

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
January 16, 2024
7:30 pm**

ROLL CALL:

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

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Reports given this evening will be available in the Clerk's office and on the township website www.ourclark.com

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No objections have been received in connection with the proposed Ordinances)

- 1. 24-01 AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES**
- 2. 24-02 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**
- 3. 24-03 AN ORDINANCE TO AMEND CHAPTER 76, SECTION 76-9D OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED LICENSE FEES; MAXIMUM NUMBER**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered from December 22, 2023 through January 12, 2024 in the amount of \$364,113.16

CITIZEN HEARING ON THE AGENDA:

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

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

RESOLUTIONS:

4. Authorizing transfers of 2023 Appropriation Reserves
5. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$184.34
6. Appointing Dennis Sisko as a member of the Clark Volunteer Fire Department
7. Urging State lawmakers to adopt Assembly Bill 4536/Senate Bill 304, which would establish minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

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. 24 - 01

Adopted _____

Introduced: January 2, 2024 Public Hearing: January 16, 2024

**AN ORDINANCE ENTITLED AN ORDINANCE TO FIX
MINIMUM AND MAXIMUM SALARIES**

WHEREAS said Ordinance reflects a change in salaries to be paid to certain employees of the Township for the year 2024 and forward.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark that the proper officer or officers of the Township of Clark be and they are hereby authorized and directed to execute and deliver checks on Township funds for the purpose of paying the following annual salaries to the employees of the Township of Clark within the range as set forth below opposite each job classification as in such cases made. The schedule of salaries hereinafter set forth shall be effective as of January 1, 2024 and may be amended for those who may exceed the maximum.

| | MINIMUM | MAXIMUM |
|--------------------------------------------------|--------------|---------------|
| Business Administrator | \$ 75,000.00 | \$ 220,000.00 |
| Township Clerk | \$ 55,000.00 | \$ 160,000.00 |
| Township Attorney* | | |
| Mayor's Confidential Secretary | \$ 30,000.00 | \$ 80,000.00 |
| Confidential Assistant/H.R./Affirmative Action | \$ 30,000.00 | \$ 120,000.00 |
| Assessor P/T | \$ 20,000.00 | \$ 120,000.00 |
| Tax Collector | \$ 50,000.00 | \$ 120,000.00 |
| Assistant Treasurer | \$ 50,000.00 | \$ 125,000.00 |
| Certified Finance Officer/Treasurer | \$ 50,000.00 | \$ 200,000.00 |
| Construction Code Official | \$ 50,000.00 | \$ 175,000.00 |
| Technical Assistant to the Construction Official | \$ 45,800.00 | \$ 90,000.00 |
| Municipal Court Administrator | \$ 60,000.00 | \$ 120,000.00 |
| Deputy Court Administrator | \$ 50,000.00 | \$ 90,000.00 |
| Health Officer | \$ 50,000.00 | \$ 125,000.00 |
| Assistant to Health Officer | \$ 50,000.00 | \$ 100,000.00 |
| Prosecutor P/T | \$ 8,500.00 | \$ 35,000.00 |
| Judge | \$ 20,000.00 | \$ 90,000.00 |
| Public Defender P/T | \$ 4,000.00 | \$ 15,000.00 |
| Supervisor of Public Works | \$ 40,000.00 | \$ 150,000.00 |
| Public Works Assistant Supervisor | \$ 40,000.00 | \$ 125,000.00 |
| Mayor | \$ 6,000.00 | \$ 30,000.00 |
| Council President | \$ 6,000.00 | \$ 15,000.00 |
| Council Members | \$ 6,000.00 | \$ 15,000.00 |

| | MINIMUM | MAXIMUM |
|-----------------------------------------|--------------|---------------|
| Board of Adjustment Secretary | \$ 8,000.00 | \$ 12,000.00 |
| Planning Board Secretary | \$ 8,000.00 | \$ 12,000.00 |
| Fire Prevention Official | \$ 10,000.00 | \$ 125,000.00 |
| Deputy Fire Prevention Official | \$ 5,000.00 | \$ 25,000.00 |
| Fire Prevention – IT P/T | \$ 2,500.00 | \$ 10,000.00 |
| Fire Official Secretary | \$ 750.00 | \$ 1,000.00 |
| Director Public Safety | \$ 1,700.00 | \$ 3,500.00 |
| Director Senior Citizen | \$ 1,700.00 | \$ 7,500.00 |
| Director Public Works/Shade Tree | \$ 1,750.00 | \$ 20,000.00 |
| Fire Sub Code Official P/T | \$ 5,000.00 | \$ 20,000.00 |
| Elevator Inspector P/T | \$ 5,000.00 | \$ 20,000.00 |
| Plumbing Sub Code Official P/T | \$ 10,000.00 | \$ 30,000.00 |
| Electrical Inspector P/T | \$ 10,000.00 | \$ 35,000.00 |
| Emergency Management Coordinator | \$ 2,000.00 | \$ 20,000.00 |
| Deputy Emergency Management | \$ 1,000.00 | \$ 10,000.00 |
| Fire Chief | \$ 3,800.00 | \$ 20,000.00 |
| Battalion Chief | \$ 2,500.00 | \$ 6,000.00 |
| Deputy Chief #1 | \$ 1,100.00 | \$ 6,000.00 |
| Deputy Chief #2 | \$ 1,100.00 | \$ 5,500.00 |
| Deputy Chief #3 | \$ 1,100.00 | \$ 5,500.00 |
| 1 st Fire Captain | \$ 1,900.00 | \$ 4,500.00 |
| 2 nd Fire Captain | \$ 1,900.00 | \$ 4,500.00 |
| 3 rd Fire Captain | \$ 1,000.00 | \$ 4,500.00 |
| 4 th Fire Captain | \$ 1,000.00 | \$ 4,500.00 |
| Public Information Officer | \$ 1,000.00 | \$ 5,500.00 |
| Fire Lieutenants | \$ 1,000.00 | \$ 3,000.00 |
| Director of Recreation/Facilities Mgr. | \$ 50,000.00 | \$ 150,000.00 |
| Assistant Recreation Supervisor | \$ 9,200.00 | \$ 40,000.00 |
| Director Teen Center | \$ 2,000.00 | \$ 20,000.00 |
| Assistant Teen Center | \$ 2,000.00 | \$ 15,000.00 |
| Recreation/Senior Fitness P/T Personnel | \$ 500.00 | \$ 25,000.00 |
| Manager – TV 36 | \$ 5,000.00 | \$ 60,000.00 |
| Fire Training Officer | \$ 1,000.00 | \$ 5,000.00 |
| Bus Driver – Part Time | \$ 15,000.00 | \$ 40,000.00 |
| Property Maintenance P/T | \$ 5,000.00 | \$ 40,000.00 |
| Sr. Building Maintenance | \$ 50,000.00 | \$ 100,000.00 |

HOURLY

| | | |
|---------------------------------------------|----------------|----------------|
| Police Matron – on duty | \$ 40.00 event | \$ 40.00 event |
| Police Matron – on call | \$ 40.00 hour | \$ 40.00 hour |
| Seasonal Employees – Recreation/Sr. Citizen | \$ 13.93 hour | \$ 30.00 hour |

POLICE – Base Pay

| | | |
|-------------------------------------------|---------------|---------------|
| **Chief (plus longevity and education) | \$ 115,000.00 | \$ 200,000.00 |
| **Captains (plus longevity and education) | \$ 100,000.00 | \$ 180,000.00 |

PH 2

TOWNSHIP OF CLARK

Ordinance No. 24 - 02

Adopted _____

Introduced: January 2, 2024 Public Hearing: January 16, 2024

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 2.5% increase in the budget for said year, amounting to \$532,627.28 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$745,678.19 and that the CY 2024 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PH 3

TOWNSHIP OF CLARK
Ordinance No. 24 - 03
Adopted _____

Introduced: January 2, 2024 Public Hearing: January 16, 2024

AN ORDINANCE TO AMEND CHAPTER 76, SECTION 76-9D OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED LICENSE FEES; MAXIMUM NUMBER

BE IT ORDAINED by the governing body of the Township of Clark, County of Union, State of New Jersey that Chapter 76, Section 76-9D. of the Code of the Township of Clark is hereby amended as follows:

SECTION 1: Chapter 76, Section 9D. entitled License Fees; Maximum Number

The annual license fees for licenses for the sale and distribution of alcoholic beverages in the Township shall be as follows:

| Class of License | Annual License Fees | Number |
|-------------------------------------|----------------------------|---------------|
| Plenary Retail Consumption License | \$2,500.00 | 10 |
| Plenary Retail Distribution License | \$2,073.00 | 2 |
| Club License | \$ 188.00 | 4 |

SECTION 2: Inconsistent Ordinance

Any Ordinance or parts thereof 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 upon publication according to law.

Effective Date: February 7, 2024

TOWNSHIP OF CLARK
Resolution 24-30
January 16, 2024

4

BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers are hereby authorized and directed to effect transfers of 2023 Appropriation Reserves according to the following schedule.

**CLARK TOWNSHIP
BUDGET TRANSFER RESERVES**

| | <u>To</u> | <u>From</u> |
|----------------------------------------|-----------|-------------|
| Insurance & Bonding 3-01-23-210-223 | | 50,000.00 |
| Law: Other Expenses 3-01-20-155-201 | 50,000.00 | |
| | | |
| | | - 50,000.00 |

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/1-16 30TransferReserves

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

TOWNSHIP OF CLARK
Resolution 24-31
January 16, 2024

5

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2024 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 2024 | | | | | | | |
|-------------------|--------|---------|-------------------------|---------|-------------|---------------------------|------------------|
| REF | Acct # | Name | # | Address | Reason | Refund | |
| 24 | 1 | 4118-1 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 2 | 4118-3 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 3 | 4118-4 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 4 | 4118-6 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 5 | 4118-7 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 6 | 4118-8 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 7 | 4118-9 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 8 | 4118-10 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 9 | 4118-11 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 10 | 4118-12 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 11 | 4118-13 | Clark Walnut Developers | 35 | Walnut Ave | overpayment due to EO 190 | \$ 14.18 |
| 24 | 12 | 4121-0 | Clark Walnut Developers | 92 | Valley Road | overpayment due to EO 190 | \$ 14.18 |
| 24 | 13 | 2121-1 | Clark Walnut Developers | 92B | Valley Road | overpayment due to EO 190 | \$ 14.18 |
| | | | | | | Total Refunds | \$ 184.34 |

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/1-16 31SewerRefund(s)

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

TOWNSHIP OF CLARK
Resolution 24-32
January 16, 2024

6

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Dennis Sisko is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 16th day of January 2024.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/1-16 32AppointFireFighterSisko

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

TOWNSHIP OF CLARK
Resolution 24-33
January 16, 2024

7

WHEREAS Assembly Bill No. 4536/Senate Bill No. S304 would establish minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities; and

WHEREAS because of recent changes in the health care delivery system, patients in general and special hospitals and ambulatory surgery facilities in the State, and in State developmental centers and psychiatric hospitals, generally have higher acuity levels than in the past; and

WHEREAS recent studies demonstrate the link between adequate registered professional nurse staffing and improved mortality rates and quality of care among patients in health care facilities; and

WHEREAS inadequate nurse staffing can result in dangerous medical errors, patient infections, and increased injuries to patients and caregivers; and

WHEREAS inadequate and poorly monitored nurse staffing practices jeopardize the delivery of health care services and adversely impact the health of patients.

WHEREAS the establishment of staffing standards for registered professional nurses in hospitals, ambulatory surgery facilities, and State developmental centers and psychiatric hospitals should not be construed as justifying understaffing with respect to other critical health care workers; safe staffing practices recognize the importance of all health care workers in providing quality patient care because the availability of these other health care workers enables registered professional nurses to focus on the nursing care functions that only these nurses, by law, are permitted to perform; and

WHEREAS understaffing at hospitals, ambulatory surgery facilities, and State developmental centers and psychiatric hospitals has been demonstrated to be an underlying cause of the current nursing shortage, because higher patient assignments create higher levels of job dissatisfaction, burnout, and turnover rates among nurses; and

WHEREAS in addition to staffing requirements provided by law or regulation on the effective date of this act, the Commissioner of Health shall adopt regulations that provide minimum direct care registered professional nurse-to-patient staffing ratios for all patient units in general and special hospitals, State psychiatric hospitals, and ambulatory surgical facilities in accordance with the requirements of this act. The regulations shall not decrease any nurse-to-patient staffing ratios in effect on the effective date of this act; and

WHEREAS the regulations adopted pursuant to this section shall, at a minimum, provide for the following nurse-to-patient ratios:

1. One registered professional nurse for every five patients on a medical/surgical unit;
2. One registered professional nurse for every four patients in a step down, telemetry, or intermediate care unit;
3. One registered professional nurse for every four patients in an emergency department, one registered professional nurse for every two patients in a critical care service of an

- emergency department, and one registered professional nurse for every patient in a trauma service of an emergency department;
4. One registered professional nurse for every five patients in a behavioral health or psychiatric unit;
 5. One registered professional nurse for every two patients in a critical care, intensive care, neonatal, or burn unit;
 6. One registered professional nurse for every patient under anesthesia in an operating room, and one registered professional nurse for every two post-anesthesia patients in a recovery room or post-anesthesia care unit;
 7. One registered professional nurse for every two patients in a labor and delivery unit; one registered professional nurse for every four patients, including infants, in a postpartum unit in which the mother and infant share the same room; and one registered professional nurse for every six patients in a mothers-only unit; and
 8. One registered professional nurse for every four patients in a pediatric or intermediate care nursery unit, and one registered professional nurse for every six patients in a well-baby nursery.

WHEREAS the Township of Clark wishes to urge State lawmakers to adopt Assembly Bill No. 4536/Senate Bill No. S304, which would establish minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark as follows:

1. The Township of Clark hereby urges its elected representatives in the New Jersey State Legislature to adopt Assembly Bill No. 4536/Senate Bill No. S304.
2. The Township of Clark urges Senator Nicholas Scutari to have a floor vote on S304 and urges Assemblywoman Linda Carter and Assemblyman James Kennedy to co-sponsor A4536.
3. A copy of this Resolution upon its adoption shall be furnished to Assemblywoman Linda Carter, Assemblyman James Kennedy and Senator Nicholas Scutari.
4. A copy of this Resolution upon its adoption shall also be furnished to the Governor of the State of New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/1-16 33SupportBillsA4536andS304NurseStaffing

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