

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
January 20, 2015
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazzarella _____
Councilman Barr _____	Councilman O'Connor _____
Councilman Hund _____	Councilman Toal _____
	Council President Smith _____

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 mailing the Annual Schedule of meetings to the Star Ledger and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

Regular order of business suspended for the Swearing in of two new police officers:
Michael Somma and Mazhar Elwardany

Regular order of business resumes following a brief recess

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire and First Aid Reports for the month of December, 2014 have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

INTRODUCTION OF PROPOSED ORDINANCES:

1. **AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT"**

Planning Board review February 5, 2015 PH February 17, 2015

2. **AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DEPARTMENTS"**

PH February 17, 2015

3. **AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 161, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "ENFORCEMENT OF UNIFORM FIRE SAFETY ACT"**

PH February 17, 2015

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through January 15, 2015 in the amount of \$291,032.40

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

RESOLUTIONS:

4. Authorizing transfers of 2014 Appropriation Reserves
5. Ratifying the new five year contract for Council No. 8, New Jersey Civil Service Association, White Collar Workers ending December 31, 2019
6. Authorizing the submission of an application for the Municipal Alliance Grant for 2015 in the amount of \$13,053.00 with a Cash match of \$3,263.00 and In-Kind match of \$9,790.00
7. Appointing Robert Thieling and Scott Boyer as Members of the Clark Volunteer Fire Department

CONSENT AGENDA RESOLUTIONS:

8. Authorizing the Tax Collector to settle a tax appeal authorized by the Tax Court of New Jersey in the amount of \$6,821.26
9. Authorizing the Tax Collector to refund overpayments of \$12,545.75 and transfer overpayment of \$250.00 of 2014 taxes
10. Authorizing the Tax Collector to refund one third of 2014 taxes paid for Block 37 Lot 12 in the amount of \$3,120.58 due to a Disabled Veteran's Exemption and make the proper adjustments to exempt one third of the taxes for as long as this disabled veteran owns one third of the property
11. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$1,654.88

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

INTRO 1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: January 20, 2015 Public Hearing: February 17, 2015

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT"

BE IT ORDAINED by the Governing Body of the Township of Clark that the following provisions of Chapter 195 of the Clark Code entitled "Land Use and Development" be and the same are hereby amended and supplemented as follows:

SECTION 1: Article XX, Section 111 entitled Definitions is supplemented so as to include the following definitions:

Sign, Window Sign

A sign, other than a projecting sign, to include design elements placed inside the window or immediately behind the windowpane or upon the window pane, used to advertise, announce, or identify a person or entity, or communicate information of any kind, or to draw attention to the business or use.

Sign, Window Graphic

Any graphic which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on or hung immediately behind the window or displayed from a window in such a way as to be viewed from the outside, in close proximity to the building in which the window is located. Not more than 25 percent of any window area may be so occupied. Window Graphics may be utilized where Wall Signs are permitted provided they conform to area and sign classification limitations for the Zoning District. Temporary Window Graphics, such as those advertising a special sale or holiday decorative displays shall not be permitted.

Permanent Window Graphics shall not be included in the calculation of the maximum aggregate sign area for the site but shall require a permit.

SECTION 2: Article XXIII entitled District Regulations.

Sub-Section 195-136.2 (G) (2), Sub-Paragraphs (a) to and including (g) are deleted and repealed in their entirety; Sub-Section 195-136.2 (G) (3) (a) through (c) are hereby re-designated as Sub-Section 195-136.2 (G) (2) (a) through (c).

SECTION 3: Article XXV, Section 195-49 entitled Compliance Required is deleted and replaced as follows:

- A. Purpose: These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and character of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views.
- B. To accomplish these purposes, it is the intent of this Article to encourage and authorize the use of signs which will:
 - (1) Be compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, light levels, adjoining uses and historic character.
 - (2) Be of high quality, durable materials.
 - (3) Comply with the standards enumerated herein.
- C. No sign, as hereinbefore defined, shall be erected, hung, placed or painted in any district except as hereinafter provided.

SECTION 3: Article XXV, Section 195-155 entitled Determination of Sign Area is supplemented so as to add Section D as follows:

- D. Permanent Window Graphics shall not be included in the calculation of the maximum aggregate sign area for the site but shall require a permit. Window Graphics may be utilized provided they conform to area and sign classification limitations.

SECTION 4: Article XXV, Section 195-160 entitled Permitted Signs is amended as follows:

- A. Residential Zones;
- B. DVT, CN, CO and COH Zones;
- C. CG and I Zones;
- D. CP Zones;

SECTION 5: Article XXV, Section 195-160, is supplemented to add Section E entitled LCI Zone:

E. LCI Zone:

(1) Notwithstanding the provisions contained herein, a shopping center or a mixed-use development shall be permitted one freestanding sign, not exceeding 250 square feet in area on each side and 25 feet in height, along each abutting street frontage except those abutting a residential zone. In addition, monument-style entrance and exit signs near access driveways shall be permitted, as well as monument and directional signs within the shopping center.

(a) A major driveway monument sign of 100 square feet is permitted, and a minor driveway monument sign of 50 square feet is permitted. Monument signs shall not exceed eight feet in height, nor shall they violate the required sight triangle. Directional signs shall not exceed four square feet in area.

i. Major driveway: a driveway on a street fronting the development which offers unrestricted turn movements or is signalized. Only one driveway per each street fronting the development may be designated as major.

ii. Minor driveway: any driveway that is not a major driveway.

(2) An individual use under separate ownership not part of a shopping center or mixed-use development shall be permitted one freestanding sign along each abutting street frontage, not exceeding 80 square feet in area and 20 feet in height.

(3) Each permitted use on its own lot or each permitted use within a shopping center or mixed-use development is allowed signage on the front and side of the building, or portion thereof occupied by the individual use that faces a street or a parking area serving the use, provided that:

(a) The total of all signs on the front of the building does not exceed 1.5 square feet for each linear foot of building façade occupied by the individual use and upon which the sign is to be located, or 200 square feet, whichever is less; and

(b) The total of all signs on the side of the building does not exceed 50% of the size of the sign(s) on the front of the building.

(4) No signage or advertising identifying an occupant of the premises shall be permitted on the rear portion of any building or on any roof.

- (5) Any sign permitted in an R District, where applicable, shall be permitted.
- (6) A signage plan shall be required with the submission of any site plan for approval. The signage plan shall identify the location and type of all proposed business signs and visually represent their lettering, illumination, color, and height. The approving authority may apply such restrictions on color(s), size, location, sign types, letter height, illumination, or mounting height as it deems appropriate to the purpose of encouraging coordinated design to achieve a desirable visual environment.
- (7) Any additional signs other than those permitted herein within a shopping center or mixed-use development comprising 100,000 square feet or more shall require site plan approval.
- (8) Window Graphics and window signs shall comply with the following requirements:
 - (a) Permanent window signs or window graphics shall not exceed twenty-five percent (25%) of the total aggregate window area. Signs and graphics on doors shall not exceed ten per cent (10%) of the door glass area for safety purposes.
 - (b) Temporary signs (such as "grand opening," "going out of business" and the posting of special sales or sale prices) and temporary window graphics shall not be allowed except by the issuance of a special permit.
 - (c) Window signs and window graphics should be artful in design and should generally be permanent. Permit application review shall include an evaluation of the quality of the sign and its aesthetic value.

SECTION 6: Article XXV, Section 195-160.1, entitled Banners, Item A, entitled Definition is deleted and replaced as follows:

- A. As used herein, a banner shall be defined as a temporary sign of cloth, vinyl or similar material that celebrates an event, season, community, neighborhood, or district, and is sponsored by a recognized community agency or organization or local business.

SECTION 7: 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 8: Effective Date: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: March 11, 2015

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord15/1-20LandUseChap195signs
Aye Nay Abstain Absent

Albanese	_____	_____	_____
Barr	_____	_____	_____
Hund	_____	_____	_____
Mazzarella	_____	_____	_____
O'Connor	_____	_____	_____
Toal	_____	_____	_____
Smith	_____	_____	_____

Introduced: January 20, 2015 Public Hearing: February 17, 2015

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE VIII
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "DEPARTMENTS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 3, Article VIII of the Code of the Township of Clark entitled "Departments" is hereby amended and supplemented, as follows:

SECTION 1: Section 3-30 entitled "Volunteer Fire Department" is amended as follows:

A. Established.

There is hereby established in the Township, within the Department of Public Safety, a Volunteer Fire Department, to be known as the "Volunteer Fire Department of the Township of Clark."

B. Organization.

The Clark Fire Department shall consist of the following officers, in order of chain of command/rank: [Amended 1-17-2012 by Ord. No. 12-01]

1. Command Staff

- (a) Director/Fire Chief/Fire Official
- (b) Deputy Chiefs
- (c) Duties, responsibilities, appointment procedures are defined in Fire Code Enforcement Chapter 161

2. Line Officers

- (a) Battalion Chief
[Added 6-16-2014 by Ord. No. 14-12^[13]
[1]: *Editor's Note: This ordinance also provided for the renumbering of former Subsection B(5) through (9) as Subsection B(6) through (10), respectively*
- (b) First Captain
- (c) Second Captain
- (d) First Lieutenant
- (e) Second Lieutenant

- (f) Officers may be appointed by the Director/Fire Chief/Fire Official as needed hereinafter.

C. Membership.

1. New Members. The Director/Fire Chief/Fire Official and Command Staff as needed, shall interview and present to Council for appointment to the Fire Department.

2. Approval; certificate of membership. Such persons, after having been approved by the Township Council, in their discretion, shall be furnished with certificates of membership by the Township Clerk and shall thereafter be considered members of the Fire Department

D. Reserved. [2]:

Editor's Note: Former Subsection D, Appointments; qualifications, was repealed 11-21-2011 by Ord. No. 11-21]

E. Duties.

It shall be the duty of every member of the Fire Department to observe and enforce all laws, ordinances and department standard operating guidelines pertaining to his/her duty as a firefighter. The firefighter shall, under the supervision of the Director/Fire Chief/Fire Official and Command Staff, be authorized and empowered, and it shall be his/her duty, to perform all acts and things required by general law, ordinances of the Township, and departmental standard operating guidelines of the Fire Department. [Amended 11-21-2011 by Ord. No.11-21]

F. Register of Members. The Township Clerk shall keep register of all members of the Fire Department.

G. Election of Officers.

The Director/Fire Chief/Fire Official and Command Staff and the Fire Department Association President, shall hold an election for the Line Officers, every two years, from the members of the Fire Department that are in good standing, for the positions of, Battalion Chief, First and Second Captains, and First and Second Lieutenants. The foregoing officers shall all be residents of the Township of Clark during the duration of their appointment. In the event an Officer elects, pursuant to the provisions of this subsection, to relocate his/her residence from the Township of Clark, the rank of said officer shall be forfeited and he/she shall be reduced in rank to that of a firefighter; provided, however, that the member's new residence is within three miles of the Clark Township municipal border. The biennial election shall be held during the month of October of every other year commencing December 19, 1967. The term of office shall be from January 1 through December 31 of the next succeeding year. Officers shall be installed by the Township Clerk at the governing body's first regular monthly meeting in January of each year. [Amended 1-17-2012 by Ord. No. 12-01; 11-21-2011 by Ord. No.11-21]

H. Line Officers.

1. Battalion Chief. Duties and responsibilities. The Battalion Chief shall keep an accurate record of each member of the Fire Department. This record shall include dates of entering and leaving the Department, and annual percentage records. The Battalion Chief shall file with the Township Clerk all necessary membership records at the direction of the Director/Fire Chief/Fire Official. The Battalion Chief shall keep the application forms of all new members for a permanent record.

2. Captains: duties and responsibilities. The Captains shall be designated and be responsible for all equipment and records pertaining to such equipment of the Fire Department at all locations of the Fire Department, inclusive of the maintenance of such equipment. [Amended 1-17-2012 by Ord. No. 12-01]

3. Lieutenants: duties and responsibilities. First and Second Lieutenants shall assist the Captains in the responsibilities designated to each respectively under the provisions of this section.

I. General Provisions.

1. Disciplinary proceedings. Charges may be proffered by the Director/Fire Chief/Fire Official against any member of the Department; by the Director of Public Safety against any member of the Department, including the Chief; and by a majority of the members of the Department against any member, including the Chief.

2. Any rule or regulation shall be issued by the Director/Fire Chief/Fire Official of the Department and posted. The Standard Operating Guidelines of the Fire Department heretofore adopted are hereby continued. [Amended 2-18-2014 by Ord. No. 14-02]

3. Any member who has served one year and has completed his/her requirements as a probationary firefighter may move his/her residence from the jurisdiction limits of the Township of Clark with the prior approval of the Director/Fire Chief/Fire Official; provided, however, that the member's new residence shall not be more than three miles' distance from the jurisdiction limits of the Township of Clark. Any member who has relocated his/her residence beyond the geographical limits provided for hereinabove shall be determined to have resigned as a member of the Clark Voluntary Fire Department. [Added 11-21-2011 by Ord. No. 11-21]

4. Any trained firefighter who lives two miles outside the jurisdiction limits of the Township of Clark may complete an application to join the Clark Volunteer Fire Department. Trained firefighter requirements include successful completion of the State of New Jersey requirements for Firefighter One and Two Programs. Any application will be reviewed by the senior officers of the Fire Department and approved or denied for membership pending final approval of the Chief of the Fire Department. Once an application has been approved, the application will be placed on a wait list pending the need for additional members or the application will be sent to the administration for the applicant to be approved for a position within the Fire Department. Any members joining the Clark Volunteer Fire Department who reside outside the jurisdiction limits of the Township of Clark shall not hold a position of Fire Office [Added 2-18-2014 by Ord. No. 14-02]

J. Pension to Surviving Spouse or Minor Children.

[Added 1-17-2012 by Ord. No.12-01]

1. The governing body of any municipality served by a volunteer fire company or first aid or rescue squad shall, by resolution, determine the eligibility for a survivor's pension of the widow or children or parent of any volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician who has died as the result of injuries sustained in the course of performance of duties as a member of the volunteer fire company or first aid or rescue squad on or after January 1, 2000. A governing body may determine that the widow or children or parent of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority. When the municipal governing body determines that a widow or children or parent are eligible for a survivor's pension, a certified copy of the resolution shall be filed by the Municipal Clerk with the State Treasurer within 10 days of adoption, and the state shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in

which P.L. 2002, c.134, is enacted, whichever is later. [4]: *Editor's Note: See N.J.S.A. 43:12-28.1 et seq.*

K. Definitions.

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

1. CHILD

A deceased firefighter's, emergency medical technician's, or first aid or rescue squad worker's unmarried child:

- (a) Under the age of 18;
- (b) Eighteen years of age or older and enrolled in a secondary school;
- (c) Under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester; or
- (d) Of any age who, at the time of the firefighter's, technician's or worker's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment, and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by a medical professional.

2. FIRST AID OR RESCUE SQUAD

Any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing volunteer public first aid, ambulance or rescue services within the municipality.

3. PARENT

The parent of a firefighter, emergency medical technician, or first aid or rescue squad worker who was receiving at least 1/2 of his or her support from the firefighter, technician or worker in the twelve-month period immediately preceding the firefighter's, technician's or worker's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

4. WIDOW Shall also include "widower."

- (a) Amount. A survivor's pension granted under Section i of P.L. 1957, c. 168 (N.J.S.A. 43:12-28.1), shall be for the sum of \$15,000 annually and shall be paid to the widow during her widowhood, or to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow, or to such child or children after the death of such widow; \$10,000 annually and shall be paid to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if the surviving widow remarries; or \$5,000 annually and shall be paid to the parent or parents of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow or child. As used in

this subsection, the terms "widow" and "widowhood" shall also include "widower" and "widowhood," respectively.

(b) Manner of payment. With regard to any pension granted by a municipality pursuant to Section 1 of P.L. 1957, C. 168 (N.J.S.A. 43:12-28.1), prior to the effective date of P.L. 2002, C. 134, the governing body shall make provision in its budget for the payment of any such pension, and the same shall be paid in the same manner as municipal employees are paid.

SECTION 2: Restatement of Existing Ordinance:

All sections of this Article which are not supplemented or amended by this Ordinance shall remain in full force and 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: Effective Date:

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

Effective Date: March 11, 2015

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord15/1-20Ch3ArtVIIIFireDept
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

INTRO 3

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: January 20, 2015 Public Hearing: February 17, 2015

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF
CHAPTER 161, ARTICLE VIII
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED
"ENFORCEMENT OF UNIFORM FIRE SAFETY ACT"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 161, Article VIII, Sub-Sections 161-35 and 161-40 of the Code of the Township of Clark entitled "Enforcement of Uniform Fire Safety Act" are hereby amended and supplemented, as follows:

SECTION 1: Section 161-35 entitled "Office of Fire Code Enforcement, Division of Fire Prevention and Protection" is amended and supplemented as follows:

There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the Clark Volunteer Fire Department, the head of which shall be known as the "Director." Said official shall report any and all operations of the Fire Code Enforcement Office and the Clark Volunteer Fire Department to the Mayor, Business Administrator and Township Council. Any Command staff Deputy Chiefs and/or Fire Inspectors employed by the Fire Code Enforcement Office and/or the Clark Volunteer Fire Department shall report directly to the Director. All vehicles and equipment used by the Office shall be under the control of the Director, subject to the final approval of the office of the Mayor and/or his designee.

SECTION 2: Section 161-40 entitled "Director of the Division of Fire Prevention (Director)" is amended and supplemented as follows:

A. The Director shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the

same are established presently and may be hereafter established from time to time.

B. The Director, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of the Division. Inspections, budget and vehicle assignment shall be within his discretion.

C. The Director shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed appropriate for such compensation as may be approved by the governing body of the Township of Clark.

D. The Director shall have command authority to the rank of Fire Chief at any fire or emergency calls in the Township of Clark and Union County.

E. Director/Fire Chief/Fire Official: Clark Volunteer Fire Department command authority; responsibilities.

(1) Command Authority. The Director/Fire Chief/Fire Official shall be in supreme command of all functions of the Fire Department and he/she shall have the right to utilize any equipment, property or personnel that he/she deems necessary for the handling of fire emergencies that are within the legal right of the Township to grant. The Director/Fire Chief/Fire Official shall have the power of appointing an officer at any time in the event an officer position becomes vacant. [Amended 2-18-2014 by Ord. No. 14-02].

(2) Responsibilities. The Director/Fire Chief/Fire Official shall be responsible to the Director of Public Safety for the training, efficiency and proper conduct of the Fire Department, the maintenance and repair of all equipment, the reduction of fire hazards, the maintenance of records, and the rendering of reports, as stated hereinafter. The Director/Fire Chief/Fire Official shall:

(a) Formulate or cause to be formulated immediately, and be responsible for, the observance of a Fire Department Standard Operating Guidelines (SOG's) pertaining to signals of alarm, procedure of members in answering alarms, discipline of members at all functions, and any other rules or SOG's for the proper and efficient conduct of the Department. These SOG's shall be posted conspicuously in the fire headquarters. They shall be subject to the approval of the Director of Public Safety annually. They may be

amended or added to at any time by the Director/Fire Chief/Fire Official.

(b) Keep or cause to be kept accurate records of the service of each member of the Department, showing his/her attendance at or absence from each fire and any notations pertinent to his/her conduct which may properly appear upon the record.

(c) Issue or cause to be issued all badges and require an accurate record be kept therefor and shall be responsible for the return of any badges by members leaving the Department for any reason.

(d) See that all equipment, apparatus, and other property of the Department are kept in condition for immediate and efficient service.

(e) Keep or cause to be kept an accurate inventory record of all equipment and property of the Department, including an analysis of the number and locality of all fires.

(f) Report to the Business Administrator all of the activities and general conditions within the Department, including such suggestions or recommendations as he/she may deem proper or necessary.

F. Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark.

G. Removal. The Director, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

H. Clark Volunteer Fire Department Command Staff/Deputy Chief's appointment, command authority; responsibilities.

(a) Appointment. The Director/Fire Chief/Fire Official/Fire Marshal/Fire Code Official shall appoint the Clark Volunteer Fire Department Command Staff who will serve as Deputy Chiefs. The

Command Staff once having been so appointed, shall serve without term so long as they shall continue to discharge the duties of the office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.

(b) Command authority/Responsibilities. The Command Staff shall have the authority of Deputy Chief within the Clark Volunteer Fire Department. The ranking Deputy Chief shall assume the duties and responsibilities of the Fire Chief in his absence.

I. Qualifications. As a condition of appointment and continuance in office, the Command Staff must have successfully completed Fire Fighter I and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief or Battalion Chief.

J. Removal. The Command Staff employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

K. In the event a Deputy Chief appointed position becomes vacant for any reason, the Fire Chief shall appoint a replacement from the current ranks of the Clark Volunteer Fire Department.

L. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Director/Fire Official shall be appointed by the Mayor and Administration of the Township of Clark and will be filled from the current ranks of the Clark Volunteer Fire Department.

M. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Fire Chief shall be selected and voted upon from the current ranks of the Clark Volunteer Fire Department.

The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be as specified in the Uniform Fire Code.

SECTION 3: Restatement of Existing Ordinances:

All sections of Chapter 161, Article VIII not amended or supplemented herein are restated and reaffirmed fully as if set forth in full hereinafter.

SECTION 4: 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 5: Effective Date:
This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: March 11, 2015

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord15/1-20Ch161EnforcementofUniformFireSafety
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

TOWNSHIP OF CLARK

Resolution _____

January 20, 2015

4

Motion _____ Second _____

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 2014 Appropriation Reserves according to the following schedule.

CLARK TOWNSHIP

RESERVE APPROPRIATION TRANSFER

	<u>From</u>	<u>To</u>
25-250-100 911: Salaries & Wages	30,000.00	
26-310-100 Buildings & Grounds: Salaries & Wages	1,000.00	
27-331-100 Senior Citizens: Salaries & Wages	10,000.00	
25-240-100 Police: Salaries & Wages		40,000.00
21-180-200 Planning Board: Other Expenses		1,000.00
	<u>\$41,000.00</u>	<u>\$41,000.00</u>

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20TransferReserves

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

5

TOWNSHIP OF CLARK
Resolution _____
January 20, 2015

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark is in receipt of the completed negotiated contract which stipulates the Township and Council 8 have been engaged in good faith collective negotiations for the purpose of reaching agreement on terms and conditions of employment for successor contracts for the White Collar Workers; and

WHEREAS the new contract term for Council No. 8 White Collar Workers will be for a period of (5) five years from January 1, 2015 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby ratify the new five year contract as stated herein for Union Council No. 8, New Jersey Civil Service Association.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20RatifyCouncilNo.8-whitecollar
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

6

TOWNSHIP OF CLARK
Resolution _____
January 20, 2015

Motion _____ Second _____

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year July 1, 2015- June 30, 2016 in the amount of:

DEDR	\$13,053.00
Cash Match	\$ 3,263.00
In-Kind	\$ 9,790.00
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

Res15/1-20MunAlliancesubmitappl
Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Hund	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Smith	_____	_____	_____	_____

APPROVED: _____
Salvatore Bonaccorso, Mayor

CERTIFICATION

I, Edith L. Merkel, Municipal Clerk of the Township of Clark, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 20th day of January, 2015.

Edith L. Merkel, Municipal Clerk

7

TOWNSHIP OF CLARK
Resolution _____
January 20, 2015

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 20th day of January, 2015.

Robert Thieling
92 Harding Avenue
Clark, NJ 07066

Scott Boyer
99 William Street
Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20AppointFirefightersThielingBoyer
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

CA 8

TOWNSHIP OF CLARK
Resolution _____
January 20, 2015

Motion _____ Second _____

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>
142/1	Central Avenue	2,358,500	2,268,900	89,600	2012

BE IT FURTHER RESOLVED, that a refund be issued in the amount of \$6,821.26.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20TaxAppealSettlement

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

TOWNSHIP OF CLARK

Resolution _____

January 20, 2015

CA 9

Motion _____ Second _____

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20 Tax Refunds-Transfers
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

TOWNSHIP OF CLARK

Resolution _____

January 20, 2015

CA 10

Motion _____ Second _____

WHEREAS the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Francis E. Cray to be 100% permanently disabled effective February 6, 2014, in accordance with N.J.S.A. 54: 4-3, 30, et. seq; and

WHEREAS Francis E. Cray owns one third of the property listed in the tax duplicate as 54 Canterbury Drive, Clark, NJ, Block 37 Lot 12, and is entitled to have one third of the taxes for this property exempt; and

WHEREAS the total 2014 taxes on this property were \$10,297.91 and Francis E. Cray being owner of one third of the property is entitled to a one third exemption of the property taxes amounting to \$3,120.58 for the year 2014; and

WHEREAS the total taxes for 2014 have been paid in full and such a reduction will create an overpayment on the property and this shall be refunded to Francis E Cray; and

WHEREAS one third of the taxes on this property will be entitled to exemption for as long as Francis E Cray is a one third owner of the property; and

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the Tax Collector is hereby authorized to refund 2014 taxes as hereinabove stated and to make the proper adjustments to exempt one third of this property as long as Francis E. Cray is a one third owner of the property.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res 15/1-20 Tax Exemption Cray B37L12
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Hund	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Smith	_____

TOWNSHIP OF CLARK

Resolution _____

January 20, 2015

CA 11

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2014 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 Treasurer/CFO is hereby authorized and directed to make the following refund(s) as per the following schedule.

CLARK TOWNSHIP SEWER REFUNDS - 2014							
REF	#	Account #	Name	#	Address	Reason	Refund
14	23R	4863-0	Luiz Sa	1710	Westover Rd	overpayment	\$ 483.36
14	24R	4863-0	Luiz Sa	1710	Westover Rd	overpayment	\$ 1,171.52
Total Refunds							\$ 1,654.88

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/1-20 SewerRefunds

Aye Nay Abstain Absent

Albanese _____
Barr _____
Hund _____
Mazzarella _____
O'Connor _____
Toal _____
Smith _____