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**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
October 16, 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: 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 ORDINANCE:

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

1. **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 248 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PEDDLING AND SOLICITING"**

INTRODUCTION OF PROPOSED ORDINANCES:

The Public Hearing on each of the following ordinances will be held on November 6th at 7:30 p.m. in Room 30 of the Municipal Building.

2. **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS"**
3. **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 195, ARTICLE XXVI OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "WIRELESS TELECOMMUNICATION FACILITIES"**

4. **BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF THE SYNTHETIC TURF ATHLETIC FIELD AND THE REFURBISHMENT OF THE TRACK AT THE ARTHUR L. JOHNSON HIGH SCHOOL ATHLETIC COMPLEX IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$735,000 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.**
5. **BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000 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 October 16, 2017 in the amount of \$131,207.14

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.

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

RESOLUTIONS:

6. Award of Contract to GTBM for an Electronic Ticket System for use by the Police Department in the amount of \$27,477.00
7. Award of Contract to Top Line Construction Corp. for the 2017 Capital Road Improvements; Locust Grove Drive, West Lane, Bartell Place & Ginesi Drive/Anthony Circle in the amount of \$498,934.25
8. Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2018 NJDOT Lake Avenue Roadway Improvement Project
9. Authorizing the Mayor or Business Administrator to execute the Municipal Approval Statement for the replacement of a NJ Transit Bus Shelter on Oak Ridge Road
10. Appointing Carmen Brocato as the Alternate II Member of the Board of Adjustment to fill the unexpired term of Christopher Tierney until December 31, 2017
11. Authorizing the Health Officer to enter into an Agreement with the Visiting Nurse and Health Service for 2018 in the amount of \$7,986.00

12. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$3,472.77 for the Body Armor Grant
13. Authorizing the Business Administrator to enter into a cooperative pricing agreement with National Joint Powers Alliance to purchase certain necessary goods or services
14. Appointing Joseph Wilson as a Member of the Clark Volunteer Fire Department
15. Authorizing the Township Engineer to review and approve all sewer applications to be submitted to RVSA and/or NJDEP without further action of the Governing Body
16. Authorizing release of the Performance Guarantee for Stone Hill Village upon submission of a Maintenance Guarantee

CONSENT AGENDA RESOLUTIONS:

17. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$250.00
18. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$4,363.30 and additional charges in the amount of \$140.00
19. Authorizing the Tax Collector to refund overpayment of 2017 taxes in the amount of \$874.33
20. Authorizing the Clark Special Events Committee and the Department of Recreation to conduct a Community Bonfire

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:

TOWNSHIP OF CLARK

Ordinance No. 17-17

PH 1

Adopted _____

Introduced: September 18, 2017 Public Hearing: October 16, 2017

Motion: Smith Motion: _____

Seconded: O'Connor Seconded: _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 248
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"PEDDLING AND SOLICITING"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 248, of the Code of the Township of Clark is hereby amended in the following particulars:

SECTION 1: Section 248-3, is amended as follows:

248-3 Fees

Delete the word "annual" in each sentence. All other text remains unchanged.

SECTION 2: Section 248-7, is amended as follows:

248-7 Issuance of license; nontransferability; term

Section 248-7, is amended as follows:

The second sentence is amended to read: "Such license shall not be transferable, shall be valid ~~only for a period of not more than 30 days~~ until December 31 of the year in which it was issued, regardless of the issue date and shall be valid only for the business stated in the application." All other text remains unchanged.

SECTION 3: Section 248-8, is amended as follows:

248-8 Term of license renewal

~~No license shall be issued for a period of more than 30 calendar days. All licenses expire on December 31 of the year in which they were issued, regardless of the issue date. Upon the expiration of the license, the holder thereof shall surrender it to the officer in charge of police headquarters the badge(s) to the issuing department. He or she may apply for the renewal of the same a new license upon the same terms and conditions as the original application set forth herein.~~

SECTION 4: The following sections are hereby deleted in their entirety and the remaining sections shall be re-numbered as appropriate:

Section 248-14 Eating of merchandise

Section 248-16 Inspection of vehicles

Section 248-18 Maintenance and inspection of equipment

SECTION 5: Section 248-19, is amended as follows:

248-19 Duties of licensee; hours of sale

Sub-section B. the first sentence is amended to read: "Each licensee shall restrict his/her peddling or soliciting activities within the Township to the hours ~~between 9:00 a.m. and 5:00 p.m.~~ 10:00 a.m. to 7:00 p.m. from April 15 to October 15 and 10:00 a.m. to 5:00 p.m. from October 16 to April 14, prevailing time, on Mondays through Saturdays and shall notify the police officer on duty at least once in every week in which he/she plans to conduct his/her activities."

SECTION 6: Section 248-20, is amended as follows:

248-20 Prohibited acts

Sub-section A. (10) is amended to read: "Canvass, solicit or distribute circulars or other matter or call from house to house in the Township to sell goods, either in bulk or by sample, or take orders for future delivery, with or without accepting advance payments for the goods, or engage in the business of a huckster, hawker or peddler, ~~except between the hours of 9:00 a.m. and 5:00 p.m. on weekdays~~ during the days and hours designated."

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: November 8, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/9-18AmendCh248Solicitors
Aye Nay Abstain Absent

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

INTRO 2

TOWNSHIP OF CLARK
Ordinance No. 17-18
Adopted _____

Introduced: October 16, 2017 Public Hearing: November 6, 2017

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 279
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "SEWERS"

BE IT ORDAINED by the Governing Body of the Township of Clark that various sections of Chapter 279 of the Code of the Township of Clark are hereby amended and supplemented in the following particulars:

SECTION 1: ARTICLE I-SECTION 279-1, Entitled DEFINITIONS

is supplemented so as to add the following definitions:

DEMOLITION:

The removal of all walls, superstructure, roof and other structural elements of the structure, to the extent that said removal represents a ninety-percent reduction and demolition of the entire structure, as the same may be determined in the discretion of the Construction Code Official of the Township.

EQUIVALENT DWELLING UNIT:

Equivalent Dwelling Units (EDU's) are units of measure that are used to standardize all types of land use categories (housing, retail, office, institutional, industrial, etc.) to the level of demand created by one single-family dwelling unit or 300 gallons per day; one service unit shall be one EDU, representing an average daily flow of 300 gallons per day. Similarly, a two-family residence shall be deemed to be two EDUs and a ten-unit condominium shall be deemed to be 10 EDUs. The projected average daily flow for non-residential uses shall be taken from "Projected Flow Criteria," found in N.J.A.C. 7:14A-23.3, and shall be divided by 300 to calculate the EDUs for that particular use.

SEWER CONNECTION FEE:

The fee required from a new connector to the sewer utility, representing a fair and equitable compensation for the total capital cost paid for developing the sewer system, along with any engineering and code official administration and inspections for the aforementioned permit.

SECTION 2: ARTICLE II-SECTION 279-2, entitled DISCHARGE TO SANITARY SEWERS PROHIBITED

is supplemented to include the following sections:

- C. Whenever a property owner with the Township of Clark constructs a new dwelling or structure that requires sanitary sewer discharges, or demolishes an existing dwelling for the purposes of erecting upon the foundation of said dwelling a new structure, and irrespective of the type and use of said structure, the property owner shall be required, when undertaking such a new construction, to construct a new sanitary sewer lateral in a manner acceptable to the Department of Engineering of the Township of Clark and in a good workmanlike manner, in accordance with standard engineering practices and such construction standards as may be approved by the Township of Clark.
- D. No person shall make any connection with the sanitary sewerage system unless and until a permit for that purpose has been obtained from the Construction Official.

SECTION 3: ARTICLE V-SECTION 279-21, entitled CONSTRUCTION OF NEW LATERALS REQUIRED

is deleted in its entirety and replaced as follows:

- A. In accordance with the provisions of sub-section 279-2 D., No person shall make any connection with the sanitary sewerage system unless and until a permit for that purpose has been obtained from the Construction Official.
- B. An application for a permit shall be made in writing, signed by the applicant, to the Construction Official setting forth the date, the name of the owner and the location of the premises, number of rooms in respective buildings located on or about to be located on the premises and the name of the plumber. In addition, the submission of appropriate plans shall be approved by the Township Engineer who shall also be authorized to approve/endorse/sign applicable sewer applications to be submitted to the Rahway Valley Sewerage Authority and/or the New Jersey Department of Environmental Protection on behalf of the Township without additional action by the Governing Body.

- C. Upon the filing of the application and payment of the connection fee of \$750.00 per each equivalent dwelling unit (EDU) for the premises payable to "Township of Clark," the permit shall be issued, provided that a certificate from the Plumbing Sub-Code Official accompany and be filed with the application to connect the sanitary sewer system. For the purpose of inspection, all trenches wherein any pipes shall be laid, shall be left open until after the construction improvement (pipes, fittings, bedding) have been inspected and approved as herein above provided.

SECTION 4: ARTICLE V-SECTION 279-22, entitled CONNECTION FEES

is deleted in its entirety and replaced as follows:

- A. The Sewer Connection Fee shall be \$750.00 per equivalent dwelling unit (EDUC). The projected average daily flow for non-residential uses shall be taken from "Projected Flow Criteria," found in N.J.A.C. 7:14A-23.3, and shall be divided by 300 to calculate the EDUs for that particular use. Any fractional EDU result shall be rounded up to the next whole number.
- B. Sewer connection fees will be imposed if three conditions are found to exist:
 - 1. A new physical connection to the system is made either directly at the main or indirectly on the property.
 - 2. There is an impact on the system as a result of increased water or sewer flow for the property.
 - 3. There is an increase in the number of new connectors or users on the property.

SECTION 5: ARTICLE V-SECTION 279-23: entitled PERMIT REQUIRED

is deleted in its entirety and replaced as follows:

Article V-Section 279-23, entitled, Exceptions.

This article shall not apply to any renovation except the complete demolition and construction of a structure, as defined in sub-section 279-1 hereof, from its foundation walls.

SECTION 6: ARTICLE VI-entitled CONTROL AND INSPECTION OF BUSINESS SEWERS

Article VI is amended so as to renumber Section 279-25 to Section 279-24, and Section 279-26 to Section 279-25.

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: November 30, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/10-16Ch279Sewers
Aye Nay Abstain Absent

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

INTRO 3

TOWNSHIP OF CLARK

Ordinance No. 17-19

Adopted _____

Introduced: October 12, 2017 Public Hearing: November 6, 2017

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 195,
ARTICLE XXVI OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "WIRELESS TELECOMMUNICATION FACILITIES"**

BE IT ORDAINED by the Governing Body of the Township of Clark that various sections of Chapter 195, Article XXVI of the Code of the Township of Clark are hereby amended and supplemented in the following particulars:

Article XXVI: Wireless Telecommunication Facilities

§ 195-162 Purpose, Goals and General Conditions

- A. The purpose of this Article is to encourage the siting of personal wireless services facilities in non-residential areas and to protect, to the maximum extent permitted to local governments by the Telecommunications Act of 1996, the aesthetics, the suburban character of the Township of Clark, the property values of the community, the health and safety of citizens and a citizen's ability to receive communications signals without interference from other communications providers, while not unreasonably limiting competition among communications providers or unreasonably limiting reception of receive-only antennas.
- B. No antenna(s), personal wireless telecommunications facility, tower or supporting structure shall be located, constructed or maintained on any lot, building, structure or land area, except in conformity with the requirements of Article XXVI of the Revised General Ordinances of the Township of Clark. However, regardless of the foregoing, Small Cell Equipment and Wireless Poles that are proposed to be placed in the Municipal Right-of-Way are solely subject to § 195-168 and §195-168.1 of the Revised General Ordinances of the Township of Clark and shall not be subject to any other requirements of this Article.
- C. PWTEFS and PWTFS located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Article,

provided that a license or lease authorizing such PWTEFS and PWTFS has been approved by the governing authority.

- D. Purpose; goals. The purpose of this section is to establish general guidelines for the siting of PWTEFS and PWTFS. The goals of this section are to:
1. Encourage the location of PWTFS in nonresidential areas and minimize the total number of telecommunications towers throughout the community;
 2. Encourage strongly the joint use of new and existing PWTEFS and PWTFS sites;
 3. Encourage users of PWTEFS and PWTFS to locate them, to the greatest extent possible, in areas where the adverse impact on the community is minimal;
 4. Encourage users of PWTEFS and PWTFS to configure them in a way that minimizes the adverse visual impact of the telecommunication towers and antennas; and
 5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 6. Regulate and preserve the Municipal Right-of-Way as a finite resource.

§ 195-162.1 Definitions.

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

ALTERNATIVE TOWER STRUCTURE

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

A device that converts radio frequency electrical energy to radiated electromagnetic energy and vice versa; in a transmitting station, the device from which radio waves are emitted.

ANTENNA, RECEIVING

An antenna, other than a satellite dish antenna, used exclusively to receive radio, television programming or any other electromagnetic signal.

ANTENNA, SATELLITE DISH

An antenna with a reflective surface used to receive and/or transmit radio or electromagnetic waves from an orbiting satellite.

BASE TRANSMITTER

A stationary transmitter that provides radio telecommunications service to mobile and/or fixed receivers, including those associated with mobile stations.

ANTENNA SUPPORT STRUCTURE

A structure other than a telecommunications tower which is attached to a building and on which one or more antennas are located.

CELLULAR SYSTEM

An automated high-capacity system of one or more multichannel base stations designed to provide radio telecommunications services to mobile stations over a wide area in a spectrally efficient manner. Cellular systems employ techniques such as low transmitting power and automatic handoff between base stations of communications in progress to enable channels to be reused at relatively short distances.

COLLOCATION.

Use of a common site by two or more wireless license holders or by one wireless license holder for more than one type of communication technology and/or placement of a PWTF on a structure.

EXISTING POLE

A Wireless Pole or Utility Pole in existence and located in the Municipal Right-of-Way at the time an applicant requests permission to place Small Cell Equipment thereon.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

GOVERNING AUTHORITY

The governing body of the Township of Clark.

HEIGHT

When referring to a tower or other similar structure, the height is the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna. However, Utility Poles and Wireless Poles shall be measured from the ground level to the top of the structure and not include any other antennas thereon.

MONOPOLE

Any freestanding pole greater than 25 feet in height upon which an antenna or antennas may be located.

MUNICIPAL RIGHT-OF-WAY

The surface of, and the space above, any public street, road, land, path, public way or place, sidewalk, alley, boulevard, parkway, drive, etc., held by the Township as an easement or in fee simple.

PROPOSED WIRELESS POLE

A Wireless Pole which is proposed to be placed in the Municipal Right-of-Way.

PERSONAL COMMUNICATIONS SERVICES

Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular radiotelephone, specialized mobile radio system and personal communications services. This term shall also include the term Personal Wireless Service

PERSONAL WIRELESS TELECOMMUNICATIONS EQUIPMENT FACILITIES (PWTEFS).

Facilities serving and subordinate in area, extent and purpose to, and on the same lot as, a telecommunications tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings, and security fencing. This term shall not include Small Cell Equipment or facilities attached thereto which are located in the Municipal Right-of-Way.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES (PWTFs).

Facilities for the provision of wireless communications services, including, but not limited to, antennas, antenna support structure, telecommunications towers, and related facilities other than PWTEFs. This term shall not include Small Cell Equipment.

PRE-EXISTING TOWERS AND ANTENNAS

The meaning set forth in § 195-163D below.

PUBLIC UTILITY

Any person, firm, corporation or governmental agency, duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment, steam or telephone service. Provider of personal wireless telecommunications services are not a public utility within the Township of Clark and this definition shall not bestow any special status or standing not already provided by state or federal law.

SMALL CELL EQUIPMENT

Wireless facilities and transmission media, including outside distributed antenna systems (ODAS) attached, mounted or installed within the municipal right-of-way. For the purposes of this definition "wireless facilities" shall mean the transmission media, in addition to control boxes, cables, conduits, power sources and other equipment, structures, plant, and appurtenances which are part of the Small Cell Equipment. For the purposes of this definition "transmission media" shall mean radios, antennas, transmitters, wires, fiber optic cables, and other wireless transmission devices which are part of the Small Cell Equipment.

TELECOMMUNICATIONS

The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS EQUIPMENT

Equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, including software integral to such equipment (including upgrades).

TELECOMMUNICATIONS SERVICE

The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TELECOMMUNICATIONS TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

UNLICENSED WIRELESS SERVICE

The offering of telecommunications services using duly authorized devices which do not require individual licenses. The provision of direct-to-home satellite services, as defined in this chapter, is not incorporated into this definition.

UTILITY POLE

A utility pole is a column or post located in the Municipal Right-of-Way used to support overhead power lines and various other public utilities, such as cable, fiber optic cable, and related equipment such as transformers and street lights. It can be referred to as a telephone pole, power pole or telegraph pole.

WIRELESS COMMUNICATIONS

Any personal wireless services as defined in the Federal Telecommunications Act of 1996 (FTA) which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include non-cellular telephone service.

WIRELESS POLE

A column or post located in the Municipal Right-of-Way used solely to support Small Cell Equipment and/or provide Wireless Communications services.

§ 195-163 Applicability.

- A. Personal wireless telecommunications equipment facilities (PWTEFs) and personal wireless telecommunications facilities (PWTFs) shall be permitted within any zone within the Township of Clark provided that said uses comply with the requirements for each respective zone.
- B. District height limitations. The requirements set forth in this article shall govern the location of towers that either comply with or exceed permitted height limitations and antennas that are installed at a height in conformance with or in excess of the height limitations specified for each zoning district. The height limitation for all telecommunications towers shall be the maximum height permitted for a principal structure within the zone that the telecommunications tower is located.
- C. Amateur radio; receive-only antennas. This article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- D. Preexisting towers and antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of § 195-164E and F below. Any such towers or antennas shall be referred to in this article as "preexisting towers" or "preexisting antennas." Any application that would alter the height of the existing structure, require any new antennae or affect the size of any new equipment or equipment areas will invalidate the exempt status of these structures and facilities.

§ 195-164 General Guidelines and Requirements.

- A. Principal or accessory use. Antennas and telecommunications towers, including all PWTFs and PWTEFs, may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or telecommunications tower on such lot. Although the PWTEF and PWTFs may be considered as either principal or accessory uses, the setback requirements for all such structures shall be those designated for the principal structure in the zone.

For purposes of determining whether the installation of a telecommunications tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or telecommunications towers may be located on leased parcels within such lots. Telecommunications towers that are constructed, and antennas that are

installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

- B. Setback standards. All PWTFs and PWTEFs shall be subject to the minimum yard requirements of the zoning district in which they are located, provided the minimum setback may be increased where necessary to address safety concerns. If PWTEFs are located on the roof of a building, the area of the PWTEFs and other equipment and structures shall not occupy more than twenty-five percent of the roof area.
- C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Township Clerk an inventory of its existing towers that are either within the Township or within 1/4 mile of the border thereof, including specific information about the location, height and design of each tower. The Township Clerk may share such information with other applicants applying for administrative approvals or special use permits under this article or other organizations seeking to locate antennas within the Township; provided, however, that the Township Clerk is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Visual impact standards. All PWTFs and PWTEFs shall be located to minimize visual impacts on the surrounding area in accordance with the following standards.
 - (1) Sites for PWTFs and PWTEFs must demonstrate that they provide the least visual impact on residential areas. All potential visual impacts must be analyzed to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
 - (2) PWTEFs should be located to avoid being visually solitary or prominent when viewed from residential areas and the public way. The facility should be obscured by vegetation, tree cover, topographic features and/or other structures to the maximum extent feasible.
 - (3) PWTFs and PWTEFs shall be placed to ensure that historically significant views, streetscapes, and landscapes are protected. The views of and vistas from architecturally and/or significant structures should not be impaired or diminished by the placement of telecommunication facilities.
 - (4) The applicant must document they are using the least visually obtrusive technology to provide the required service. The applicant must present, to the reviewing board, information on the available technologies for the proposed location and how the selected technology has the least visual impact.

- (5) The planning board may waive any of the above standards upon the applicant showing that strict compliance with the requirements of this ordinance will create an undue hardship upon the applicant.
- E. Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- F. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, the governing authority may remove such tower at the owner's expense.
- G. Site design standards. The following design standards shall apply to PWTFs and PWTEFs installed or constructed pursuant to the terms of this subdivision:
- (1) Collocation. Ordinance limitation on the number of structures on a lot shall not apply when PWTFs and PWTEFs are located on a lot with buildings or structures already on it.
 - (2) Fencing and other safety devices. PWTFs and PWTEFs shall be surrounded by security features, such as a fence, which prevent unauthorized access. Other safety measures such as anti-climbing devices may be considered by the board in accordance with applicable Federal U.S. Department of Labor, Occupational Safety and Health Administration standards and state building code requirements.
 - (3) Landscaping. Landscaping shall be provided along the perimeter of the security fence to provide a visual screen or buffer for adjoining private properties and the public right-of-way. Required front yard setback areas shall be landscaped. All PWTEFs shall be screened by an evergreen hedge eight to ten feet in height at planting time and/or a solid fence eight feet in height.

- (4) **Signs.** Signs shall not be permitted except for signs displaying owner contact information, warnings, equipment information, and safety instructions. Such signs shall not exceed two square feet in area. No commercial advertising shall be permitted on any PWTF or PWTEF.
- (5) **Color.** PWTFs and PWTEFs shall be of a color appropriate to the locational context and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).
- (6) **Activity and access.** All equipment shall be designed and automated to the greatest extent possible in order to reduce the need for onsite maintenance and thereby to minimize the need for vehicular trips to and from the site. Access shall be from established site access points whenever possible.
- (7) **Dish antennas.** Dish antennas shall be colored, camouflaged or screened to make them as unobtrusive as possible and in no case shall the diameter of a dish antenna exceed six feet.
- (8) **Lighting.** No lighting is permitted except as follows:
 - a. PWTEFs enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes; and
 - b. No lighting is permitted on a PWTF except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.
- (9) **Monopole.** Any proposed new telecommunications tower shall be a monopole unless the applicant can demonstrate that a different type pole is necessary for the collocation of additional antennas on the tower. Such towers may employ camouflage technology.
- (10) **Noise.** No equipment shall be operated so as to produce noise in excess of the limits set by the local noise ordinance, except for in emergency situations requiring the use of a backup generator.
- (11) **Radio frequency emissions.** The FTT gives the FCC sole jurisdiction of the field of regulation of radio frequency (RF) emission and PWTFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts. Applicants shall provide current FCC information concerning

PWTFs and radio frequency emission standards. PWTFs shall be required to provide information on the projected power density of the proposed facility and how this meets the FCC standards.

- (12) Structural integrity. PWTFs must be constructed to the Electronic Industries Association/Telecommunications Industries Association EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.
- (13) Maintenance. PWTFs shall be maintained to assure their continued structural integrity. The owner of the PWTF shall also perform such other maintenance of the structure and of the site as to assure that it does not create a visual nuisance.
- (14) PWTFs and PWTEFs, which are located on lands owned by the Township of Clark shall be exempt from site plan review. However, such facilities shall comply with the site design standards and zoning requirements set forth in the Township Code.

H. Collocation policy. It is the policy of the Township of Clark to minimize the number of PWTFs and to encourage the collocation of PWTEFs of more than one wireless telecommunications service provider on a single PWTF.

- (1) The Township Clerk shall maintain an inventory of existing PWTF locations within or near the Clark Township community.
- (2) An applicant proposing a PWTF at a new location shall demonstrate that it made a reasonable attempt to find a collocation site that is technically feasible and that none was practically or economically feasible and shall include in its design the opportunity for collocation by others or explain why collocation is not feasible. Applications that include existing structures such as buildings, steeples, bell towers or other similar structures that can be used for PWTEFs and PWTFs in such a manner as to render antennas and related equipment as unobtrusive shall be considered exempt from this requirement.
- (3) Each application for a PWTF shall be accompanied by a plan which shall reference all existing PWTF locations in the applicant's Clark Township inventory, any such facilities in the abutting towns which provide service to areas within the Township of Clark, any changes proposed within the following twelve month period, including plans for new locations and the discontinuance or relocation of existing facilities.

- (4) Each application shall include a site location alternative analysis describing the location of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the subject site was chosen. The analysis shall address the following issues:
- a. How the proposed location of the PWTF relates to the objective of providing full wireless communication services within the Township of Clark at the time full service is provided by the applicant throughout the Township of Clark.
 - b. How the proposed location of the proposed PWTF relates to the location of any existing antennas within and near the Township of Clark.
 - c. How the proposed location of the proposed PWTF relates to the anticipated need for additional antennas within and near the Township of Clark by the applicant and, to the extent known, by other providers of wireless communication services within the Township of Clark;
 - d. How the proposed location of the proposed PWTF relates to the objective of collocating the antennas of many different providers of wireless communication services on the same PWTF. Applications within the fourth locational priority are exempt from this requirement; and
 - e. How its plan specifically relates to and is coordinated with the needs of all other providers, to the extent known, of wireless communication services within the Township of Clark.
 - f. The Planning Board or Zoning Board of Adjustment may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The service provider shall bear the reasonable cost associated with such consultation, which cost shall be deposited in accordance with Clark Township's escrow provisions.
 - g. The collocation of PWTEFs onto existing PWTFs shall be subject to §195-170 of the Revised General Ordinances of the Township of Clark.

§ 195-165 The Approvals Process

A. General.

- (1) When an application for development does not require variances from the Zoning Ordinance, an application shall be made to the Planning Board and the Planning Board shall review and, if appropriate, approve the uses listed in this section as a Minor Site Plan in accordance with § 195-64.
- (2) For uses that require variances of any kind, the application for development must be reviewed and approved by the Zoning Board of Adjustment as a Major Site Plan with Variances in accordance with § 195-73. A height of any PWTFs that exceeds the permitted height of a principal structure in the zone that the PWTFs is located shall be considered to be non-conforming and a violation of the zoning ordinance. When the height of any PWTFs exceeds by 10 feet or 10% of the maximum height permitted in the zone for a principal structure, then a Use Variance will be required in accordance with N.J.S.A. 40:55D-70(d)(6).

§ 195-166 Relief from Requirements of the Zoning Ordinance (Variance)

A. General. The following provisions shall govern the issuance of relief from the requirements of the zoning ordinance; a variance. This section applies to both PWTEFs and PWTFs.

- (1) If a proposed PWTEF or PWTF is found to be non-conforming due to a violation of bulk requirements of the Zoning Ordinance such as lot area, yard setbacks, impervious lot coverage or building coverage, or due to height requirements, then an approval of a Major Site Plan with a Variance shall be required from the Zoning Board of Adjustment for the construction of said PWTEF or PWTF or the placement of an antenna in any zone.
- (2) In granting a variance with site plan approval the Zoning Board of Adjustment may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties.
- (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

B. Information required. Each applicant requesting a Preliminary Major Site Plan Approval and Variance under this article shall make an application to the Zoning Board of Adjustment in accordance with § 195-174 and shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and

other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

C. Factors considered in granting zoning relief. The Zoning Board of Adjustment shall consider the following factors in determining whether to issue a Site Plan Approval and Variance, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this article are better served thereby:

- (1) Height of the proposed tower or antenna;
- (2) Proximity of any part of the facility to residential structures and residential district boundaries;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress; and
- (8) Availability of suitable existing towers and other structures as described in Subsection D.

D. Availability of suitable existing facilities: i.e., towers, antennas or other structures. Specifically, no new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Adjustment that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. Tower and antenna setbacks and separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a Variance is required; provided, however, that the Zoning Board of Adjustment may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby:
- (1) Towers must be set back a distance equal to the height of the tower from any off-site residential property boundary.
 - (2) Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements.
 - (3) In zoning districts other than heavy industrial or commercial zoning districts, towers over 75 feet in height shall not be located within 1,500 feet from any existing tower that is over 75 feet in height.
- F. Landscaping. In addition to the requirements of section § 195-164 G., the following requirements shall govern the landscaping surrounding towers for which a preliminary major site plan and variance is being sought provided, however, that the Zoning Board of Adjustment may waive such requirements if the goals of this article would be better served thereby:
- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

§ 195-167 Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

§ 195-168 Placement of Small Cell Equipment and Wireless Poles in the Municipal Right-of-Way

- A. Small Cell Equipment and Wireless Poles that are proposed to be placed in the Municipal Right-of-Way are solely subject to **§ 195-168 and § 195-168.1** of the Revised General Ordinances of the Township of Clark and shall not be subject to any other requirements of this Article.
- B. Any person wishing to place Small Cell Equipment and/or Wireless Poles in the Municipal Right-of-Way must first enter into a Master License Agreement with the Township of Clark. The placement of specific Small Cell Equipment onto Existing Poles shall require the issuance of a Supplemental License from the Township Engineer. The erection of Wireless Poles shall require the issuance of a Supplemental License from the Local Governing Body based on recommendations by the Township Engineer.
- C. Such Master License Agreements shall include any provisions deemed necessary by the Township for the orderly and safe use of the Right-of-Way. However, all such Master License Agreements must comply with the following:
 - i. The term of the Master License Agreement shall not exceed twenty five (25) years.
 - ii. The following conditions shall apply to the issuance of site specific supplemental licenses for:
 1. Small Cell Equipment
 - a. The proposed installation must not be in excess of the height of the Existing Pole, before the installation, plus six feet.
 - b. The proposed installation must meet the aesthetic requirements of the neighborhood in which it is

proposed through use of appropriate design and stealth components.

- c. Proposal must include an engineer's certification verifying the structural integrity of the proposal.
- d. All cabinets which form part of the Small Cell Equipment installation must be installed on the Existing Pole or placed in a vault underground. This provision may be waived where an applicant can demonstrate that the placement of such a cabinet on the ground is necessary for the provision of Personal Communication Service in the community and does not otherwise harm the aesthetics of the neighborhood in which it is placed.
- e. No Small Cell Equipment shall be placed within one hundred and fifty (150) feet of an existing Small Cell Equipment installation. This shall not preclude the collocation of two such facilities on the same pole.
- f. Small Cell Equipment must be installed within an area of no more than twenty (20) cubic feet.

2. Wireless Poles

- a. Applicant must demonstrate that the Wireless Pole is necessary to fill a coverage gap in Personal Communications Service;
- b. Applicant must demonstrate that there are no other Existing Poles in the area that are available and capable of supporting the Applicant's Small Cell Equipment;
- c. Applicant must demonstrate that there are no other municipal facilities in the area that are available and capable of supporting Applicant's Small Cell Equipment;
- d. The Wireless Pole cannot be located in an area with underground utilities;
- e. The height of the Wireless Pole cannot be any more than five percent (5%) higher than the height of nearby Existing Poles.
- f. The Wireless Pole must be spaced no less than three hundred (300) linear feet from another Existing Pole or Proposed Wireless Pole that is capable of supporting Small Cell Equipment.

- g. The Wireless Pole must meet the aesthetic requirements of the neighborhood in which it is proposed through use of appropriate design and stealth components.
 - h. Applicant must demonstrate that the Wireless Pole has received all necessary historic preservation reviews.
- iii. Application Process.
- 1. Wireless Poles. The Township Engineer shall review all applications and make a recommendation to the Township Committee as to whether a supplemental license should be issued.
 - 2. Small Cell Equipment. The Township Engineer shall be responsible for the issuance of a supplemental license. However, any such decision by the Township Engineer may be appealed to the Township Committee within thirty (30) days thereof.
 - 3. Any denial of a supplemental license must be in writing and provide the facts upon which such a denial is based.
- c. Pursuant to N.J.S.A. 54:30A-124, the Township shall recover reasonable fees for actual services incurred in the review of all applicants under this section through a two thousand (2,000) dollar deposit toward anticipated municipal expenses which shall be placed in an escrow account by any party that has entered into a master license agreement with the Township pursuant to this section.
- d. An applicant, upon receiving a supplemental license for the placement of Small Cell Equipment or a Wireless Pole in the Municipal right-of-way, may proceed in requesting all other necessary street opening permits and building permits and, upon receiving same, may proceed with construction. Applicants must comply with all other state and federal laws, rules and regulations along with any other applicable local ordinance.

§ 195-168.1 COLLOCATION ONTO EXISTING TOWERS AND BASE STATIONS

- A. This section implements Section 6409(a) of the Middle Class Tax Relief Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report and Order, which requires a state or local government to approve any Eligible Facilities Request for a Modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
- B. Definitions. The following terms, shall, when used in this section have the following meanings:
 - 1. Base Station.
A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications users, equipment and a

communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

- i. Equipment associated with wireless communications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- iii. Small Cell Equipment located within the Municipal Right-of-Way as those terms are defined in this Article.
- iv. Any structure other than a tower that, at the time of the relevant application is filed with the Planning Board or Zoning Board or pursuant to a Master License Agreement, supports or houses equipment described in paragraphs (1)(i)-(1)(ii) that has been reviewed and approved under the applicable zoning, siting, or administrative process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time of application is filed the Planning Board, Zoning Board or pursuant to a Master License Agreement, does not support or house equipment described in 1(i)-(1)-(ii) of this subsection.

2. Collocation.

The mounting or installing of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

3. Eligible Facilities Request.

Any request for modification of an existing tower or base station that does not substantially change the physical dimension or such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

4. Eligible support structure.

Any tower or base station as defined in this section, provide that it is existing at the time the relevant application is filed with the Planning Board, Zoning Board or pursuant to a Master License Agreement.

5. Existing

A constructed tower or base station is existing for the purposes of this section if it has been reviewed and approved under the applicable zoning, siting or administrative process pursuant to a Master License Agreement.

6. Master License Agreement

An agreement between the Township of Clark and another entity

entered into pursuant to § 195-168 of the Revised General Ordinances of the Township of Clark.

7. Site.

For towers other than towers in the municipal rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

8. Substantial Change.

- i. For towers other than towers in the Municipal Rights-of-Way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- ii. For towers other than towers in the municipal rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the Municipal Rights-of-Way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (8)(i)-(8)(iv) of this subsection.

9. Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communications service, including, but not limited

to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

10. Tower.

Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This term includes Wireless Poles in the Municipal Right-of-Way.

C. Application Review

1. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Board, Zoning Board or municipal official designated by a Master License Agreement shall review such application to determine whether the application qualifies.
2. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this section, the Planning Board, Zoning Board or municipal official designated by a Master License Agreement shall approve the application unless it is determined that the application is not covered by this section.
3. Tolling of the Timeframe for Review. The 60 day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Board, Zoning Board or municipal official designated by a Master License Agreement and the applicant, or in the cases where the application is deemed incomplete.
 - i. To toll the timeframe for incompleteness, the Planning Board, Zoning Board or municipal official designated by a Master License must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness by the Planning Board, Zoning Board or municipal official designated by a Master License Agreement.
 - iii. Following a supplemental submission, the Planning Board, Zoning Board or municipal official designated by a Master License Agreement will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (3) of this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

4. Interaction with 42 U.S.C. 332(c)(7). If the Planning Board, Zoning Board or municipal official designated by a Master License Agreement determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under 42 U.S.C. 332(c)(7), as prescribed by the FCC, will begin to run from the issuance of decision that the application is not a covered request by the Planning Board, Zoning Board or municipal official designated by a Master License Agreement.

Effective Date: November 30, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

ANGEL ALBANESE
 Council President

SALVATORE BONACCORSO
 Mayor

Ord17/10-16Telecommunications
 Aye Nay Abstain Absent

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

INTRO 4

TOWNSHIP OF CLARK
Ordinance No. 17-20
Adopted _____

Introduced: October 16, 2017 Public Hearing: November 6, 2017
Motion: _____ Motion: _____
Seconded: _____ Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF THE SYNTHETIC TURF ATHLETIC FIELD AND THE REFURBISHMENT OF THE TRACK AT THE ARTHUR L. JOHNSON HIGH SCHOOL ATHLETIC COMPLEX IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$735,000 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 replacement of the synthetic turf athletic field and the refurbishment of the track at the Arthur L. Johnson High School Athletic Complex in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. Said project is being undertaken by the Township and the Clark Board of Education (the "Board of Education") as a joint recreation project pursuant to N.J.S.A. 40:12-9.

Section 2. The sum of \$735,000 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 the Township will receive

payments from the Board of Education to finance one-half of the cost of said improvements (including interest on debt). Said payments so received shall be applied to the payment of the cost of said improvements as provided 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 benefited.

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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$735,000, and (4) \$36,750 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 \$698,250, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$35,000, 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 \$36,750, 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 \$36,750 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 \$698,250 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 \$698,250 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 deem proper with law. The power to determine any matters with respect to said ordinance, and also the power to sell said notes, is hereby delegated to the Mayor 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 \$698,250 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 Board of Education, 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: November 30, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/10-16BondReplaceTurfField\$735,000
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Ordinance No. 17-21
Adopted _____

INTRO 5

Introduced: October 16, 2017 Public Hearing: November 6, 2017
Motion: _____ Motion: _____
Seconded: _____ Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000 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, State of New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to acquire new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment

hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new communication and signal systems equipment and a new automotive vehicle, including original apparatus and equipment, for the use of the Clark First Aid Squad consisting of (i) a mobile radio portal and portable radios and (ii) an ambulance.

Appropriation and Estimated Cost	\$200,000
Down Payment Appropriated	\$ 10,000
Bonds and Notes Authorized	\$190,000
Period of Usefulness	5 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a bucket truck for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$120,000
Down Payment Appropriated	\$ 6,000
Bonds and Notes Authorized	\$114,000
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$320,000
Aggregate Down Payment Appropriated	\$ 16,000
Aggregate Amount of Bonds and Notes Authorized	\$304,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$23,000 which is estimated to be necessary to finance the cost of such purposes, 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$16,000, appropriated for down payments on capital improvements or for the capital improvement fund in

budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$16,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$304,000 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$304,000 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 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 said 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 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of five years computed from the date of said bonds.

Section 11. 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 said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$304,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

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. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: November 30, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/10-16BondMultiPurpose\$320,000
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

6

Motion _____ Second _____

WHEREAS there exists a need for an Electronic Ticket System for the Clark Township Police Department; and

WHEREAS in accordance with N.J.S.A.19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for an Electronic Ticket System and publicly opened at 10:00 am on October 4, 2017; and

WHEREAS Gold Type Business Machines, Inc. t/a GTBM, 351 Paterson Avenue, East Rutherford, New Jersey 07073 submitted the sole proposal in the total one-time flat amount of \$27,477.00 which meets the needs of the Township as specified by the Township Business Administrator; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of contract to GTBM for a five (5) year contract commencing upon installation and delivery of all E-Ticket system equipment in an amount not to exceed \$27,477.00.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for an Electronic Ticket System to GTBM in accordance with N.J.S.A.19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said organization.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16AwardE-TicketSystem
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

October 16, 2017

7

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on September 28, 2017 for the 2017 Capital Road Improvements to Locust Grove Drive, West Lane, Bartell Place and Ginesi Drive/Anthony Circle; and

WHEREAS three (3) bid proposals were received on October 11, 2017 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Top Line Construction Corp. of Somerville, NJ with a bid in the amount of \$498,934.25, American Asphalt & Milling of Kearny, NJ with a bid in the amount of \$502,228.97 and D.L.S. Contracting, Inc. of Fairfield, NJ with a bid in the amount of \$532,507.50; and

WHEREAS Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 submitted the lowest responsible bid in the amount of \$498,934.25 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-16-001-001 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Top Line Construction Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Top Line Construction Corp. in the amount of \$498,934.25; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16Award2017CapitalRoads-Topline
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

October 16, 2017

8

Motion _____ Second _____

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2018 NJDOT Lake Avenue Roadway Improvement project identified as MA-2018-Lake Avenue-00517.

BE IT RESOLVED that the Council of the Township of Clark, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Business Administrator, Township Engineer and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Lake Avenue-00517 to the New Jersey Department of Transportation on behalf of the Township of Clark; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator and Township 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.

Certified as a true copy of the Resolution adopted by the Township Council on this Sixteenth day of October, 2017.

EDITH L. MERKEL, RMC
Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16Auth2018NJDOTGrant
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

9

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor or Business Administrator and Township Clerk to execute the Municipal Approval Statement for the replacement of a New Jersey Transit Bus Shelter on Oak Ridge Road, northbound, at Lake Avenue, far side.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16AuthNJTransitBusShelter
Aye Nay Abstain Absent

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

10

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Member of the Board of Adjustment.

Alternate II

Term

Carmen Brocato
(filling the unexpired term of Christopher Tierney)

10/16/17 – 12/31/17

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16AppointBdofAdjAltIIBrocato

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

11

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) dba Holy Redeemer Home Care, Inc. in the amount not to exceed \$7,986.00 for the period commencing January 1, 2018 and terminating on December 31, 2018, pending the approval of the 2018 Municipal Budget.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16VNHSContract
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

12

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 \$3,472.77 which is now available from the State of New Jersey Body Armor Replacement Fund in the amount of \$3,472.77; and

BE IT FURTHER RESOLVED that the like sum of \$3,472.77 is hereby appropriated under the caption Body Armor Replacement Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$3,472.77.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16Ch159BodyArmor
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

13

Motion _____ Second _____

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN NATIONALLY APPROVED
COOPERATIVE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO NJ LAW P.L. 2011, c. 139

WHEREAS the Governing Body of the Township of Clark, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative as well as Federal Supply Schedules; and

WHEREAS the Governing Body of the Township of Clark has the need on a timely basis to purchase goods or services utilizing the Federal Supply Schedules; and

WHEREAS the Business Administrator has recommended that the Township use National Joint Powers Alliance (NJPA) for the purchase of Capital Equipment from organizations that have generated quality control and quantity price reductions; and

WHEREAS any purchase made by the Township of Clark, through this Resolution shall be subject to the conditions applicable to the current NJPA Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Chief Financial Officer and/or the Business Administrator to purchase certain goods or services through NJPA pursuant to all the conditions of the Participating Membership Agreement; and

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized to sign the Participating Membership Agreement between the Township of Clark and National Joint Powers Alliance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16AuthMembership-NJPA
Aye Nay Abstain Absent

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

14

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 16th day of October, 2017.

Joseph T. Wilson
1805 Dakota Street
Westfield, NJ 07090

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16AppointFirefighter-Wilson

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

15

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Township Engineer to review, on behalf of the Township, and approve/endorse/sign, without further action of the Governing Body, applicable sewer applications to be submitted to the Rahway Valley Sewerage Authority and/or the New Jersey Department of Environmental Protection.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16SewerConnectionsAuthEngineer
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

October 16, 2017

16

Motion _____ Second _____

WHEREAS George Sangiuliano of the Sangiuliano Group, LLC has requested release of the Performance Guarantee posted for the Stone Hill Village - Townhouses in the reduced amount of Two Hundred Ten Thousand, Seventy-Eight Dollars and Twenty-Seven Cents (\$210,078.27) in the form of a Bond and One Hundred Twenty-Three Thousand, Five Hundred Seventy-Five Dollars and Forty-Six Cents (\$123,575.46) in Cash to guarantee site work at 960 – 982 Lake Avenue; and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by the Sangiuliano Group, LLC to be One Hundred Twenty-Three Thousand, Five Hundred Seventy-Five Dollars and Forty-Six Cents (\$123,575.46) to be held for one year; and

WHEREAS at the end of the of the one-year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees in the amounts stated above to the Sangiuliano Group, LLC upon receipt of a Maintenance Guarantee in the amount of \$123,575.46 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16ReleasePerfBond-StoneHillVillage
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
 Resolution _____
 October 16, 2017

CA 17

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.

Sewer Refund 2017							
REF	#	Acct #	Name	#	Address	Reason	Refund
17	6R	1026-0	John & Eileen Behr	778	Featherbed Lane	Overpayment	\$ 40.00
17	7R	2515-0	Joseph & Mary Blalecki	254	Westfield Avenue	Overpayment	\$ 140.00
17	8R	3807-0	Francis & Kathleen Mack	35	Lexington Blvd	Overpayment	\$ 70.00
						Total Refunds	\$ 250.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res17/10-16SewerRefunds
 Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

CA 18

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

Res17/10-16SewerAdj

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

TOWNSHIP OF CLARK
 Resolution _____
 October 16, 2017

CA 19

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:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
101	13		JMDS Development LLC	38	Gloria Street	\$ 874.33

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res17/10-16TaxRefund

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
October 16, 2017

CA 20

Motion _____ Second _____

WHEREAS the Clark Special Events Committee in conjunction with the Department of Recreation desire to conduct a Community Bonfire; and

WHEREAS the Township has received a Certificate of Insurance for this activity under the Township's Community Insurance Policy along with the required consent and approvals of the Board of Education, Fire Department and Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School JV Soccer Field on Wednesday, November 22, 2017 at 6:00 pm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/10-16Bonfire
Aye Nay Abstain Absent

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