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**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
June 19, 2017
7:30 PM**

ROLL CALL:

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

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 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: The Police, Fire, Emergency Management and First Aid Squad reports for the month of May 2017 are 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 Ordinance)

- 1. AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 17-09 ADOPTED MAY 15, 2017 ENTITLED "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED LAND USE AND DEVELOPMENT, ARTICLE XXIII, DISTRICT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF CLARK"**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through June 14, 2017 in the amount of \$283,265.99

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:

2. Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards
3. **Council as the ABC Board:** Authorizing the annual renewal of the Alcoholic Beverage Licenses for the 2017-2018 Term
4. Authorizing the Mayor and/or Business Administrator to execute an Acknowledgement of Continuation of the Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to bulky waste
5. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$29,433.86 for the Clean Communities Grant
6. Authorizing the Tax Collector to submit an application to the Director of the Division of Local Government Services to participate in the electronic tax sale pilot program

CONSENT AGENDA RESOLUTIONS:

7. Endorsing the submission of the recycling tonnage grant application and designating Jennifer Kobliska to ensure that the application is properly filed
8. Authorizing the Tax Collector to refund overpayment of 2017 taxes in the amount of \$2,295.78
9. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$5,838.40
10. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$263.67

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:

PH 1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: June 5, 2017 Public Hearing: June 19, 2017

Motion: Mazzarella Motion: _____

Seconded: O'Connor Seconded: _____

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 17-09 ADOPTED MAY 15, 2017 ENTITLED "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED LAND USE AND DEVELOPMENT, ARTICLE XXIII, DISTRICT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF CLARK"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 195, entitled "Section 4, Section 195-140.3 R-B - 20 Multiple-Family Residential District" of the Code of the Township of Clark is hereby amended and supplemented in the following particulars with all other sections remaining unchanged:

Section 195-140.3 R-B - 20 Multiple-Family Residential District is added as new district and citation amended as follows:

§ 195-140.3 R-B - 20 Multiple-Family Residential District.

A. Purpose of district. The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside of units and development standards as set forth with a certain settlement agreement approved by the Court on December 21, 2016 with such units affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.^[1]

C. Development standards.

(3) Lower-income housing requirements. A minimum of 16% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low and moderate income, under the lower-income housing requirements specified in Subsection **D** below.

(4) Building requirements, garden apartments. Maximum building height shall be 45 feet.

(11) Notwithstanding the foregoing, a minimum of 168 units are permitted with a total bedroom count of 330 as per the settlement plan. At the applicant's option, as long as the total bedroom count remains 330, the maximum units permitted would be 177. If the latter option is chosen, the only permitted three bedroom units would be affordable units to meet the Township obligation.

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.

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

Effective Date: July 12, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/6-5AmendOrd17-09Ch195ArticleXXIII ZoningDistricts
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
June 19, 2017

Motion _____ Second _____

Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date; and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities may be forced to reduce or eliminate municipal services in order to fund interest arbitration awards that exceed a 2% Cap.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Township of Clark urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblymen Jerry Green and James Kennedy, Senator Nicholas Scutari, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19Arbitration-contract-
Aye Nay Abstain Absent

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

2002-33-011-009 Tarantellas Restaurant Inc.
1199 Raritan Road, Clark, NJ 07066

2002-31-012-001 Clark Post #328 The American Legion
t/a American Legion Clark Post 328
78 Westfield Avenue, Clark, NJ 07066

2002-31-013-002 Deutscher Club Clark Inc.
787 Featherbed Lane, Clark, NJ 07066

2002-31-015-001 The Gran Centurions
440 Madison Hill Road, Clark, NJ 07066

2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

2002-33-018-012 Paragon Restaurant Group LLC
t/a Paragon Tap & Table
77 Central Avenue, Clark, NJ 07066

2002-31-020-001 Polish Cultural Foundation Inc.
177 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19ABC Renewals

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

14

Resolution _____

June 19, 2017

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute an Acknowledgement of Continuation of the Shared Services Agreement with the Plainfield Municipal Utilities Authority for an additional one-year term for certain solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C generated within the township.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19PMUASolidWasteType13
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 19, 2017

5

Motion _____ Second _____

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 and 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 2017 in the sum of \$29,433.86 which is now available from the State of New Jersey in the amount of \$29,433.86; and

BE IT FURTHER RESOLVED that the like sum of \$29,433.86 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$29,433.86.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19Ch159CleanCommunitiesGrant
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 19, 2017

Motion _____ Second _____

WHEREAS NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS the Director of the Division of Local Government Services has promulgated rules and regulation for pilot programs; and

WHEREAS the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS the Township of Clark wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in electronic tax sale program and submit same to the Director of the Division of Local Government Services.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19ElectronicTaxSaleProgram
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 19, 2017

CA 7

Motion _____ Second _____

WHEREAS the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Clark Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Recycling Coordinator, Jennifer Kobliska to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19RecyclingTonnage
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
June 19, 2017

CA 8

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2017 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:

CLARK TOWNSHIP						
TAX REFUNDS-2017						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
6.02	11		Consuelo Montes	310	Oak Ridge Road	\$ 2,295.78

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19TaxRefund
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 19, 2017

CA 9

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, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/6-19SewerAdj

	Aye	Nay	Abstain	Absent
Barr	_____	_____	_____	_____
Hund	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Albanese	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

June 19, 2017

CA 10

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2017 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.

REF	#	Acct #	Name	#	Address	Reason	Refund
17	11R	1848-0	Patsy & Carole Robertazzi	20	Doris Way	overpayment	\$140.00
17	12R	1177-0	Alysha & Jeffrey Baldwin	57	White Place	overpayment	\$110.00
17	13R	4059-0	Thomas Klimuc	39	Florence Dr.	overpayment	<u>\$13.67</u>
			Total Refunds				\$263.67

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res17/6-19SewerRefunds

Aye Nay Abstain Absent

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