

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
September 18, 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. 23-26 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"
2. 23-27 AN ORDINANCE TO AMEND CHAPTER 189 HOUSING STANDARDS, ARTICLE III LEAD-BASED PAINT HAZARDS, SECTION 189-19A REGISTRATION AND INSPECTION REQUIRED, OF THE CODE OF THE TOWNSHIP OF CLARK

INTRODUCTION OF PROPOSED ORDINANCES:

3. 23-28 AN ORDINANCE TO AMEND CHAPTER 48, SECTION 48-5 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED EMPLOYEE POLICY AND PROCEDURE MANUAL
4. 23-29 AN ORDINANCE TO ADD A NEW CHAPTER 358, ENTITLED "MOTION PICTURES," TO PART II, ENTITLED "GENERAL LEGISLATION," OF THE CODE OF THE TOWNSHIP OF CLARK

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through September 12, 2023 in the amount of \$253,074.51

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:

5. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2022 Annual Audit entitled General Comments and Recommendations
6. Authorizing the purchase of one 2023 Ford F-250 Pick-up Truck from Ciocca Ford of Flemington for use by the Fire Department in the amount of \$66,953.00
7. Award of contract to Premier Building Contractor LLC for the purchase and installation of replacement windows and one door at Fire Station 2 in the amount of \$23,850.00.
8. Authorizing the Mayor and or Business Administrator to execute a Direct Install Program Participation Agreement with PSE&G for replacement of the Township's HVAC system in the amount of \$173,779.96
9. Authorizing release of the remaining Escrow funds to Tomarc for completion of the construction of the Urgent Care Facility at 45 & 77 Central Ave.

CONSENT AGENDA RESOLUTIONS:

10. Canceling the remaining balance in the 2022 Greening Union County Grant in the amount of \$30.50
11. Authorizing the Tax Collector to refund overpayment of taxes in the amount of \$8,128.10
12. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$280.00

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. 23-26

Adopted _____

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: October 11, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice 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								

PH 2

TOWNSHIP OF CLARK

Ordinance No. 23 - 27

Adopted _____

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

AN ORDINANCE TO AMEND CHAPTER 189 HOUSING STANDARDS, ARTICLE III LEAD-BASED PAINT HAZARDS, SECTION 189-19A REGISTRATION AND INSPECTION REQUIRED, OF THE CODE OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 189, Article III, Subsection 189-19A is hereby amended as follows:

Section 1. 189-19 Registration and inspection required.

The last sentence of paragraph A. shall be amended to read: "Such owner shall register and provide such information at https://main.govpilot.com/web/public/a0383c46-711_Landlord-Registration-Township-of-Clark?uid=7353&ust=NJ&pu=1&id=0"

Section 2. Inconsistent Ordinances. Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 4. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective Date: October 11, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

SALVATORE BONACCORSO
Mayor

INTRO
3

TOWNSHIP OF CLARK
Ordinance No. 23-28
Adopted _____

Introduced: September 18, 2023 Public Hearing: October 16, 2023

**AN ORDINANCE TO AMEND CHAPTER 48, SECTION 48-5
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED EMPLOYEE POLICY
AND PROCEDURE MANUAL**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 48, Section 48-5 of the Code of the Township of Clark is hereby amended as follows:

WHEREAS, the Township of Clark has previously adopted an Employee Policy and Procedure Manual; and

WHEREAS, the Manual was last revised February 2023 pursuant to Ordinance 23-08; and

WHEREAS, the Governing Body of the Township of Clark wishes to amend the aforesaid Ordinance and adopt a revised and updated Policy and Procedure Manual;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1: Section 48-5 of the Code of the Township of Clark is hereby amended as follows:

All Township employees are subject to and shall otherwise abide by the policies and procedures set forth in the Employee Policy and Procedure Manual adopted 1996, revised 2003, 2008, 2010, 2012, 2014, 2016, 2018, 2021, January and November 2022 and February 2023 the provisions contained therein shall be fully operative regarding all aspects of employment, except to the extent that the same may conflict with or be inconsistent with such policies and procedures as may be specified in any collective bargaining agreement(s) which agreement(s) shall supersede the provisions hereof or any state or federal codes, rules or regulations which shall preempt the provisions hereof. All Township employees shall receive a copy of said revised manual upon the adoption of this Ordinance or upon the commencement of their employment as the case may be.

SECTION 2: In all other respects Section 48-5 et seq. is hereby ratified, restated and reconfirmed.

SECTION 3: Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon adoption and upon publication according to law.

INTRO
4

TOWNSHIP OF CLARK

Ordinance No. 23 - 29

Adopted _____

Introduced: September 18, 2023 Public Hearing: October 16, 2023

AN ORDINANCE TO ADD A NEW CHAPTER 358, ENTITLED "MOTION PICTURES," TO PART II, ENTITLED "GENERAL LEGISLATION," OF THE CODE OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Governing Body of the Township of Clark that a new Chapter 358, entitled "Motion Pictures," be and hereby is added to Part II, entitled "General Legislation," of the Code of the Township of Clark, stating as follows:

§ 1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, on computers, on other electronic devices, in theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.

- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM/United Artists.
- H. Dreamworks.
- I. Any major streaming service, such as Netflix, Hulu, or Amazon Prime Video.
- J. Any film for which the budget is at least \$5,000,000.

Recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality which is within the jurisdiction and control of the municipality.

§ 2 Permit required.

A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Zoning Officer, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates, and the hours during such day or dates that such filming will take place. Said permit must be readily available for inspection by township officials at all times at the site of the filming.

B. All permits shall be applied for and obtained from the office of the Zoning Officer during normal business hours. Applications for such permits shall be accompanied by a permit fee in the amount established by this chapter in § 10 herein.

C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, at the request of the applicant, the Zoning Officer shall issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§ 3 Issuance of permits.

A. No permits will be issued unless applied for at least fifteen (15) days before the requested shooting date; provided, however, that the Mayor or Business Administrator, in his or her judgment, may waive the fifteen (15)-day period if the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

B. No permit shall be issued for filming upon public lands unless the applicant shall provide the municipality with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

(a) For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$2,000,000.

(b) For property damage for each occurrence in the aggregate amount of \$500,000.

(2) An agreement, in writing, whereby the applicant agrees to indemnify, defend and save harmless the municipality from any and all liability, cost and expense (including without limitation, reasonable counsel fees, costs and expenses), claim, action and damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer for the times indicated on the permit as per § 145-3 E

C. The hiring of a fire official to inspect the site and the equipment to be used, if deemed necessary, as required by § 8 "Copies of permit; inspections" for the times indicated on the permit as per § 161-48. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police Department with respect thereto.

§ 4 Interference with public activity; notice of filming.

A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least fourteen (14) days prior to the

requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Construction Official within two (2) days of the requested shooting date.

§ 5 Refusal to issue permit; employment of patrolmen and electrician.

A. The Mayor or Business Administrator may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other township agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the Township reserves the right to require one (1) or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff, the cost of said on-site licensed electrician also shall be borne by the applicant as a cost of production.

§ 6 Appeals.

A. Any person aggrieved by a decision of the Mayor or Business Administrator denying or revoking a permit or a person requesting relief may appeal to the Township Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Township Clerk.

B. An appeal from the decision of the Mayor or Business Administrator shall be filed within 10 days of the decision. The Township Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Township Council shall be in the form of a resolution supporting or reversing the decision of the Mayor or Business Administrator at the first regularly scheduled public meeting of the Township Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Manager shall be deemed to be reversed, and a permit shall be issued in conformity with the application or relief shall be deemed denied.

§ 7 Waiver of requirements of chapter by Mayor or Business Administrator.

The Mayor or Business Administrator may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if it is determined that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the following factors should be considered:

- (1) Potential traffic congestion at the location.
- (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
- (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
- (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.
- (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
- (6) The Township's prior experience with the applicant, if any.

§ 8 Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other township inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other township inspectors.

§ 9 Reimbursement of certain costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Township for any lost revenue, cost or expense, such as but not limited to, parking meter revenue or other revenues that the Township was prevented from earning because of filming, or repairs to public property.

§ 10 Fees.

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- A. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of § 3A which requires that the application be made at least fifteen (15) before the requested shooting date, necessitating expedited processing of a permit application but no fewer than

24 hours before the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150

B. Daily filming fee payable in addition to the basic filming permit when filming on public property: not to exceed \$1,000 per day.

C. Daily filming fee payable for major motion picture when filming on public property: not to exceed \$4,000 per day.

D. Set-up and break-down fee payable in addition to the basic filming permit and filming fee on public property not to exceed \$500 per day.

E. Set-up and break-down fee payable for a major motion picture in addition to the basic filming permit and filming fee on public property not to exceed \$2,000 per day.

F. Fire Prevention Inspections would include, but not be limited to, tent, generator, occupancy, food set-up, including, without limitation, cooking and food truck inspections. Electrical (including, without limitation, battery) storage, gasoline storage and propane storage inspections, if needed, also may be required as per Article VII Enforcement of Uniform Fire Safety Act and fees assessed in § 161-47.

G. Filming permit for nonprofit applicants filming for educational purposes, including student films (no daily rate required): \$25.

H. Filming on private property: no daily filming fee will be imposed.

§ 11 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

Effective Date: November 8, 2023

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord23/9-18 23-29NewCh358MotionPictures

		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 23-147
September 18, 2023

5

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction,

may be fined not more than one thousand dollars (\$1,000.00)
 or imprisoned for not more than one year, or both, in
 addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res23/9-18 147AuditReport-GroupAffidavit

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

TOWNSHIP OF CLARK
Resolution 23-148
September 18, 2023

6

WHEREAS the Governing Body of the Township of Clark advertised on August 31, 2023, and received one (1) bid for the purchase of one 2023 Ford F-250 4x4 Pick-up Truck with Crew Cab, at 10:00 a.m. on September 12, 2023; and

WHEREAS the sole, lowest responsible bidder was Ciocca Ford of Flemington, 215 US Highway 202, Flemington, NJ 08822 in the amount of \$66,953.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends the purchase of one 2023 Ford F-250 4x4 Pick-up Truck with Crew Cab from Ciocca Ford of Flemington; and

WHEREAS the Chief Financial Officer has ascertained funds are available in Account Number T-16-56-900-113, not to exceed \$66,953.00.

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 Ford F-250 4x4 Pick-up Truck with Crew Cab from Ciocca Ford of Flemington, in the amount of \$66,953.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

Res23/9-18 148AwardF-250Pick-upTruck-FD

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

TOWNSHIP OF CLARK
Resolution 23-149
September 18, 2023

7

WHEREAS the Fire Department has solicited and received quotes for the purchase and installation of replacement windows and one door at Fire Station 2 with the following results:

Premier Building Contractor LLC	\$23,850.00
Anthony James Master Builders	\$33,775.00

WHEREAS Premier Building Contractor LLC, 129 Dock Street, Union Beach, New Jersey 07735 provided the lowest responsible quote in the amount of \$23,850.00 which meets the needs of the Township.

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Buildings and Grounds OE Account #3-01-26-310-218 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 awards a contract for the purchase and installation of replacement windows and one door at Fire Station 2 in the amount of \$23,850.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

Res23/9-18 149AwardFireStation2windows&doorreplacement

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

8

TOWNSHIP OF CLARK

Resolution 23-150

September 18, 2023

WHEREAS, the Township wishes to replace its aging, unreliable and hence costly heating, ventilating and air-conditioning equipment and system with new, more modern and efficient equipment and a new, more modern and efficient system; and

WHEREAS, Public Service Electric & Gas (“PSE&G”), a public utility subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission, has offered to replace the Township’s aging, unreliable and hence costly heating, ventilating and air-conditioning equipment and system with new, more modern and efficient equipment and a new, more modern and efficient system that is estimated to save the Township more than Fifty-Thousand Dollars (\$50,000.00) per year and will cost the Township only twenty percent of the actual cost, or a total of One-Hundred Seventy-Three Thousand Seven-Hundred Seventy-Nine Dollars and Ninety-Six Cents (\$173,779.96), as is set forth on the annexed Direct Install Program Participation Agreement (the “Agreement”), which will be payable without any interest directly to PSE&G on the Township’s monthly bill from PSE&G in consecutive monthly installments over a sixty (60) month period; and

WHEREAS, N.J.S. 40A:11-5(1)(f) provides that “ ... [a]ny contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if ... (1) ... [t]he subject matter thereof consists of ... (f) ... [t]he supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission; ...”;

WHEREAS, the Agreement contemplates the “supplying of ... [a] product ... [and] the rendering of ... [a] service by” PSE&G.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark that the Agreement be and hereby is approved; and

BE IT FURTHER RESOLVED, that the value of the Agreement is subject to 2023 budget appropriation; and

BE IT FURTHER RESOLVED, that the Mayor and the Business Administrator be and hereby are authorized and directed to execute and deliver to PSE&G, the Agreement and any and all documents ancillary or incidental thereto.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res23/9-18 150ReplaceHVAC-PSE&G Agrmt

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

TOWNSHIP OF CLARK
 Resolution 23-151
 September 18, 2023

9

WHEREAS The Tomarc Company has requested release of the remaining escrow funds for the Urgent Care Project at 45 & 77 Central Avenue; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the 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 remaining escrow as stated herein for the abovementioned project.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res23/9-18 151ReleaseEscrow45&77CentralTomarc

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

TOWNSHIP OF CLARK
Resolution 23-152
September 18, 2023

CA 10

WHEREAS the Township of Clark received a Greening Union County Tree-Planting Program Grant from the County of Union for the year 2022; and

WHEREAS the program was completed for less than the projected amount and;

WHEREAS a balance remains on the books and records of the Township in the amount of \$30.50; and

WHEREAS the Chief Financial Officer has requested that the remaining grant balance in the amount of \$30.50 be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the balance remaining in the 2022 Greening Union County Tree-Planting Program Grant in the amount of \$30.50 is hereby cancelled.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

Res23/9-18 152CancelBalanceGreeningUCGrant

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

TOWNSHIP OF CLARK
 Resolution 23-153
 September 18, 2023

CA 11

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:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
49	15		Telewiak, Tomasz & Nicole	46	Shading Pl	\$ 4,591.22
40	50.03		Nimkar, Neil	6	Hartman Court	\$ 995.78
129	8		Lichwold, Frances	46	Grand Street	\$ 2,541.10
Total Refunds						\$ 8,128.10

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res23/9-18 153TaxRefund(s)

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

TOWNSHIP OF CLARK
 Resolution 23-154
 September 18, 2023

CA 12

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

 ANGEL ALBANESE
 Council Vice President

Res23/9-18 154SewerAdj

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

