

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
December 4, 2017
Municipal Building, Room 30
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 as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda 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.

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

- CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING IMPROVEMENTS AND ACQUISITION OF FURNITURE TO VARIOUS MUNICIPAL OFFICES, AND APPROPRIATING THE SUM OF \$35,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS**
- AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER 306 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STORMWATER MANAGEMENT" TO PROVIDE FOR PERIODIC INSPECTIONS AND REPORTING FOR PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES.**

RESOLUTIONS:

- Authorizing the transfer of funds within the 2017 Municipal Budget
- Award of Contract to S. Brothers, Inc. in the amount of \$382,624,69 for the 2017 NJDOT Broadway Roadway Improvements from Grand Street to the City of Rahway border

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. 17-23

PH 1

Adopted _____

Introduced: November 20, 2017 Public Hearing: December 4, 2017

Motion: Toal Motion: _____

Seconded: Smith Seconded: _____

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING IMPROVEMENTS AND ACQUISITION OF FURNITURE TO VARIOUS MUNICIPAL OFFICES, AND APPROPRIATING THE SUM OF \$35,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS

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 make improvements and acquire furniture to certain offices in the Municipal complex.

Section 2. The sum of \$35,000 is hereby appropriated for the improvements and acquisition of furniture and ancillary costs related thereto, as described in section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from Capital Surplus of the Township of Clark for the payment of the cost of said capital purpose.

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Effective Date: December 27, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/11-20CapitalOutlay-\$35,000Furniture
Aye Nay Abstain Absent

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

Introduced: November 20, 2017 Public Hearing: December 4, 2017

Motion: O'Connor Motion: _____

Seconded: Hund Seconded: _____

AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER 306 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STORMWATER MANAGEMENT" TO PROVIDE FOR PERIODIC INSPECTIONS AND REPORTING FOR PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES.

BE IT ORDAINED by the Governing Body of the Township of Clark that it does hereby supplement and amend Chapter 306 of the Code of the Township of Clark as follows:

Section 1

§ 306-1 A. is amended to add the following second paragraph to this section as follows:

In addition to the proper design and construction of stormwater management facilities, continued inspection and maintenance will be required through the life of each facility. This oversight includes periodic inspection of stormwater facilities and review of operation and maintenance records kept by each property owner; including inspection logs, maintenance records, and stormwater facility location information.

Section 2

§ 306-1 B. is amended to add the following second and third paragraphs to this section as follows:

The Township of Clark is also subject to compliance with the New Jersey Municipal Stormwater Regulation Program. Under this program, the Township of Clark holds a Municipal Separate Storm Sewer System (MS4) permit that requires the municipality to have a system of oversight in place to ensure adequate long-term operation and maintenance of stormwater facilities approved but not owned or operated by it. Stormwater facilities include, among other devices and structures, stormwater management basins.

A system of oversight is achieved by the implementation of local ordinances which are required by the MS4 permit with the legal authority being derived from the Federal Clean Water Act, the New Jersey Water Pollution Control Act and the New Jersey Stormwater Management rules. The Township's system of oversight requires collaboration with the owners or operators of stormwater facilities.

Section 3

§ 306-10 Maintenance and Repair is amended to add the following new sub-section, as follows:

D. Inspection, Oversight and Owner Responsibilities

- (1) All developments that contain stormwater management measures within the Township that meet the requirements of NJAC 7:8-1.6 "Applicability to major

development,” and/or if an additional one-quarter acre of impervious surface is being proposed on the development site, are subject to the Stormwater maintenance permit and periodic inspection. An annual Stormwater maintenance permit is required in January of each year.

Stormwater structures and devices listed herein are described in New Jersey Stormwater Best Management Practices Manual, latest edition, issued by the NJDEP and can be found on their web site at http://www.state.nj.us/dep/stormwater/bmp_manual2.htm. The annual permit and inspection fees for each stormwater device are as follows:

- (a) Drywell up to 1,000 cf of storage - \$50;
 - (b) Drywell over 1,000 cf of storage - \$250
 - (c) Vegetative swales - \$250 for the first 100 linear feet and \$50 for each additional 100 linear feet.
 - (d) Infiltration basin; above ground - \$500
 - (e) Infiltration basin; below ground - \$750.
 - (f) Detention basin; above ground - \$500.
 - (g) Detention basin; below ground - \$750.
 - (h) Wet pond - \$750.
 - (i) Rain garden - \$50.
 - (j) Bioretention basin - \$750.
 - (k) Porous pavement/pervious surface - \$500.
 - (l) Constructed wetland - \$750
 - (m) Manufactured treatment device - \$500.
- (2) Recordkeeping, inspection and repair guidelines and noncompliance penalties.
- (a) Quarterly maintenance records shall be submitted to the Township of Clark Clerk's office. Report forms and report guidance can be obtained in the NJDEP - NJPDES Monitoring Report Form Reference Manual (81 pp). The maintenance records for the periods of:
 - [1] January 1 to March 31 must be reported no later than April 30.
 - [2] April 1 to June 30 must be reported no later than July 31.
 - [3] July 1 to September 30 must be reported no later than October 31.
 - [4] October 1 to December 31 to be reported no later than January 31.

Note: Deficient maintenance items identified in this process must be rectified and the Owner of the stormwater management facility shall complete the required repairs within 30 days of date of the report. Documentation of the repairs shall be submitted to the Township.

- (b) Mechanically treated structures which utilize filters shall have on record and be provided to the Township the requirements of the replacement of the filters as per manufacturer and the dates the filters have been replaced.
- (c) Inspections shall include but not be limited to:
 - [1] Detention basin outflow structures, escape provisions as outlined in N.J.A.C. 7:8-6.2 and all components;
 - [2] Vegetation;
 - [3] Trash racks and overflow grates;
 - [4] Embankment erosion; and
 - [5] Sediment removal and pond maintenance.
- (d) The owner of the stormwater management measure, immediately upon notice, shall complete repairs that may adversely affect the public's health, safety and welfare.

Note: The permittee is responsible for understanding and meeting all permit requirements. Permittees should read this entire chapter and their permit completely and thoroughly to ensure their understanding of all limitations and conditions contained therein. Submission of improperly completed Monitoring Report Forms (MRF) is a violation of the NJPDES permit and this ordinance which may result in the assessment of penalties against the permittee and associated costs.

- (3) The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Township or County may immediately proceed to do so and shall bill the cost thereof to the Owner.
- (4) Nothing in this section shall preclude the Township in which the major development is located from requiring the posting of a performance or maintenance guaranty in accordance with N.J.S.A. 40:55D-53.

Section 4

§ 306-11 Violations and Penalties is amended by replacing the entire text under the heading with the following sub-sections:

A. General Penalty

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty.

B. NJPDES Violations and Recovery

(1) A person who has not complied with § 306-10 D. Inspection, Oversight and Owner Responsibilities and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than \$1,000 or 90 days in jail, or both, plus the cost of prosecution. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense. In addition, persons failing to obtain an annual stormwater maintenance permit and persons failing to provide quarterly maintenance records shall be subject to a fine of not more than \$50 and \$100 respectively.

(2) Repeat offenses under this chapter shall be subject to increased fines as provided for below. As used in this section, "repeat offenses" means a second or subsequent violation of the same requirement or provision of this chapter for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

- (a) The fine for any offense which is a first repeat offense shall be \$500, plus costs; and,
- (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$2,500, plus costs.
- (c) In addition to other remedies under this chapter, the Township may bring an action against the owner of the property for which the violation exists for the costs incurred in cleaning up and abating the offending condition.

[1] Failure of owner to repair; repair by Township.

If the property owner receiving notice shall not comply with the requirements of such notice, the Engineer, upon filing due proof of service in the office of the Township Clerk, shall cause the required work to be done.

[2] Lien.

The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the property for which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.

[3] Lien to be noted on lien searches.

In all searches against any lands affected by any such improvement, it shall be the duty of the Township official making such search to set out the amount due and unpaid for such repairs or improvements, if such amount appears on record. If the amount of such cost shall not yet have been reported as herein provided for, it shall be the duty of such officer to set forth on the search, in brief, a reference to repairs or improvements and the fact that notice was given to the owner to repair.

[4] Additional liability of owner.

In addition thereto, the Township may have an action to recover such amount against the owner of such lands in any court having competent jurisdiction thereof, and a certified copy of the certificate of lien shall, in such

action, be prima facie evidence of the existence of the debt due from such owner to the Township.

- (d) In addition, should an Owner violate the requirements of this Ordinance on more than two occasions, the Township shall require the submission of a maintenance bond, renewable annually, in the amount to be determined by the Township Engineer, to guarantee future maintenance.

Inconsistent Ordinances: Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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

Effective Date: December 27, 2017

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

SALVATORE BONACCORSO
Mayor

Ord17/11-20AmendCh306StormwaterManagement
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 4, 2017

Motion _____ Second _____

WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2017 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP
BUDGET TRANSFERS
DECEMBER 4, 2017**

		<u>From</u>	<u>To</u>
Finance	Salaries and Wages	\$ 14,000	\$ -
Disability Insurance	Other Expenses	-	1,000
Police	Other Expenses	-	5,000
911	Other Expenses	-	5,000
Clean-up Expense	Other Expenses	-	3,000
		<u>\$ 14,000</u>	<u>\$ 14,000</u>

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-4Transfers

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 4, 2017

4

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on November 2, 2017 for the 2017 NJDOT Broadway Roadway Improvements from Grand Street to the City of Rahway border; and

WHEREAS nine (9) bid proposals were received on November 17, 2017 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were

<u>Contractor</u>	<u>Amount</u>
S. Brothers, Inc. (South River, NJ)	\$382,624.69
American Asphalt & Milling Services (Kearny, NJ)	\$386,418.93
P & A Construction, Inc. (Colonia, NJ)	\$398,983.88

WHEREAS S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid in the amount of \$382,624.69 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 Accounts C-04-16-001-001 in the amount of \$100,000.00 and C-04-16-002-001 in the amount of \$282,624.69 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 S. Brothers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$382,624.69; 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

Res17/12-4Award2017NJDOT-SBrothers-Broadway
Aye Nay Abstain Absent

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