

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
August 21, 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.

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. 23-24 AN ORDINANCE TO AMEND ORDINANCE 23-16 ENTITLED 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. 23-25 AN ORDINANCE TO AMEND CHAPTER 114 ENTITLED “CERTIFICATE OF CONTINUED OCCUPANCY” OF THE CODE OF THE TOWNSHIP OF CLARK

INTRODUCTION OF PROPOSED ORDINANCES:

- 3. 23-26 AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “AFFORDABLE HOUSING” TO ADD A NEW SUBSECTION 66-4F ENTITLED “AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS”**

PAYMENT OF CLAIMS:

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 10, 2023 in the amount of \$328,259.97

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:

- 4. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$8,039.23 for the National Opioid Settlement**
- 5. Authorizing Final Payment to S. Brothers, Inc. for work completed on the 2022 Capital Road Improvements – Various Locations in the amount of \$32,930.91**
- 6. Award of Contract for the Collection and Disposal of Leaves to Frank Galbraith & Son Excavation and Demolition in the amount of \$41,200.00**
- 7. Award contract to DLS Contracting, Inc. for the 2023 NJDOT Road Improvements, Stonehenge Terrace, in the amount of \$537,139.00**
- 8. Authorizing the Business Administrator to purchase one 2023 4 X 4 Pick-up Truck for use by the Fire Department in the amount of \$68,503.00**
- 9. Authorizing the Chief Financial Officer to refund \$275.00 to Isiah Blair for a withdrawn solicitor’s permit**
- 10. Authorizing submission of an application for the Kids Recreation Grant in the amount of \$24,072.00 for improvements to Veterans Field**
- 11. Authorizing submission of an application for the Greening Union County Grant in the amount of \$12,600.00**

12. Authorizing the Mayor and Township Clerk to execute a Shared Services Agreement with the Borough of Mountainside whereby Clark will provide a Studio Production Associate to facilitate the Borough's media needs
13. Accepting land sale bids from township owned property, Authorizing and Ratifying a contract for sale pursuant to N.J.S.A. 40A:12-13(a) and authorizing the Township Attorney to prepare deeds of conveyance
14. Authorizing the purchase of eight (8) Solar Rectangular Rapid Flashing Beacons for pedestrian crosswalks, through the Somerset County Cooperative Pricing System in the total amount of \$48,584.80
15. Requesting an Agreement with the County of Union to permit installation of Solar Rectangular Rapid Flashing Beacons on county roads at various locations

CONSENT AGENDA RESOLUTIONS:

16. Authorizing the Tax Collector to refund overpayment of taxes in the amount of \$2,666.00
17. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$4,651.90
18. Authorizing the issuance of a Duplicate Tax Sale Certificate for Block 195 Lot 29 pursuant to Chapter 99 of the Public Laws of 1997
19. Authorizing the provision of a grant pursuant to the Township of Clark Affordability Assistance Program for the tenant of an affordable housing unit located 25 Walnut Ave, unit 123
20. Authorizing the provision of a grant pursuant to the Township of Clark Affordability Assistance Program for the tenant of an affordable housing unit located 35 Walnut Ave, unit 305

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 - 24

Adopted _____

Introduced: July 17, 2023 Public Hearing: August 21, 2023

**AN ORDINANCE TO AMEND ORDINANCE 23-16 ENTITLED
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 Chapter 122, Section 2, entitled "Fees," was amended on May 15, 2023 by Ordinance 23-16 and requires further amendments.

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 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, with all other amendments adopted in Ordinance 23-16 remaining unchanged and in effect:

Section 1. Fees. Chapter 122, Section 2, entitled "Fees," is hereby further amended in the following particulars:

The following fee schedule shall be applicable as indicated:

A. Building.

Subsection (4) is hereby divided into two sections: (4) Certificate of Occupancy and (4.1) Certificate of Compliance.

(4) Certificate of Occupancy: ~~or certificate of approval:~~

(a) New building and addition:

[1] Ten percent of the building subcode fee

[2] Minimum fee: \$125

[3] Certificate - change of use: \$300

(4.1) Certificate of Compliance:

~~(b) Certificate change of use: \$300.~~

(a) Resale of a residential dwelling: \$125

(b) Multiple dwellings (per unit): \$125

(c) Resale of commercial or industrial building:

[1] Up to five offices: \$500

[2] Each additional office over five offices: \$100 per office

(d) Change of tenant, commercial/industrial: \$400

~~(G) Engineering inspection (where required by the Construction Code Official):~~

~~(1) Initial inspection \$150~~

~~(2) Reinspection \$75~~

(9) Fences: \$60 over 6 ft.

(13) Office trailer: \$300 (other than construction site trailers)

(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

(b) Engineering inspection (where required by the Construction Code Official):

[1] Initial Inspection \$150.

[2] Reinspection \$75.

(21) Sheds - 200 sq. ft. and up/10 ft. or higher in height: \$35 per \$1000 cost of construction

B. Electrical.

(2) Heating, ~~cooling~~ cooling equipment or similar appliances:

(11) Minimum fee: \$125

C. Plumbing.

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

gg. Water heater: \$50

2. Storm drainage system:

(3) Minimum fee: ~~\$100-~~\$125

E. Mechanical

(5) Minimum fee: \$125

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.

TOWNSHIP OF CLARK

Ordinance No. 23-25

Adopted _____

PH 2

Introduced: July 17, 2023 Public Hearing: August 21, 2023

AN ORDINANCE TO AMEND CHAPTER 114 ENTITLED "CERTIFICATE OF CONTINUED OCCUPANCY" OF THE CODE OF THE TOWNSHIP OF CLARK

WHEREAS the Construction Code Official wishes to change the term Certificate of Continued Occupancy to Certificate of Compliance.

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 Chapter 114, of the Code of the Township of Clark be and hereby is amended to state as follows:

Section 1. Chapter 114 is hereby amended to change the title of the Chapter to Certificate of Compliance

Section 2. § 114-1 **Certificate of Compliance required prior to sale.**

A certificate of compliance shall be required to be issued prior to the sale of any structure within the Township.

Section 3. § 114-2 **Inspection prior to issuance.**

Prior to the issuance of any such certificate of compliance, the Construction Code Official shall conduct an inspection of the subject premises in order to ascertain compliance with this Code and all ordinances of the Township, including zoning, construction, health and the like. In the event there exists upon such premises any violation of the Code or of any municipal ordinance or any hazardous or dangerous conditions, as same are defined in the Uniform Construction Code, a certificate of compliance shall not be issued until such violations have been corrected, and the Construction Code Official has caused the same to be reinspected and found the premises to be in compliance with the foregoing.

Section 4. § 114-3 **Inspection fees.**

Section 114-3 is hereby deleted in its entirety and replaced as follows:

The fees to be charged in connection with the foregoing inspections are as set forth and stated in Chapter 122 Section 2.

Section 5. 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.

TOWNSHIP OF CLARK

Ordinance No. 23-26

Adopted _____

INTRO 3

Introduced: August 21, 2023 Public Hearing September 18, 2023

AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "AFFORDABLE HOUSING" TO ADD A NEW SUBSECTION 66-4F ENTITLED "AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS"

WHEREAS, the Township of Clark, through Chapter 195 entitled "Land Use and Development" Ordinance zoned for affordable housing in six (6) Districts within the Township and established affordable housing set-aside percentages as follows:

<u>Section</u>	<u>Set-Aside</u>
195-129 R-B Multiple-Family Residential District-Subsections D.(3) and E.(2)(a)	20%
195-130 R-SH Age-Restricted/Senior Housing Overlay District-Subsection A	20%
195-131 DTV Downtown Village District-Subsection A.(1)	15%
195-140.1 R-TH Residential Townhouses District-Subsection D.(2)(k)	20%
195-140.2 R-B-16 Multiple-Family Residential District-Subsection C.(3)	20%
195-140.3 R-B-20 Multiple-Family Residential District-Subsection C.(3)	16% if 168 units then 27 affordable units or 16% if 177 units then 28 units

and;

WHEREAS, Section 195-140.3 R-B-20 Multiple-Family Residential District, Subsection

195-140.3C.(2) is site-specific and provides that the “maximum density shall be 20 units per acre of site area. A minimum of 168 units are permitted, with three-bedroom units permitted for both market-rate and affordable units. At the applicant’s option, the maximum units permitted would be 177, provided that the only permitted three-bedroom units would be affordable units to meet the Township’s obligations”; and

WHEREAS, Section 195-140.C(3) provides that if “the total unit count is 168 units, the affordable housing set-aside shall be 27 units”, and if “the total unit count is 177 units, the affordable housing set-aside shall be 28 units”; and

WHEREAS, in only the site-specific R-B-20 Multiple-Family Residential District is a specific set-aside required depending upon the total number of units the site yields. In all other Districts, a set-aside percentage is to be applied to the total number of units proposed resulting in the potential for partial affordable housing units; and

WHEREAS, in the 20% and 15% Districts, a method of calculating the number of partial affordable units, is necessary; and

WHEREAS, the Township does not have any District with a set-aside other than 20%, 16% or 15%. However, if the Township adopts an Ordinance creating a District with a set-aside of other than 20%, 16% or 15%, that Ordinance will address the set-aside requirements, including the method to calculate partial affordable housing unit. Additionally, if a Redevelopment Plan requires a set-aside, the Redevelopment Plan will address the appropriate set-aside; and

WHEREAS, it is the purpose of this Ordinance to provide a method for the Township to calculate what occurs in the event that applying the set-aside in a 20% or 15% District results in a partial affordable housing unit; and

WHEREAS, if applying the set-aside applicable to a 20% or 15% District result in a fraction of a unit less than .5, the developer shall have the option of paying a proportionate share of the developer affordable housing fee or provide an affordable housing unit.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Clark, County of Union, State of New Jersey, that Chapter 66 of the Code of the Township of Clark entitled “Affordable Housing” is amended to add a new subsection 66-4F entitled “Affordable Housing Set-Aside Requirements” as follows:

Section 1. Chapter 66 of the Code of the Township of Clark entitled “Affordable Housing” is amended to add a new subsection 66-4F entitled “Affordable Housing Set-Aside Requirements” as follows:

(1) In the R-B Multiple-Family Residential District, the R-SH Age-Restricted/Senior Housing Overlay District, the R-TH Residential Townhouse District, and the R-B-16 Multiple-

Family Residential District with an affordable housing set-aside of 20% (the 20% Districts”), developments creating fewer than five (5) residential units shall pay the residential development fee to the Township of Clark Affordable Housing Trust Fund.

(2) In the 20% Districts, developments creating five (5) residential units shall provide one (1) affordable housing unit.

(3) In the 20% Districts, developments creating six (6) or more units shall provide a minimum of one (1) affordable housing unit, and:

(a) Where the set-aside creates a fraction of a unit less than .5, the developer shall have the option to either:

[1] Pay \$200,000.00, as may be adjusted based on the United States Census Bureau’s Quarterly Multifamily Housing Units Under Construction Index, to the Township of Clark Affordable Housing Trust Fund.

[2] Provide an affordable housing unit.

(b) When applying the set-aside creates a fraction of a unit greater than .5, the developer shall provide an affordable housing unit.

(c) All whole numbers created by the set-aside shall be provided as affordable units.

(4) In the DTV Downtown Village District with an affordable housing set-aside of 15% (the “15% District”), developments creating fewer than five (5) residential units shall pay the residential development fee to the Township of Clark Affordable Housing Trust Fund.

(5) In the 15% District, developments creating five (5) or six (6) residential units shall provide one (1) affordable housing unit.

(6) In the 15% District, developments creating seven (7) or more residential units shall provide a minimum of one (1) affordable housing unit, and:

(a) Where the set-aside creates a fraction of a unit less than .5, the developer shall have the option to either:

[1] Pay \$200,000.00, as may be adjusted based on the United States Census Bureau’s Quarterly Multifamily Housing Units Under Construction Index, to the Township of Clark Affordable Housing Trust Fund.

[2] Provide an affordable housing unit.

(b) When applying the set-aside creates a fraction of a unit greater than .5, the developer shall provide an affordable housing unit.

(c) All whole numbers created by the set-aside shall provide be provided as affordable units.

(7) If the Township of Clark enacts an Ordinance creating a District with an affordable housing set-aside other than 20%, 16% or 15%, that Ordinance will address the method of calculating partial affordable units. Additionally, if a Redevelopment Plan requires a set-aside, the Redevelopment Plan will address the appropriate set-aside percentage.

Section 2. Severability. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. Effective Date. This Ordinance shall take effect immediately after final passage and publication according to law.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord23/8-21 23-26AmendCh66Sec66-4FAffHousingSet Aside

		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
Resolution 23-130
August 21, 2023

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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 \$8,039.23 which is now available from the National Opioid Settlement in the amount of \$8,039.23; and

BE IT FURTHER RESOLVED that the like sum of \$8,039.23 is hereby appropriated under the caption National Opioid Settlement; and

BE IT FURTHER RESOLVED that the above is the result of funds from the National Opioid Settlement in the amount of \$8,039.23.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 130Ch159OpioidGrant

		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 23-131

August 21, 2023

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WHEREAS S. Brothers, Inc. has completed work on the 2022 Capital Road Improvements – Various Locations and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Thirty-Two Thousand, Nine Hundred Thirty Dollars and Ninety-One Cents (\$32,930.91); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C-04-22-005-001 as attached hereto as a “Certification of Availability of Funds”; and

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

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by S. Brothers, Inc. to be Eighty-Four Thousand, Six Hundred Seventy Dollars and Forty-Two Cents (\$84,670.42); and

WHEREAS S. Brothers, Inc. has submitted a Maintenance Bond in the amount of \$84,670.42.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882 in the amount of \$32,930.91 and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 131AuthFinalPayment2022CapitalRoads-VariouLocations-S.Bro

		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 23-132
August 21, 2023

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WHEREAS the Governing Body of the Township of Clark advertised on July 6, 2023, and received two (2) bids for the Collection and Disposal of Leaves on August 2, 2023, at 10:00 a.m.; and

WHEREAS the two (2) lowest responsible bidders were:

<u>Bidder</u>	<u>Amount</u>
Frank Galbraith & Son Excavation and Demolition	\$41,200.00
Britton Industries	\$79,500.00

WHEREAS the lowest responsible bidder was Frank Galbraith & Son Excavation and Demolition, 831 Raritan Road, Scotch Plains, NJ 07076 in the amount of \$41,200.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Frank Galbraith & Son Excavation and Demolition; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2023 Municipal Budget, Account Number 26-306-223, not to exceed \$41,200.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Frank Galbraith & Son Excavation and Demolition, in the amount of \$41,200.00, subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 132AwardLeaves-Galbraith

		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 23-133
August 21, 2023

7

WHEREAS the Governing Body of the Township of Clark has advertised for bids on July 20, 2023 for the 2023 NJDOT Road Improvement Program – Stonehenge Terrace; and

WHEREAS four (4) bid proposals were received on August 3, 2023 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were DLS Contracting, Inc, of Fairfield, NJ with a bid in the amount of \$537,139.00, S & L Contractors of Kenilworth, NJ with a bid in the amount \$555,852.00 and S. Brothers, Inc. of South River, NJ with a bid in the amount of \$590,543.90; and

WHEREAS DLS Contracting, Inc., 36 Montesano Road, Fairfield, NJ 07004 submitted the lowest responsible bid in the amount of Five Hundred Thirty-Seven Thousand, One Hundred Thirty-Nine Dollars (\$537,139.00) which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C-04-23-009-001 as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to DLS Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to DLS Contracting, Inc. in the amount of \$537,139.00; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 133AwardNJDOTRoads-Stonehenge-DLSContracting

		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 23-134
 August 21, 2023

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WHEREAS the Governing Body of the Township of Clark advertised on August 3, 2023, and received two (2) bids for the purchase of one 2023 4x4 Pick-up Truck with Crew Cab, at 10:00 a.m. on August 15, 2023; and

WHEREAS the lowest responsible bidders were:

<u>Bidder</u>	<u>Amount</u>
Ciocca Ford of Flemington	\$68,503.00
Route 23 Automall, LLC	\$77,627.10

WHEREAS the lowest responsible bidder was Ciocca Ford of Flemington, 215 US Highway 202, Flemington, NJ 08822 in the amount of \$68,503.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends the purchase of one 2023 4x4 Pick-up Truck with Crew Cab from Ciocca Ford of Flemington; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2023 Municipal Budget, Account Numbers T-16-56-900-113 and C-04-22-010-001, not to exceed \$68,503.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator to purchase one 2023 4x4 Pick-up Truck with Crew Cab from Ciocca Ford of Flemington, in the amount of \$68,503.00.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/8-21 134AwardPick-upTruck-FD

		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 23-135
 August 21, 2023

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BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Chief Financial Officer to refund Isiah Blair, 6690 Hauser Road, Apt N104, Macungie, PA 18062 for the solicitor application he withdrew in the amount of \$275.00.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/8-21 135SolicitorApl.Refund-Blair

		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 23-136

August 21, 2023

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**RESOLUTION AUTHORIZING THE APPLICATION FOR
“KIDS RECREATION TRUST FUND” GRANT
FOR THE TOWNSHIP OF CLARK**

WHEREAS the Union County Board of County Commissioners has established the Kids Recreation Trust Fund to allocate grant funds for the creation, enhancement and/or replacement of recreational facilities; and

WHEREAS the Township of Clark desires to submit a grant application to seek funding in the amount of \$24,072.00 for improvements to Veterans Field (The Pit) including the addition of playground items, including Color Wheel Panel, 3-in-a-Row Panel, Sounds of Water Panel, Animal Race Half Panel, Flower Spinner Half Panel, Flowers Inground Ensemble and Tuned Drums with Rainbow Cap to be added to existing fixtures in accordance with the established guidelines of the grant, including accepting the award and executing an agreement with Union County; and

WHEREAS the Chief Financial Officer has ascertained that matching funds are available in the 2023 Municipal Budget, Account Number T-16-56-250-101, in the amount of \$24,072.00.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, New Jersey formally approves the submission of a grant application for the above stated Grant Program and authorizes the Mayor and/or Business Administrator to execute a grant agreement.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 136SubmitKidsRecTrustGrant

		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 23-137
 August 21, 2023

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WHEREAS the Township of Clark is eligible to participate in the Greening Union County Tree-Planting Program; and

WHEREAS funding is available through a matching grant from the Union County Open Space, Recreation & Historic Preservation Trust Fund; and

WHEREAS the anticipated cost of the 25 trees to be requested is \$12,600.00; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Road Maintenance Account: 3-01-26-290-216 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, State of New Jersey that it hereby authorizes the submission of a grant application and execution of all necessary documents by the Mayor and/or Business Administrator for the Greening Union County Grant in the amount of \$6,300.00; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be included in the submission packet to be sent to Union County.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/8-21 137AuthSubmitGreeningUCGrant

		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 23-138
August 21, 2023

12

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/or the Business Administrator and Township Clerk to execute a Shared Services Agreement with the Borough of Mountainside, a municipal corporation maintaining offices located at 1385 Route 22, Mountainside, New Jersey 07092, for the Township of Clark to provide a Studio Production Associate to the Borough of Mountainside to facilitate the broadcasting over cable networks and streaming social media services of Borough Council meetings and other events the Governing Body determines to be worthy of such publicity for the contract term October 1, 2023 to September 30, 2024

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 138AuthSharedServicesAgrmt-MountainsideStudioProductionAssociate

		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 23-139
August 21, 2023**

RESOLUTION OF THE TOWNSHIP OF CLARK ACCEPTING LAND SALE BIDS FROM TOWNSHIP OWNED PROPERTY, AUTHORIZING AND RATIFYING A CONTRACT FOR SALE PURSUANT TO N.J.S.A. 40A:12-13(a) AND AUTHORIZING THE TOWNSHIP ATTORNEY TO PREPARE DEEDS OF CONVEYANCE.

WHEREAS, N.J.S.A. 40A:12-13 authorizes the private sale of real property no longer needed for public use; and

WHEREAS, on June 19, 2023, the Governing Body of the Township of Clark adopted Ordinance 23-20 authorizing the sale of Township owned land having determined that same was not necessary for public use; and

WHEREAS, pursuant to Ordinance 23-20, a private land sale auction was conducted on August 11, 2023; and

WHEREAS, the Township has received one bid to purchase said lands through an auction process in accordance with the local Lands and Buildings Law; and

WHEREAS, the sole bidder was Robert and Danyelle Vill, 267 Westfield Avenue, Clark, New Jersey, in the amount of Sixty-Five Thousand, One Hundred Dollars and Zero Cents (\$65,100.00); and

WHEREAS, the Township Council believes it is in the best interest of the taxpayers to sell said lands not needed for public use; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13, the Governing Body of the Township of Clark is required to accept or reject said high bid; and

WHEREAS, the Township Council of the Township of Clark has reviewed said bid and hereby accepts same for lands, known as Lot 4 in Block 76.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, County of Union, State of New Jersey that the lands hereto and the bid associated therewith be and are hereby accepted by the Township of Clark; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said Contracts for Sale of Real Estate on behalf of the Township of Clark; and

BE IT FURTHER RESOLVED, that the Township Attorney be and is hereby authorized and empowered to prepare the Contract for the Sale of the Township owned property, which is not necessary for public use; and

BE IT FURTHER RESOLVED, that the Township Attorney be and is hereby authorized and empowered to prepare deeds of conveyance to effectuate the transactions contemplated thereby; and that the Mayor, Township Business Administrator, and/or the Township Attorney are hereby authorized to take any and all action necessary to consummate the sale of the subject properties subject to and in accordance with the terms and conditions of the Contract for Sale of Real Estate and Ordinance 23-20, including but not limited to the execution of any and all documents necessary to effectuate same.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/8-21 139AuthSaleofB76L4

		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 23-140

August 21, 2023

14

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Official(s) to approve the purchase of eight (8) Solar Rectangular Rapid Flashing Beacons for pedestrian crosswalks; and

Pricing: through the Somerset County Purchasing - Cooperative Pricing System

System Identifier: Somerset County Co-Op Contract # CC-0099-22 Group 10

Vendor: Traffic and Parking Control Co., Inc., (TAPCO)
5100 West Brown Deer Road, Brown Deer, Wisconsin, 53223

Funded by: Trust account: T-16-56-900-113 and Grant account: G-01-41-770-334
Eight (8) Solar Rectangular Rapid Flashing Beacons totaling \$48,584.80

WHEREAS the Chief Financial Officer has ascertained there are available sufficient, uncommitted appropriations in the amount of \$48,584.80 funded by Trust account: T-16-56-900-113 and Grant account: G-01-41-770-334 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase the Solar Rectangular Rapid Flashing Beacons from TAPCO as hereinabove stated.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 140AuthSomersetCountyCo-Oppurchase-FlashingBeacons-TAPCO

		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 23-141
August 21, 2023

REQUEST AGREEMENT WITH THE COUNTY OF UNION
TO PERMIT INSTALLATION OF RECTANGULAR RAPID FLASHING BEACONS
ON COUNTY ROADS AT VARIOUS LOCATIONS

WHEREAS, the Township of Clark ("Township") desires to install Rectangular Rapid Flashing Beacons ("RRFB") at various intersections along Union County-operated roadways in the Township of Clark, New Jersey, in order to improve roadway and pedestrian safety and promote general welfare, and

WHEREAS, the County of Union ("County") controls and maintains Westfield Avenue, Madison Hill Road, Broadway and Union County Parkway, and

WHEREAS, the Township controls and maintains Kenneth Place, Kathryn Street, Mildred Terrace, Winthrop Road, Valley Road, Union Street, and Riverside Drive, and

WHEREAS, the County, in discharge of its public duties, pursuant to N.J.S.A. 39:4-120,1, desires to permit the Township to install RRFBs at the following intersections:

- Westfield Avenue (UC) at Kenneth Place;
- Westfield Avenue (UC) at Kathryn Street;
- Madison Hill Road (UC) at Mildred Terrace;
- Madison Hill Road (UC) at Winthrop Road;
- Union County Parkway (UC) at Valley Road;
- Broadway (UC) at Union Street;
- Westfield Avenue (UC) at Riverside Drive

WHEREAS, the Township agrees to install the RRFBs at said intersections and to be responsible for any and all costs or expenses associated with same, and

WHEREAS, because these locations are along County Roads, an agreement is required with the County of Union to permit the installation of rectangular rapid flashing beacons at each of the above listed intersections.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF CLARK:

That the Mayor and Township Clerk be and they are hereby authorized to request an agreement with the County of Union in which the Township agrees to install a rectangular rapid flashing beacon at each of the above listed intersections in the Township of Clark, County of Union, New Jersey, and to be responsible for any and all costs or expenses associated with same.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 141 Permit Installation of RRF on County Roads

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

Dated: _____

I, Edith L. Merkel, Township Clerk of the Township of Clark, do hereby certify that the foregoing resolution was duly adopted by the Township Council of said Township at a regular meeting held on August 21, 2023.

Edith L. Merkel, RMC

TOWNSHIP OF CLARK
Resolution 23-142
August 21, 2023

CA 16

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

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

CLARK TOWNSHIP						
TAX REFUNDS-2023						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
78	9		Darlan Bastidas	31	Bartell Place	\$ 2,666.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 142TaxRefund(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 23-143
August 21, 2023

CA 17

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

Res23/8-21 143SewerAdj

		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 23-144
August 21, 2023

CA 18

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Fig 20 LLC FBO which certificate is dated November 14, 2022 covering the premises commonly known and referred to as Lot 29 Block 195 as set out on the municipal tax map then in use which certificate bears number 22-00023.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that the original certificate was accidentally endorsed for cancellation before it was sent for recording. This lien did not redeem; therefore, the aforesaid tax sale certificate will need to be sent for recording. The county will not accept the certificate to be recorded since it was endorsed for cancellation.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Clark that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 144DuplicateTaxSale

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

State of New Jersey)
County of Union) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the forgoing is a true and correct copy of Resolution 23-144, as approved at a Regular Meeting of the Township Council held on August 21, 2023.

Edith L. Merkel, Township Clerk
Date: August 21, 2023

CA 19

**TOWNSHIP OF CLARK
Resolution 23-145
August 21, 2023**

**RESOLUTION AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE
TOWNSHIP OF CLARK AFFORDABILITY ASSISTANCE PROGRAM FOR THE
TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED
25 WALNUT AVE, UNIT 123, CLARK, NJ 07066**

WHEREAS, Applicant Zakeeah Bryant (“Tenant”) will be renting 25 Walnut Ave, Unit 123, Clark Township (“Property”), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Tenant has requested an Affordability Assistance Grant through Clark Township’s Affordability Assistance Program to pay for one month’s rent for the Property; and

WHEREAS, the Township’s Affordable Housing Administrative Agent, CGP&H, LLC., has reviewed the Tenant’s application and qualified the Tenant for the requested assistance; and

WHEREAS, the amount of the requested grant for the one month’s rent will be paid directly to the landlord by the Township; and

WHEREAS, the Township is willing, pursuant to the Affordable Assistance Program, to extend a grant to the Tenant in the amount of \$1,149.00; and

WHEREAS, the funding for the grant will be from the Clark Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED on this 21st day of August, 2023, by the Township Council of the Township of Clark, County of Union, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township’s Affordability Assistance Program, to enter into an Agreement with Tenant and provide Tenant with a grant to be used to pay for one month’s rent for the Property.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant amount.

CERTIFICATION

I, Edith L. Merkel, Clerk of the Township of Clark, certify that the foregoing resolution was adopted by the Township Council of the Township of Clark at its meeting held on the 21st day of August, 2023.

Edith L. Merkel, Clerk

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 145AuthRentalAssistGrant-Bryant

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

CA 20

TOWNSHIP OF CLARK
Resolution 23-146
August 21, 2023

**RESOLUTION AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE
TOWNSHIP OF CLARK AFFORDABILITY ASSISTANCE PROGRAM FOR THE
TENANT OF AN AFFORDABLE HOUSING UNIT LOCATED
35 WALNUT AVE, UNIT 305, CLARK, NJ 07066**

WHEREAS, Applicant Quanesha Jackson (“Tenant”) will be renting 35 Walnut Ave, Unit 305, Clark Township (“Property”), a property governed by the statutes, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Tenant has requested an Affordability Assistance Grant through Clark Township’s Affordability Assistance Program to pay for one month’s rent for the Property; and

WHEREAS, the Township’s Affordable Housing Administrative Agent, CGP&H, LLC., has reviewed the Tenant’s application and qualified the Tenant for the requested assistance; and

WHEREAS, the amount of the requested grant for the one month’s rent will be paid directly to the landlord by the Township; and

WHEREAS, the Township is willing, pursuant to the Affordable Assistance Program, to extend a grant to the Tenant in the amount of \$1,421.00; and

WHEREAS, the funding for the grant will be from the Clark Township Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED on this 21st day of August, 2023, by the Township Council of the Township of Clark, County of Union, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Township’s Affordability Assistance Program, to enter into an Agreement with Tenant and provide Tenant with a grant to be used to pay for one month’s rent for the Property.
2. The Mayor, Administrator, Clerk, Township Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the grant amount.

CERTIFICATION

I, Edith L. Merkel, Clerk of the Township of Clark, certify that the foregoing resolution was adopted by the Township Council of the Township of Clark at its meeting held on the 21st day of August, 2023.

Edith L. Merkel, Clerk

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/8-21 146AuthRentalAssistGrant-Jackson

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