

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  
November 20, 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](http://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. 23-30 AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"
2. 23-31 AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, ADDING A CHAPTER 307, ENTITLED "PRIVATELY-OWNED SALT STORAGE FACILITIES," TO THE ORDINANCES OF THE TOWNSHIP OF CLARK
3. 23-32 AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 306 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STORMWATER MANAGEMENT"
4. 23-33 AN ORDINANCE AMENDING PART II, CHAPTER 338, ENTITLED "TREES" OF THE ORDINANCES OF THE TOWNSHIP OF CLARK

**INTRODUCTION OF PROPOSED ORDINANCES:**

5. 23-34 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 Public Hearing December 18
6. 23-35 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) Public Hearing December 18

**PAYMENT OF CLAIMS:**

Councilman O’Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through November 13, 2023 in the amount of \$222,859.23

**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:**

7. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$6,300.00 for the Greening Union County Grant
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 \$24,072.00 for the Kids Recreation Trust Fund Grant
9. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$3,646.00 for the Municipal Alliance Youth Leadership Grant
10. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$13,194.00 for the Municipal Alliance DEDR Grant
11. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$1,065.99 for the National Opioid Settlement
12. Authorizing the Mayor to execute a Lease Agreement with Phoenix Tower International for the Operation of the Wireless Telecommunications Facility
13. Approving the Council Meeting Calendar for 2024
14. Approving the 2024 Holiday Schedule
15. Authorizing the Mayor and/or Business Administrator to execute the Risk Management Consultant’s Agreement as required by the NJ Municipal Self Insurers’ Joint Insurance Fund with World Insurance Associates for 2024
16. Authorizing the purchase of one Chevrolet Malibu for use by the Construction Department in the amount of \$26,247.60

**CONSENT AGENDA RESOLUTIONS:**

17. Appointing Special Law Enforcement Officers effective January 1, 2024
18. Authorizing the provision of a Grant pursuant to the Township of Clark Affordability Assistance Program for the Tenant of an Affordable Housing Unit located at 25 Walnut Ave, Unit 124
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 at 25 Walnut Ave, Unit 206
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 at 25 Walnut Ave, Unit 223
21. Authorizing the provision of a Grant pursuant to the Township of Clark Affordability Assistance Program for the Tenant of an Affordable Housing Unit located at 25 Walnut Ave, Unit 224
22. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$1,228.25
23. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$2,250.00

**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 - 30**  
**Adopted \_\_\_\_\_**

Introduced: October 16, 2023 Public Hearing: November 20, 2023

**AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "VEHICLES AND TRAFFIC"**

**WHEREAS** the Township of Clark Police Department recommends the installation of a "STOP" sign on Grandview Avenue at its intersection with Carolina Street; and

**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 to promote the health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended in the following particulars:

**SECTION 1:** Article V entitled "Traffic Regulations" Section 347-33 entitled "Stop Intersections" is amended and supplemented so as to include the following:

| <u>Intersection</u>                  | <u>"STOP" Sign on:</u>         |
|--------------------------------------|--------------------------------|
| Grandview Avenue and Carolina Street | Both sides of Grandview Avenue |

**SECTION 2:** All other provisions of Section 347-33 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.



PH 2

TOWNSHIP OF CLARK

Ordinance No. 23 - 31

Adopted \_\_\_\_\_

Introduced: October 16, 2023 Public Hearing: November 20, 2023

**AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, ADDING A CHAPTER 307, ENTITLED "PRIVATELY-OWNED SALT STORAGE FACILITIES," TO THE ORDINANCES OF THE TOWNSHIP OF CLARK**

**§ 307-1 Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (i.e., privately-owned) in the Township of Clark to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**§ 307-2 Definitions.**

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 Chapter 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 word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run-through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**§ 307-3 De-Icing Material Storage Requirements.**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>, but no longer than 30 days without prior written approval from the Construction Code Official

1. Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
3. Materials shall be formed in a cone-shaped storage pile;
4. All storage piles shall be covered as follows:
  - a. The cover shall be waterproof, impermeable, and flexible;
  - b. The cover shall extend to the base of the pile(s);
  - c. The cover shall be free from holes or tears;
  - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
  - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
    - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.

5. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of solid deicing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15<sup>th</sup> - April 15<sup>th</sup>.

C. The property owner shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met.

**§ 307-4 Exemptions.**

This ordinance does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.

**§ 307-5 Enforcement.**

This ordinance shall be enforced by the Construction Code Official of Clark during the course of ordinary enforcement duties.

**§ 307-6 Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:

- (a) The fine for any offense which is a first repeat offense shall be \$500, plus costs; and
- (b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense shall be \$2,500, plus costs.

**§ 307-7 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.

**§ 307-8 Effective Date.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Effective Date: December 12, 2023

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
Council President

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

Ord23/10-16 23-31Ch307Privately-ownedSaltStorage

|                    |                | 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          |                     |        |                 |        |     |     |         |        |

Introduced: October 16, 2023 Public Hearing: November 20, 2023

**AN ORDINANCE TO AMEND ARTICLE I OF  
CHAPTER 306  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "STORMWATER MANAGEMENT"**

**WHEREAS** the New Jersey Department of Environmental Protection has offered a "streamlined" stormwater management ordinance which the Township desires to enact.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Clark, Union County, New Jersey, that the following Article I of Chapter 306 of the Code of the Township of Clark entitled "Stormwater Management" be and hereby is amended and restated in its entirety as follows:

**SECTION 1:** Article I of Chapter 306 of the Code of the Township of Clark entitled "Stormwater Management" be and hereby is amended by repealing its current text and restating the same as follows:

ARTICLE I Stormwater Management

**§ 306-1. Scope and purpose.**

A. Policy statement.

- (1) Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including Green Infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low-impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- (2) In addition to the proper design and construction of stormwater management facilities, continued inspection and maintenance will be required through the life of each facility. This oversight includes periodic inspection of stormwater facilities and review of operation and maintenance records kept by each property owner; including inspection logs, maintenance records, and stormwater facility location information.

B. Purpose.

- (1) This article is enacted in accordance with the Stormwater Pollution Prevention Plan (SPPP) of the Township of Clark and is enacted with the purpose to establish minimum stormwater management requirements and controls for "major development," as defined herein.

- (2) The Township of Clark is also subject to compliance with the New Jersey Municipal Stormwater Regulation Program. Under this program, the Township of Clark holds a municipal separate storm sewer system (MS4) permit that requires the municipality to have a system of oversight in place to ensure adequate long-term operation and maintenance of stormwater facilities approved but not owned or operated by it. Stormwater facilities include, among other devices and structures, stormwater management basins.
- (3) A system of oversight is achieved by the implementation of local ordinances which are required by the MS4 permit with the legal authority being derived from the Federal Clean Water Act, the New Jersey Water Pollution Control Act and the New Jersey Stormwater Management Rules. The Township's system of oversight requires collaboration with the owners or operators of stormwater facilities.
- (4) The Township of Clark also is establishing a policy for addressing stormwater management for development not meeting the criteria of major development. Design standards and design requirements not included herein may be found in a publication entitled "New Jersey Stormwater Best Management Practices Manual" (BMP Manual) that may be found at <http://www.dep.nj.gov/stormwater/bmp-manual/>.

The Stormwater Management Rules, N.J.A.C. 7:8 specify stormwater management standards that are mandatory in New Jersey for new major development. The BMP Manual was developed by the NJDEP to provide guidance to address the standards in the Stormwater Management Rules, N.J.A.C. 7:8.

#### C. Applicability.

- (1) This article shall be applicable to all site plans and subdivisions for developments that require either preliminary or final site plan or subdivision review:
- (2) This article shall also be applicable to all major developments undertaken by the Township of Clark.
- (3) Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.
- (4) This article is applicable to developments that do not otherwise meet the NJDEP's definition of Major Development.

D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

#### § 306-2. Definitions.

- A. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number

include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

**§ 306-3. Design and performance standards for stormwater management measures.**

- A. This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.
- B. Minimum development design criteria. Development that does not meet the criteria of a major development shall address the requirements herein to the maximum extent practicable. At a minimum, applicants proposing such development shall document that there is no additional runoff draining to adjoining properties. Runoff from new impervious coverage shall be routed to the nearest street or municipal storm drainage system and not to adjacent properties.

**§ 306-4. Solids and Floatable Materials Control Standards:**

A. Site design features identified under Section III above, or alternative designs in accordance with Section 3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4.A.2 below.

- 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in 4.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

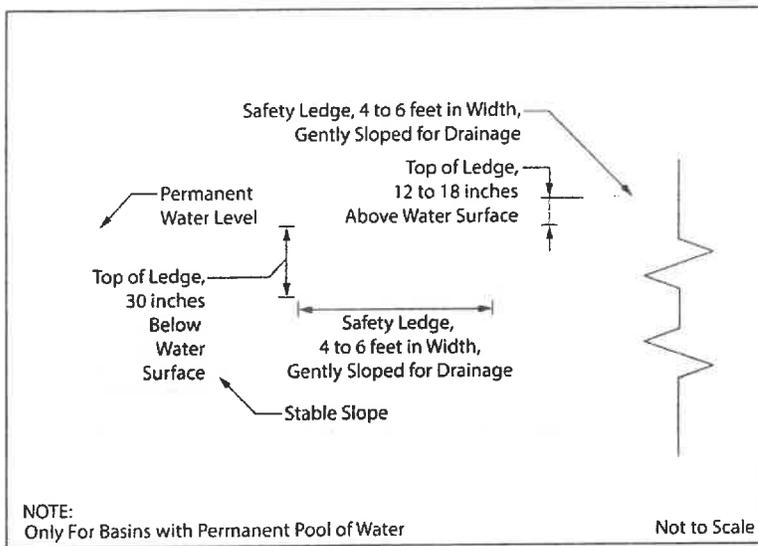
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**§ 306-5. Safety Standards for Stormwater Management Basins:**

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



## § 306-6. Requirements for a Site Development Stormwater Plan:

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 6.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit two (2) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 6.C of this ordinance.

### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other

wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

## 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

## 3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

## 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

## 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

## 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 3 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 7.

## 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 6.C.1 through 6.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **§ 306-7. Maintenance and repair.**

- A. Applicability. Projects subject to review as in § 306-1C of this article shall comply with the requirements of the BMP Manual - Appendix D, Section X B regarding general maintenance and Section X C regarding performance and maintenance guarantees.
- B. Inspection, oversight and owner responsibilities.
- (1) All developments that contain stormwater management devices within the Township are subject to the stormwater maintenance permit and periodic inspection. An annual stormwater maintenance permit is required in January of each year. Stormwater structures and devices listed herein are described in New Jersey Stormwater Best Management Practices Manual, latest edition, issued by the NJDEP and can be found on its website at <http://www.dep.nj.gov/stormwater/bmp-manual/>. The annual permit and inspection fees for each stormwater device are as follows:
- (a) Drywell up to 1,000 cf of storage: \$50.
  - (b) Drywell over 1,000 cf of storage: \$250.
  - (c) Vegetative swales: \$250 for the first 100 linear feet and \$50 for each additional 100 linear feet.
  - (d) Infiltration basin, aboveground: \$500.
  - (e) Infiltration basin, below-ground: \$750.
  - (f) Detention basin, aboveground: \$500.
  - (g) Detention basin, below-ground: \$750.
  - (h) Wet pond: \$750.
  - (i) Rain garden: \$50.
  - (j) Bioretention basin: \$750.
  - (k) Porous pavement/pervious surface: \$500.
  - (l) Constructed wetland: \$750.
  - (m) Manufactured treatment device: \$500.
  - (n) Storm sewer collection system: \$50.

(2) Recordkeeping, inspection and repair guidelines and noncompliance penalties.

- (a) Quarterly maintenance records shall be submitted to the Township of Clark Clerk's office. Report forms and report guidance can be obtained in the NJDEP - NJPDES Monitoring Report Form Reference Manual (81 pp). The maintenance records for the periods of:

- [1] January 1 to March 31 must be reported no later than April 30.
- [2] April 1 to June 30 must be reported no later than July 31.
- [3] July 1 to September 30 must be reported no later than October 31.
- [4] October 1 to December 31 to be reported no later than January 31.

Note: Deficient maintenance items identified in this process must be rectified and the owner of the stormwater management facility shall complete the required repairs within 30 days of date of the report. Documentation of the repairs shall be submitted to the Township.

- (b) Mechanically treated structures which utilize filters shall have on record and be provided to the Township the requirements of the replacement of the filters as per manufacturer and the dates the filters have been replaced.

- (c) Inspections shall include but not be limited to:

- [1] Detention basin outflow structures, escape provisions as outlined in N.J.A.C. 7:8-6.2 and all components;
- [2] Vegetation;
- [3] Trash racks and overflow grates;
- [4] Embankment erosion;
- [5] Sediment removal and pond maintenance; and
- [6] Catch basin and inlet cleaning.

- (d) The owner of the stormwater management measure, immediately upon notice, shall complete repairs that may adversely affect the public's health, safety and welfare.

Note: The permittee is responsible for understanding and meeting all permit requirements. Permittees should read this entire chapter and their permit completely and thoroughly to ensure their understanding of all limitations and conditions contained therein. Submission of improperly completed monitoring report forms (MRF) is a violation of the NJPDES permit and this chapter which may result in the assessment of penalties against the permittee and associated costs.

- (3) The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

- i. If the maintenance plan identifies a person other than the property owner as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and

- ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (4) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
  - (5) Nothing in this section shall preclude the Township in which the major development is located from requiring the posting of a performance or maintenance guaranty in accordance with N.J.S.A. 40:55D-53.

**§ 306-8. Violations and penalties.**

- A. General penalty. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty.
- B. NJPDES violations and recovery.
  - (1) A person who has not complied with § 306-10D, Inspection, oversight and owner responsibilities, and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than \$1,000 or 90 days in jail, or both, plus the cost of prosecution. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense. In addition, persons failing to obtain an annual stormwater maintenance permit and persons failing to provide quarterly maintenance records shall be subject to a fine of not more than \$50 and \$100 respectively.
  - (2) Repeat offenses under this chapter shall be subject to increased fines as provided for below. As used in this section, "repeat offenses" means a second or subsequent violation of the same requirement or provision of this chapter for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
    - (a) The fine for any offense which is a first repeat offense shall be \$500, plus costs; and
    - (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$2,500, plus costs.
    - (c) In addition to other remedies under this chapter, the Township may bring an action against the owner of the property for which the violation exists for the costs incurred in cleaning up and abating the offending condition.
      - [1] Failure of owner to repair; repair by Township. If the property owner receiving notice shall not comply with the requirements of such notice, the Engineer, upon filing due

proof of service in the office of the Township Clerk, shall cause the required work to be done.

- [2] Lien. The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the property for which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.
  - [3] Lien to be noted on lien searches. In all searches against any lands affected by any such improvement, it shall be the duty of the Township official making such search to set out the amount due and unpaid for such repairs or improvements, if such amount appears on record. If the amount of such cost shall not yet have been reported as herein provided for, it shall be the duty of such officer to set forth on the search, in brief, a reference to repairs or improvements and the fact that notice was given to the owner to repair.
  - [4] Additional liability of owner. In addition thereto, the Township may have an action to recover such amount against the owner of such lands in any court having competent jurisdiction thereof, and a certified copy of the certificate of lien shall, in such action, be prima facie evidence of the existence of the debt due from such owner to the Township.
- (d) In addition, should an owner violate the requirements of this article on more than two occasions, the Township shall require the submission of a maintenance bond, renewable annually, in the amount to be determined by the Township Engineer, to guarantee future maintenance.

#### **§ 306-9. Severability.**

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

#### **§ 306-10. Effective date.**

This article shall be in full force and effect from and after its adoption and any publication as required by law.

**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: December 12, 2023.

**ATTEST:**

**APPROVED:**

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

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**WILLIAM F. SMITH**  
Council President

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**SALVATORE BONACCORSO**  
Mayor

Ord23/ 10-16 23-32Ch306StormwaterManagement

|                    |                | 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 4

TOWNSHIP OF CLARK

Ordinance No. 23 - 33

Adopted \_\_\_\_\_

Introduced: October 16, 2023 Public Hearing: November 20, 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.

"Critical Root Radius (CRR)" means the zone around the base of a tree where the majority of the root system is found. The zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CPR of 9' (6" x 1.5').

"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.

"Hazard 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 public right-of-way adjacent to the portion of the street reserved for vehicular traffic 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, planting strip, and/or in the public right-of-way adjacent (or specific distance) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian figures.

"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 Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

"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.

Approved list of replacement tree species and planting standards shall be in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey 2017 Edition or more current version. Alternative selections may be allowed with the approval of the Shade Tree Director.

**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. 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.

Any tree removed by a homeowner shall be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below.

5. Replacement Tree(s).

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 after such tree(s) they die. 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<br><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 13" 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 |
|   |                       |   |         |

**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. Residents who remove less than four (4) trees per acre that fall into category 1, 2 or 3 of the Tree Replacement Requirements Table within a five-year period.
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 Shade Tree Director.

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 Shade Tree Director.

6. Hazard 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 Shade Tree Director.

**Section 3. Violations 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 Shade Tree Director 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.**

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 Shade Tree Director 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: December 12, 2023

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
 Council President

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

Ord23/10-16 23-33RevisedTreeRemoval-Replacement

|                    |                | 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          |                     |        |                 |        |     |     |         |        |

Introduced: November 20, 2023 Public Hearing: December 18, 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**

**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:

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

The following fee schedule shall be supplemented and applicable as indicated:

A. Building Subcode.

Subsection (16) Elevators, escalators, etc. Elevator fees shall be set forth in N.J.A.C. 5:23-4.14(g) is hereby deleted from Building Subcode with the remaining subsections re-numbered as appropriate.

- (1) (e) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

B. Electrical Subcode.

- (12) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

C. Plumbing Subcode.

2. Storm drainage system:

- (4) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

D. Mechanical Subcode.

- (6) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

E. Fire Subcode.

- (15) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

F. Elevator Subcode.

- (1) The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests and elevator devices. N.J.A.C.5:23-4.18(g)1.
- (2) The categories of municipal elevator fees shall be identical to the categories of elevator fees listed in N.J.A.C.5:23-12.6(a) and (b).
- (3) The fee for Plan Review for elevator devices in structures use group R-3, R-4 or R-5 and for elevator wholly in dwelling units in structure of group R-2 shall be: N.J.A.C.5:23-4.20(c)6.

A  
\$84.00

- (4) The fee for Plan Review for elevator devices in structures in use groups other than R-3, R-4 or R-5 shall be: N.J.A.C.5:23-4.20(c)7.

A  
\$438.00

- (5) Acceptance tests: Fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:  
The basic fees for elevator devices in structures not of Group R-3, R-4, or R-5, or in an exempted structure of Group R-2, shall be:

|                                      |          |
|--------------------------------------|----------|
| Traction and winding drum elevators; | A        |
| One to ten floors                    | \$408.00 |
| Over ten floors                      | \$680.00 |
| Hydraulic elevators                  | \$362.00 |
| Roped Hydraulic elevators            | \$408.00 |
| Escalator & Moving walks             | \$362.00 |
| Dumbwaiter                           | \$ 91.00 |
| Stairway Chair, incline and vertical |          |
| Wheelchair lift and man lifts        | \$ 91.00 |

- (6) Additional charges for devices equipped with the following features shall be as follows: N.J.A.C.5:23-12.6(A)2.i through iii.

|                            |          |
|----------------------------|----------|
| Oil Buffers                | \$ 72.00 |
| Cwt. governor and safeties | \$181.00 |
| Auxiliary power generator  | \$137.00 |

- (7) The witnessing acceptance fee for elevator devices in structures Use Group R-3, R-4 or R-5 or otherwise exempt devices in structures of Group R-2, shall be: N.J.A.C.5:23-12.6(a)3.

\$272.00

- (8) The fee for witnessing acceptance tests of and performing inspections of alterations shall be: N.J.A.C.5:23-12.6(a)4.
- \$ 91.00
- (9) The fee for Routine, six-month tests and inspections for escalators shall be as follows: N.J.A.C.5:23-12.6.
- |                           |          |
|---------------------------|----------|
| Escalator and Moving Walk | \$253.00 |
|---------------------------|----------|
- (10) The fee for one-year Periodic Inspection and Witnessing of tests of elevator devices, which shall include a six-month routine inspection shall be: N.J.A.C.5:23-12.6(b)2.i through vi.
- |   |          |
|---|----------|
| Traction and winding drum elevators:                                  | A        |
| One to ten floors   | \$362.00 |
| Over ten floors   | \$434.00 |
| Hydraulic elevators   | \$272.00 |
| Roped hydro   | \$362.00 |
| Escalator, Moving Walk  | \$581.00 |
| Dumbwaiters   | \$144.00 |
| Manlifts, stairway chair lifts, incline and vertical wheelchair lifts | \$220.00 |
- (11) Additional yearly Periodic inspection charges for elevator devices equipped with the following features shall be as follows: N.J.A.C.5:23-12.6(b)3.i through iii.
- |                            |          |
|----------------------------|----------|
| Oil Buffers, per buffer    | \$ 72.00 |
| Cwt. governor and safeties | \$144.00 |
| Auxiliary power generator  | \$ 91.00 |
- (12) The fee for the three-year or five-year inspection of elevator devices shall be as follows: N.J.A.C.5:23-12.6(b)4.i and ii.
- |   |          |
|---|----------|
| Transaction and winding drum elevators:     | A        |
| One to ten floors<br>(five-year inspection) | \$616.00 |
| Over ten floors<br>(five-year inspection)   | \$775.00 |
| Hydraulic and roped hydraulic elevators:    |          |
| Three-year inspection                       | \$464.00 |
| Five-year inspection                        | \$272.00 |
- (13) The fee for any reinspection of an elevator device shall be billed separately from the above fees upon the issuance of a Notice of Violation necessitating a reinspection.
- |                                    |          |
|------------------------------------|----------|
| Reinspection of an elevator device | \$244.00 |
|------------------------------------|----------|
- (14) Electronic Permitting recovery fee (as per P.L. 2021, c.70) \$1.90 per \$1,000 cost of work adjusted as per DCA fee, for a 3-year period ending August 31, 2026 or as extended by the Commissioner.

**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

INTRO 6

Ordinance No. 23-35

Adopted \_\_\_\_\_

Introduced: November 20, 2023 Public Hearing: December 18, 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 164, Lot 46, on the Tax Map of the Township of Clark (hereinafter the "subject property" or the "property"), consisting of one undersized parcel of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5), and

**WHEREAS**, the Local Lands and 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 **\$75,000.00** 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 it is a "Bid for Block 164, Lot 46, " within twenty (20) days after date of advertisement of sale required by N.J.S.A. 40A:12-13(b)(5) by no later than 10:00 a.m. on the date that is twenty (20) days thereafter.

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 **\$75,000.00**.

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 10 days of notice of acceptance of their bid, time being of the essence. 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 on or before March 31, 2024, 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.

Effective Date: January 10, 2024

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH,**  
 Council President

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

Ord23/11-20 23-35SaleofPublicPropertyB164L46ValleyRd

|                    |                | 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          |           |        |           |        |     |     |         |        |

TOWNSHIP OF CLARK  
Resolution 23-168  
November 20, 2023

7

**WHEREAS** NJS 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 or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS** the Director may also approve the insertion of an appropriation for the 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 \$6,300.00 which is now available as a revenue from the Greening Union County Grant Program pursuant to the provision of the statute; and

**BE IT FURTHER RESOLVED** that the like sum of \$6,300.00 is hereby appropriated under the caption Greening Union County Grant Program; and

**BE IT FURTHER RESOLVED** that the sum of \$6,300.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2023 under the caption Roads: Other Expenses; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the County of Union in the amount of \$6,300.00.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 168Ch159GreeningUCGrant

|                    |                | 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 23-169  
November 20, 2023

8

**WHEREAS** NJS 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 or municipality when such item shall have been made available by law and the amount thereof 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 \$24,072.00 which is now available from the County of Union 2023 Kids Recreation Trust Fund Grant Program in the amount of \$24,072.00; and

**BE IT FURTHER RESOLVED** that the like sum of \$24,072.00 is hereby appropriated under the caption 2023 Kids Recreation Trust Fund Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the County of Union in the amount of \$24,072.00.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 169Ch159KidsRecreationTrustGrant

|                    |                | 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 23-170  
November 20, 2023

9

**WHEREAS** NJS 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 or municipality when such item shall have been made available by law and the amount thereof 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 amount of \$3,646.00 which is the sum of the initial award of \$3,403.00 and an additional award of \$243.00 which is now available from the County of Union in the amount of \$3,646.00; and

**BE IT FURTHER RESOLVED** that the like sum of \$3,646.00 is hereby appropriated under the caption 2023 Governor’s Council on Alcoholism and Drug Abuse DMHAS Youth Leadership Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the County of Union in the amount of \$3,646.00.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 170Ch159MunAllianceYouthLeadershipGrant9-1-23to9-30-25

|                    |                | 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 23-171  
November 20, 2023

10

**WHEREAS** NJS 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 or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS** the Director may also approve the insertion of an 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 amount of \$13,194.00 which is the sum of the initial DEDR award of \$11,973.00 and an additional award of \$1,221.00 which is now available as a revenue from the County of Union pursuant to the provision of the statute; and

**BE IT FURTHER RESOLVED** that the like sum of \$13,194.00 is hereby appropriated under the caption Municipal Alliance Grant; and

**BE IT FURTHER RESOLVED** that the sum of \$3,299.00 representing the amount required for the municipality's share of the aforementioned undertaking, funded by the Recreation Trust Fund and is hereby appropriated under the caption of Municipal Alliance Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of a County grant of \$13,194.00 from the County of Union.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 171Ch159MunAllianceDEDRGrant

|                    |                | 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 23-172  
 November 20, 2023

//

**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 or 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; and

**WHEREAS** the initial sum of \$8,039.23 was requested for insertion in the 2023 municipal budget by resolution #23-130 adopted August 21, 2023 and approved by the Director on October 2, 2023; and

**WHEREAS** an additional sum of \$1,065.99 was received on November 13, 2023.

**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 \$1065.99 which is now available from the National Opioid Settlement in the amount of \$1065.99; and

**BE IT FURTHER RESOLVED** that the like sum of \$1065.99 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 \$1065.99.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res23/11-20 172Ch159AddlNat'IOpioidGrant

|                    |                | 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 23-173  
November 20, 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 to execute the Lease documents by and between the Township of Clark and Phoenix Tower International for the Lease of Real Property for Operation of Wireless Telecommunications Facility located at the intersection of the southeasterly right-of-way line of Wilson Drive and the southwesterly right-of-way line of Westfield Avenue on the tract of land identified as Block 198, Lots 14.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 173AuthTelecommunicationsLease-PhoenixTowerIntl

|                    |                | 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 23-174

November 20, 2023

13

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby approve the Meeting Calendar for the Year 2024 as outlined below.

CLARK MUNICIPAL COUNCIL 2024 MEETING DATES

Reorganization Meeting Tuesday, January 2, 2024

315 Westfield Ave. – 7:00 PM

WORKSHOP MEETINGS 7:30 PM

430 Westfield Avenue  
Room 30

PUBLIC MEETINGS 7:30 PM

315 Westfield Avenue  
Council Chambers

January 2 (Tuesday)  
February 5  
March 4  
April 1  
May 6  
June 3  
July 1  
August 5  
September 3 (Tuesday)  
October 7  
November 6 (Wednesday)  
December 2

January 16 (Tuesday)  
February 20 (Tuesday)  
March 18  
April 15  
May 20  
June 17  
July 15  
August 19  
September 16  
October 21  
November 18  
December 16

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

WILLIAM F. SMITH  
Council President

Res23/11-20 174MeetingDates2024

|                    |                | 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 23-175

November 20, 2023

14

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, for a total of 13 holidays, will constitute the official Township employee holiday calendar for the year 2024.

|                            |           |            |
|----------------------------|-----------|------------|
| New Year's Day             | Monday    | 01/01/2024 |
| Martin Luther King Jr. Day | Monday    | 01/15/2024 |
| Presidents Day             | Monday    | 02/19/2024 |
| Good Friday                | Friday    | 03/29/2024 |
| Memorial Day               | Monday    | 05/27/2024 |
| Juneteenth                 | Friday    | 06/21/2024 |
| Independence Day           | Thursday  | 07/04/2024 |
| Labor Day                  | Monday    | 09/02/2024 |
| Columbus Day               | Monday    | 10/14/2024 |
| Veteran's Day              | Monday    | 11/11/2024 |
| Thanksgiving Day           | Thursday  | 11/28/2024 |
| Day after Thanksgiving     | Friday    | 11/29/2024 |
| Christmas Day              | Wednesday | 12/25/2024 |

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 175Holidays2024

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

TOWNSHIP OF CLARK  
Resolution 23-176  
November 20, 2023

15

**WHEREAS** the Township of Clark has resolved to join the New Jersey Municipal Self Insurers' Joint Insurance Fund ("NJMSIJIF") following a detailed analysis; and

**WHEREAS** the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

**WHEREAS** the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Clark does hereby appoint World Insurance Associates, LLC as its Risk Management Consultant in accordance with the Fund's Bylaws; and

**BE IT FURTHER RESOLVED** that the Mayor and/or Business Administrator and Township Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement effective 01/01/24 to 12/31/24 annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 176JIFRiskMgmtConsult-World

|                    |                | 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 23-177  
November 20, 2023

16

**WHEREAS** the Construction Department has requested that the Township Council authorize the appropriate Township Officials to approve the purchase of one (1) vehicle for use by the Construction Department; and

**WHEREAS** the Administration recommends an outright purchase payable upon delivery of the Vehicle:

Pricing of one 2023/24 Chevrolet Malibu (vehicle) through the Cranford Police Cooperative Pricing System;

System Identifier: 47-CPCPS

Dealer: Gentilini Motors, 2703 Fire Road, Egg Harbor Township, NJ 08234

Funded by: Account #3-01-22-195-237 One (1) Vehicle, Price \$26,247.60

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$26,247.60 funded by Account #3-01-22-195-237 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 one (1) 2023/24 vehicle as hereinabove described.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 177PurchaseVehicleCo-op-ConstructionDept

|                    |                | 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 23-178  
 November 20, 2023

CA 17

**BE IT RESOLVED** by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby appoint the following named individuals as Class 1 and Class 2 Special Law Enforcement Officers to serve for the period commencing January 1, 2024 and concluding December 31, 2024.

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res23/11-20 178 2024SpecialLawEnforcementOfficers

|                    |                | 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 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 124, CLARK, NJ 07066**

**WHEREAS**, Applicant Chanttel N Williams (“Tenant”) will be renting 25 Walnut Ave, Unit 124, 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 20<sup>th</sup> day of November, 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 20<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Edith L. Merkel, Clerk

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

WILLIAM F. SMITH  
Council President

Res23/11-20 179AuthRentalAssistGrant-Williamsunit124

|                    |                | 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 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 206, CLARK, NJ 07066**

**WHEREAS**, Applicant Shanesha Whylie (“Tenant”) will be renting 25 Walnut Ave, Unit 206, 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 \$965.00; and

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

**NOW THEREFORE BE IT RESOLVED** on this 20<sup>th</sup> day of November, 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 20<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Edith L. Merkel, Clerk

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

WILLIAM F. SMITH  
Council President

Res23/11-20 180AuthRentalAssistGrant-Whylicunit206

|                    |                | 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 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 223, CLARK, NJ 07066**

**WHEREAS**, Applicant Vanessa Alonso (“Tenant”) will be renting 25 Walnut Ave, Unit 223, 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 20<sup>th</sup> day of November, 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 20<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Edith L. Merkel, Clerk

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 181AuthRentalAssistGrant-Alonsounit223

|                    |                | 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 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 224, CLARK, NJ 07066**

**WHEREAS**, Applicant Chantel M Roberson (“Tenant”) will be renting 25 Walnut Ave, Unit 224, 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 20<sup>th</sup> day of November, 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 20<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
Edith L. Merkel, Clerk

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 182AuthRentalAssistGrant-Robersonunit224

|                    |                | 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 23-183  
November 20, 2023

CA 22

**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.

| Sewer Refund 2023    |        |        |                             |         |                 |                    |                   |
|----------------------|--------|--------|-----------------------------|---------|-----------------|--------------------|-------------------|
| REF                  | Acct # | Name   | #                           | Address | Reason          | Refund             |                   |
| 23                   | 25R    | 546-0  | Bonanno, Biagio & Jennifer  | 79      | Hillcrest Drive | refund overpayment | \$ 879.93         |
| 23                   | 26R    | 2144-0 | Latza, Michael & Addie      | 1171    | Old Raritan Rd  | refund overpayment | \$ 144.00         |
| 23                   | 27R    | 1251-0 | Filipek, Jozef & Malgorzata | 133     | Thomas Drive    | refund overpayment | \$ 140.00         |
| 23                   | 28R    | 5394-0 | CCC 315 LLC                 | 301     | Central Ave     | refund overpayment | \$ 47.52          |
| 23                   | 29R    | 1466-0 | Brede, Robert & Heather     | 62      | Jupiter Street  | refund overpayment | \$ 16.80          |
| <b>Total Refunds</b> |        |        |                             |         |                 |                    | <b>\$1,228.25</b> |

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res23/11-20 183SewerRefund(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 23-184  
 November 20, 2023

CA 23

**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

Res23/11-20 184SewerAdj

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

