LLC	\$40,000.00

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Top Quality Services, LLC, 417 Brook Avenue, Piscataway, NJ 08854; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Roads Maintenance OE Account #201-26-290-216 as attached hereto as a "Certification of Availability of Funds".

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 Brush and Branch Grinding Services to Top Quality Services, LLC in accordance with NJSA 19:44A-20.5 et. seq.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 79RFPAwardBrushandBranchGrinding

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
<input type="checkbox"/> Adopted	Hund						
<input type="checkbox"/> Adopted as Amended	Mazzarella						
<input type="checkbox"/> Defeated	Minniti						
<input type="checkbox"/> Tabled	O'Connor						
<input type="checkbox"/> Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-80
May 15, 2023

12

BE IT RESOLVED by the Governing Body of the Township of Clark upon the recommendation of the Mayor of the Township of Clark that Josephine Burkhardt and Robert Tarantino be and the same are hereby re-appointed as Constables in the Township of Clark to serve for a term of three (3) years to commence upon the swearing in, payment of the annual fee and the posting of a Constable’s Bond; and

BE IT FURTHER RESOLVED that the aforementioned persons shall be required to comply with N.J.S.A. 40A:9-120 *et seq.* which statute regulates the appointment, authority, duties and responsibilities of appointed constables.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 80Re-appointConstables

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O’Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 23-81

May 15, 2023

13

WHEREAS, the Township solicited proposals pursuant to N.J.S.A. 19:44A-20.5 through a fair and open process for the disposal of recyclable materials in accordance with the specifications prepared by the Business Administrator, for the Township of Clark, County of Union and State of New Jersey on or about on or about March 9, 2022;

WHEREAS, such solicitation and responding successful proposal of Waste Management of New Jersey, Inc. (hereinafter, "Contractor") specified pricing for the time period of beginning June 1, 2022 through May 31, 2023, and for the time period of June 1, 2023 through May 31, 2024;

WHEREAS, the Township intended to award such contract and to contract for such services for the full two (2)-year period specified in the Township's solicitation for proposals and bid upon by Contractor in its proposal, but inadvertently adopted a resolution and executed and delivered, along with Contractor, a contract for only a one (1)-year term; and

WHEREAS, the Township desires that such award and contract cover the two (2)-year term as it had solicited and which was proposed by Contractor, and to authorize the execution and delivery by the Mayor or the Business Administrator of an amendment agreement correcting the term of such contract to one which expires instead as originally contemplated by and specified in the Township's solicitation and Contractor's proposal in response thereto, on May 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Clark, County of Union, State of New Jersey, hereby authorizes the Mayor or the Business Administrator to execute and deliver an amendment agreement consistent with the foregoing, correcting the term of such contract to one which expires instead as originally contemplated by and specified in the Township's solicitation and Contractor's proposal in response thereto, on May 31, 2024.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM SMITH,
Council President

Res23/5-15 81 AuthRecyclingDisposalextendingtermWM

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-82
May 15, 2023

14

WHEREAS the Township solicited quotes seeking proposals from Garden State Fireworks, Schaefer Fireworks, and International Fireworks Mfg. Co., for a Fireworks Display to be presented on July 4, 2023; and

WHEREAS proposals were received for a show on July 4th as follows:

Garden State Fireworks, Inc.	\$30,000.00
Schaefer Fireworks	\$17,500.00
International Fireworks Mfg. Co.	Fully Booked

WHEREAS Schaefer Fireworks, 370 Hartman Bridge Road, Ronks, PA 17572, submitted a responsible, responsive proposal in the amount of \$17,500.00.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby commits to a fireworks display presented by Schaefer Fireworks, to be held on Tuesday, July 4, 2023 with a rain date of Wednesday, July 5, 2023, and authorizes the Mayor and/or Business Administrator to enter into a contract, as sufficient funds have been appropriated in the 2023 Municipal Budget, Celebration and Public Events account.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

JAMES MINNITI
Council President

Res23/5-15 82Fireworks

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

RESOLUTION AUTHORIZING THE EXPANSION OF THE PROFESSIONAL SERVICES CONTRACT WITH THE TOWNSHIP OF CLARK PLANNING BOARD ATTORNEY TO INCLUDE APPOINTMENT OF SPECIAL COUNSEL

WHEREAS, the Township of Clark has a need to expand the services provided by the Township of Clark Planning Board Attorneys; and

WHEREAS, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. ("DiFrancesco, Bateman"), in 2023 was appointed as Township of Clark Planning Board Attorneys under the fair and open procurement process; and

WHEREAS, DiFrancesco, Batman is qualified to provide legal services as Special Counsel in connection with and replying to certain demands and defend the Township in lawsuits filed against the Township of Clark and in conjunction with serving as Planning Board Attorneys; and

WHEREAS, the Qualified Purchasing Agent determined and certified in writing that the value of the current contract will exceed \$44,000.00 and funds to cover the expenditures for the above-reference contract will be encumbered by purchase orders on an as-needed basis (as required pursuant to N.J.A.C. 5:30-5.4); and

WHEREAS, the term of this service will be coextensive with the DiFrancesco, Bateman term as Township Planning Board Attorneys; and

WHEREAS, DiFrancesco, Bateman stated it would provide these legal services at the same rate as for the Township Planning Board of \$175.00 per hour; and

WHEREAS, the Chief Financial Officer certifies, pursuant to N.J.A.C. 5:30-5.4, that there are adequate funds for this contract expansion and that funds have been certified to be available in account number(s) 3-01-20-155-201, from Law Special Services.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to expand the contract with DiFrancesco, Bateman; and

BE IT FURTHER RESOLVED that the Determination of Value be placed on file with this Resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 83ExpandDiFrancescoContractEstateofMahaVQalawiPD

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

RESOLUTION AUTHORIZING THE EXPANSION OF THE PROFESSIONAL SERVICES CONTRACT WITH THE TOWNSHIP OF CLARK CHIEF MUNICIPAL PROSECUTOR TO INCLUDE APPOINTMENT OF SPECIAL COUNSEL

WHEREAS, the Township of Clark has a need to expand the services provided by the Township of Clark Chief Municipal Prosecutor Clark Municipal Court; and

WHEREAS, Barr & Gulyas L.L.C., in 2023 was appointed by the Director of Law as Township of Clark Chief Municipal Prosecutor, Clark Municipal Court; and

WHEREAS Barr & Gulyas L.L.C. is qualified to provide legal services as Special Counsel in connection with and replying to certain demands and defend the Township in lawsuits filed against the Township of Clark and in conjunction with serving as Chief Municipal Prosecutor, Clark Municipal Court; and

WHEREAS, the Qualified Purchasing Agent determined and certified in writing that the value of the current contract will exceed \$44,000.00 and funds to cover the expenditures for the above-reference contract will be encumbered by purchase orders on an as-needed basis (as required pursuant to N.J.A.C. 5:30-5.4); and

WHEREAS, the term of this service will be coextensive with the Barr & Gulyas L.L.C term as Chief Municipal Prosecutor; and

WHEREAS, Barr & Gulyas L.L.C will provide these legal services at a rate of \$175.00 per hour; and

WHEREAS, the Chief Financial Officer certifies, pursuant to N.J.A.C. 5:30-5.4, that there are adequate funds for this contract expansion and that funds have been certified to be available in account number(s) 3-01-20-155-201, from Law Special Services; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to expand the contract with Barr & Gulyas L.L.C; and

BE IT FURTHER RESOLVED that the Determination of Value be placed on file with this Resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 84ExpandBarrContractEstateofMahaVQalawiFD

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

17

TOWNSHIP OF CLARK
Resolution 23-85
May 15, 2023

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk to execute a Developer’s Agreement with EURO-TIME, LLC., having its principal office located at 103 Fairview Road, Clark, New Jersey 07066 for the tract of land identified as Block 17, Lots 11 and 12, situated at 221 to 223 Westfield Avenue, Clark, New Jersey 07066.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 85AuthDevAgrmt-EURO-TIME221-223WestfieldAve

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-86
May 15, 2023

CA 18

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2023 sewer fees; the Mayor has recommended to Council that such authorization be granted.

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

CLARK TOWNSHIP						
REF		Acct#	#	Address	Reason	Refund
23	5R	387-0	110	William Street	Refund overpayment	\$ 140.00
23	6R	1295-0	32	Stemmer Drive	Refund overpayment	\$ 175.00
23	7R	3919-0	18	Picton Street	Refund overpayment	\$ 260.00
23	8R	4286-0	18	Emerson Road	Refund overpayment	\$ 140.00
23	9R	4146-0	11	Schmidt Lane	Refund overpayment	\$ 10.70
23	10R	2183-0	133	Terminal Avenue	Refund overpayment	\$ 167.14
Total Refunds						\$ 892.84

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 86SewerRefund(s)

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-87
May 15, 2023

CA 19

WHEREAS the Tax Collector has certified that sewer utility account(s) require balance adjustments; and

WHEREAS the Business Administrator has reviewed and approved the sewer fee adjustment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Tax Collector be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 87SewerAdj

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 23-88

May 15, 2023

CA 20

WHEREAS the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Omar Navarro to be 100% permanently disabled, in accordance with N.J.S.A. 54: 4-3, 30, et. seq.; and

WHEREAS Omar Navarro owns the property listed in the tax duplicate as 11 Harding Avenue, Clark, New Jersey, Block 102 Lot 16, and is entitled to one hundred percent of the taxes for this property exempt; and

WHEREAS Omar Navarro has paid the 1st Quarter 2023 taxes, amounting to \$2269.44; therefore, a refund will be issued to Omar Navarro, in the amount of \$2269.44. The remainder of 2023 will be cancelled, and preliminary billing for 2024 will be cancelled; and

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper adjustments to exempt this property as indicated above.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/5-15 88TaxExemptDisabledVet-Navarro

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						