

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
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
December 4, 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 as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

1. Award of a Non-Fair and Open Contract for the Appointment of a Hearing Officer and authorizing the Business Administrator to enter into a contract with Kronick Resolutions
2. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amended total amount of \$118,088.00 for the NJ Association of County and City Health Officials Grant
3. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$24,960.00 for the Childhood Lead Exposure Prevention Project Grant
4. Appointing John Uszal as a member of the Clark Volunteer Fire Department
5. Authorizing the Mayor and/or Business Administrator to execute a Direct Install Program Participation Agreement as amended by the Scope of Work Addendum, dated November 21, 2023 for the replacement of the Municipal Building HVAC in the amount of \$173,779.95 with 0% financing via the National Energy Improvement Fund

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:

TOWNSHIP OF CLARK
Resolution 23-185
December 4, 2023

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR THE APPOINTMENT OF A HEARING OFFICER**

WHEREAS, the Township of Clark has a need for Arbitrator and Hearing Officer services pursuant to Section 3-27(c) of the Township of Clark Municipal Code as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition will not exceed \$44,000; and,

WHEREAS, the anticipated term of this contract is one (1) year and may be extended two (2) times for the like one (1) year term as approved by the Township of Clark Governing Body; and

WHEREAS, the firm of Kronick Resolutions, 69 Montgomery Street, Jersey City, NJ 07311 has submitted a proposal dated November 30, 2023, indicating they will provide services as an Independent Hearing Officer in connection with disciplinary charges against employees of the Police Department for the fee of \$1,500.00 per day of hearing and \$200.00 per hour for additional hours for research, analysis, communications and/or decision; and

WHEREAS, Kronick Resolutions has completed and submitted a Business Entity Disclosure Certification which certifies that Kronick Resolutions has not made any reportable contributions to any political or candidate committee for any members of the Governing Body for the Township of Clark, in the previous one (1) year and that the contract will prohibit Kronick Resolutions from making any reportable contributions through the term of the contract; and

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

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to enter into a contract with Kronick Resolutions as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/12-4 185AwardNon-Fair-HearingOfficer-Kronick

		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 23-186
December 4, 2023

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WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county 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.

WHEREAS the initial sum of \$55,032.00 was requested for insertion in the 2023 municipal budget by Resolution #23-76 adopted May 15, 2023 and approved by the Director on August 24, 2023; and

WHEREAS notice of an amendment to the original sum bringing the total award to \$118,088.00 was received on November 20, 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 amended sum of \$118,088.00 which is now available from the State of New Jersey, New Jersey Association of County and City Health Officials (NJACCHO) Grant in the amount of \$118,088.00; and

BE IT FURTHER RESOLVED that the like sum of \$118,088.00 is hereby appropriated under the caption New Jersey Association of County and City Health Officials (NJACCHO) Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$118,088.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/12-4 186 Ch159NJACCHOAddlGrant

		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 23-187
December 18 2023

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WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county 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.

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 \$24,960.00 which is now available from the State of New Jersey, Childhood Lead Exposure Prevention Project Grant in the amount of \$24,960.00; and

BE IT FURTHER RESOLVED that the like sum of \$24,960.00 is hereby appropriated under the caption Childhood Lead Exposure Prevention Project Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$24,960.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/12-4 187Ch159LeadGrant

		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 23-188
December 4, 2023

4

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that John Uszal is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 4th day of December 2023.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/12-4 188AppointFireFighter - Uszal

		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 23-189

December 4, 2023

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

WHEREAS, SJI Utilities, Inc. (“SJIU”), which wholly-owns, directly or indirectly, *inter alia*, Elizabethtown Gas Company (“EGC”), a public utility subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission, is party to a certain Professional Services Agreement, dated March 1, 2021, between SJIU, as the Customer, and Applied Energy Group, Inc. (“AEG”), as the Service Provider (the “PSA I”); and

WHEREAS, AEG, in turn, is party to a certain Professional Services Agreement, dated July 1, 2021, between AEG and CMC Energy Services, Inc. (“CMC”), as Contractor (the “PSA II”) (the PSA I and the PSA II collectively are called the “PSA”); and

WHEREAS, CMC has offered, for and on behalf of AEG, SJIU and EGC, under and pursuant to the PSA, through itself and its contractors and subcontractors, to replace and finance the replacement of the Township’s aging, unreliable and hence costly heating, ventilating and air-conditioning equipment and system with new, more modern and efficient equipment and a new, more modern and efficient system, in accordance with the annexed Direct Install Program Participation Agreement and, and as amended by, a certain Scope of Work Addendum, dated November 21, 2023 (collectively, the “Agreement”); and

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

WHEREAS, the Agreement contemplates the “supplying of ... [a] product ... [and] the rendering of ... [a] service by” EGC through SJIU, by and through its contractors, AEG and CMC, through itself and its contractors and subcontractors.

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

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

BE IT FURTHER RESOLVED, that the Mayor and the Business Administrator be and hereby are authorized to execute and deliver the Agreement.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/12-4 189ReplacementofHVAC-DirectInstall

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