

This Notice is being sent to you, 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
April 18, 2016
7:30 PM**

ROLL CALL:

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

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 Local Source, and TAP into Clark, 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 Police Department Awards
Brief Recess
Regular Order of Business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire, Emergency Management and First Aid Squad reports for the month of March 2016 have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

INTRODUCTION OF PROPOSED ORDINANCES:

- BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through April 14, 2016 in the amount of \$177,864.90

CITIZEN HEARING ON THE AGENDA:

The public is invited to speak on agenda items only. Please state your name and address for the record.

RESOLUTIONS:

2. Appointing Drew DiGiovanni and Christian Posso as Members of the Clark Volunteer Fire Department
3. Authorizing Adoption of the Union County Multi-Jurisdictional Hazard Mitigation Plan as Submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on November 6, 2015
4. Authorizing the Mayor and Clerk to sign the Union County Infrastructure Grant Agreement in the amount of \$50,000 for the Westfield Avenue Streetscape Improvements
5. **Council as ABC Board:** Approving the Place to Place Transfer of the Liquor License held by Clark Circle Liquors t/a Wine Anthology from 77 Central Ave. to 1075 Raritan Road (For the record, no objections have been received in connection with the transfer)

CONSENT AGENDA RESOLUTIONS:

6. Authorizing the Tax Collector to refund overpayment of 2016 taxes in the amount of \$7,004.64
7. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$13,297.67 as credit and \$375.00 additional charges
8. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$225.00
9. Authorizing the Construction Official to waive permit fees for the American Legion

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Please state your name and address for the record.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

INTRO 1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: April 18, 2016 Public Hearing: May 2, 2016

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the following public improvements in, by and for the Township: (A) the Downtown Village Zone Sidewalk and Streetscape Improvements Project; and (B) the 2016 Capital Road Improvement Program at various locations, as set forth on a list on file or to be placed on file with the Township Clerk and hereby approved and incorporated herein by this reference thereto. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to

or deletions from the list referred to in clause (B) of the preceding sentence. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$2,000,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that a grant in the amount of \$50,000 from the County of Union Infrastructure and Municipal Aid Grant Program shall be received by the Township to finance the cost of the sidewalk and streetscape project authorized in Section 1 hereof. Said grant funds shall be applied as set forth in Section 10 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$2,000,000, and (4)

\$100,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,900,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this

ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township

and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America

or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by

the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: May 26, 2016

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

Ord16/4-18DTVStreetscape-CAPRoadsBondOrd2M

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

2

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 18th day of April, 2016.

Drew J. DiGiovanni
52 Grand Street
Clark, NJ 07066

Christian Posso
60 Broadway
Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/4-18AppointFirefightersDiGiovanniPosso

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

3

Motion _____ Second _____

RESOLUTION AUTHORIZING THE ADOPTION OF THE UNION COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS SUBMITTED TO THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON NOVEMBER 6, 2015

WHEREAS the Township of Clark, in the County of Union, State of New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee; and

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Union County website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Clark:

1. The Union County *Multi-Jurisdictional Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on November 6, 2015 by the Union County Office of Emergency Management and approved on February 22, 2016 is hereby adopted as an official plan of the Township of Clark; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The departments of the Township of Clark identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Clark, and the resolution shall not be interpreted so as to mandate any such appropriations.
4. The Township of Clark Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Union County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.
5. This resolution shall take effect immediately.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res16/AdoptUCMulti-JurHazMitigationPlan

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

Motion _____ Second _____

WHEREAS, the Union County Board of Chosen Freeholders established the 2016 Infrastructure and Municipal Aid Grant Program designed to improve the infrastructure and/or stimulate development within the municipalities of Union County; and

WHEREAS, the Township of Clark has prepared and submitted an application for Westfield Avenue Streetscape Improvements; and

WHEREAS, the Union County Board of Chosen Freeholders has awarded \$50,000 to the Township of Clark under the 2016 Infrastructure and Municipal Aid Grant.

NOW THEREFORE, BE IT RESOLVED, that the Township of Clark authorizes the proper Township Officials to accept and execute the necessary documents for the 2016 Union County Infrastructure and Municipal Aid Grant Program in an amount not to exceed \$50,000 for the Westfield Avenue Streetscape Improvements; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/4-18UCInfrastructureGrant-Streetscape

Aye Nay Abstain Absent

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

ABC 5

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

Motion _____ Second _____

WHEREAS an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License Number 2002-44-002-004, issued to Clark Circle Liquors & Lounge Inc. for premises heretofore located at 77 Central Avenue, Clark, New Jersey;

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark does hereby approve, effective the 16th day of May, 2016 the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution licensed premises from its former location at 77 Central Avenue, Clark, New Jersey to its new location at 1075 Raritan Road, Clark, New Jersey and does hereby direct the Township Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to premises located at 1075 Raritan Road, Clark, New Jersey."

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/4-18ABCplacetoplacetransfer - CircleLiq

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

April 18, 2016

CA 6

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2016 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) in accordance with the following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
89	36		Luis & Lauren Prata	28	Harrison Street	285.27
24	11		Ivio Bevacqua	55	Hillcrest Drive	842.10
68	22		Jerome & Joan Meehan	36	Emerald Place	666.47
33.06	8		Edward Pawlowski	17	Kent Place	852.67
195	32		Margaret Miciek	46	Alice Lane	540.46
33.01	12		Jose & Maria Goncalves	167	Acorn Drive	884.15
69	28	C-039	Anthony Botro & Eileen Bojar	39	School Street	238.41
56	9		Stella Bojar & Eileen Bojar	16	Garside Place	358.19
121	36		Salvatore & Alice Venditto	40	John Street	833.64
159	1		James & Cheryl Jesse	2	Blake Drive	845.49
68	34		Albert Prillo	14	Emerald Place	657.79
					Total	\$7,004.64

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res16/4-18TaxRefunds

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

CA 7

Motion _____ Second _____

WHEREAS the Treasurer/CFO 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 Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

STEVEN M. HUND
Council President

Res16/4-18SewerAdj

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
 Resolution _____
 April 18, 2016

CA 8

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2016 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 - 2016		2016					
REF	#	Acct #	Name	#	Address	Reason	Refund
16	1R	4149-0	John Caponigro	2	Schmidt Lane	Overpayment	25.00
16	2R	4898-0	Linda Resende	6	Glenwood Terrace	Overpayment	25.00
16	3R	2035-0	Paulette Kosmoski	458	Madison Hill Rd	Overpayment	25.00
16	4R	2536-0	Elizabeth Cassara	15	King Street	Overpayment	125.00
16	5R	2566-0	Supriya and Sumeet LLC	175	Westfield Avenue	Overpayment	25.00
					Total Refunds		\$ 225.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res16/4-18SewerRefunds

Aye Nay Abstain Absent

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

CA9

TOWNSHIP OF CLARK
Resolution _____
April 18, 2016

Motion _____ Second _____

WHEREAS the American Legion Post 328 has applied for Construction Permit(s) to mill, install a drain line and repave their parking lot located at 78 Westfield Avenue; and

WHEREAS the American Legion has requested that the permit fees for the parking lot project be waived; and

WHEREAS the American Legion is a Non-profit, Tax Exempt Veterans' Organization.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Construction Official to waive the permit fees for the above mentioned project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/4-18AmericanLegionWaiver

Aye Nay Abstain Absent

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