

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

**AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
March 6, 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.

**INTRODUCTION OF PROPOSED ORDINANCE:**

1. **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 310 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STREETS AND SIDEWALKS"**

**RESOLUTIONS:**

2. Appointing John Laezza as the Municipal Housing Liaison for the Township's Affordable Housing Program
3. Award of a Professional Services contract to CGP&H as the Administrative Agent for the Township's Affordable Housing Program
4. Authorizing Emergency Temporary Appropriations for the Current Fund
5. Authorizing Emergency Temporary Appropriations for the Sewer Utility
6. Authorizing and directing the Business Administrator to enter into the Union County Cooperative Pricing System Agreement
7. Authorizing a Bond Reduction for Stone Hill Village to \$210,078.27 which is sufficient to guarantee completion of construction
8. Ratifying the action of the Business Administrator to acquire the services necessary to remediate the sewer main break emergency discovered at the intersection of Westfield and Terminal Avenue

**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. \_\_\_\_\_  
Adopted \_\_\_\_\_

INTRO 1

Introduced: March 6, 2017 Public Hearing: March 20, 2017  
Motion: \_\_\_\_\_ Motion: \_\_\_\_\_  
Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 310  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "STREETS AND SIDEWALKS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 310 of the Code of the Township of Clark entitled "Streets and Sidewalks" is hereby amended and supplemented in the following particulars:

**SECTION 1:** The title of Chapter 310 is hereby amended to read "Streets, Sidewalks and All Improvements Related Thereto."

**SECTION 2:** Article I, Chapter 310, Sub-Section 1, "Definitions" is supplemented so as to include the definition of "monitoring wells" as follows:

"A monitoring well is defined as any incursion into the municipal right-of-way for the purpose of obtaining data to identify, monitor or quantify the absence, presence or extent of potential environmental contamination of any kind. Such incursion may be on a short or long term temporary, permanent or semi-permanent basis."

**SECTION 3:** Article II, Chapter 310-2.A is supplemented so as to add in the first paragraph thereof in Line 3 after the word "tunnel" the phrase "monitoring wells."

**SECTION 4:** Article II, Chapter 310-2.B is supplemented to add after the word "tunnel" the phrase "monitoring wells."

**SECTION 5:** Article II, Chapter 310-7 is supplemented so as to add in Line 1 after the word "permit" the phrase "except for monitoring well permits", and in Line 2 after the "permit" the phrase "monitoring well permits shall be commenced and completed within the time designated in the approved permit form."

**SECTION 6:** Article II, Chapter 310-9, Sub-Sections A1, A2, A3, A4, A5, and A6 are hereby repealed in their entirety and replaced as follows:

Article II, Chapter 310-9.A Permit Application Fees

The following application fees shall apply:

- (1) Sidewalk and/or driveway removal, improvement, repair, or alterations fee: \$125.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.
- (2) Street opening fee: \$500.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.
- (3) Municipal right-of-way opening fee: \$250.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.
- (4) Obstruction/encroachment fee: \$100.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.
- (5) Inspection fee: All permits: \$75.00.
- (6) Re-inspection fee: All permits: \$75.00
- (7) Monitoring wells: \$1,000.00, together with such escrow fees as may be established by the Township Engineer pursuant to Ordinance #195-28 and such performance guaranty as may be established by the Township Engineer pursuant to the provisions of Ordinance #195-66.

**SECTION 7:**

Article II, Chapter 310-9.B(2)

Delete the word "abutting" in Line 3 and replace with the phrase "property owners."

**SECTION 8:**

Article II, Chapter 310-9.C(2)

Delete the word "abutting" in Line 3 and replace with the phrase "property owners."

**SECTION 9:**

Article II, Chapter 310-9.D(2)

Delete the word "abutting" in Line 3 and replace with the phrase "property owners."

**SECTION 10:**

Article II, Chapter 310-10 entitled "Construction Standards" is supplemented to provide Sub-Section F as follows: "Monitoring wells shall be constructed and closed in accordance with requirements of the New Jersey Department of Environmental Protection (NJDEP) and as may be required by the New Jersey Department of Environmental Protection and/or in accordance with applicable environmental laws and regulations of NJDEP, or as required by or acceptable to those regulatory agencies exercising appropriate jurisdiction in the work area."

**SECTION 11:** Article II, Chapter 310-11.C is to be amended to insert after the word "backfilling, the phrase "including closure of monitoring wells." The last line shall read "The permittee shall give 72 hours' notice to the Township Engineer before any backfilling or closure of any monitoring wells is commenced."

**SECTION 12:** Article II, Chapter 310-18 is to be supplemented so as to add in Line 1 after the word "curbing" the phrase "underground and above ground utilities..."

**SECTION 13:** Article II, Chapter 310-19 is to be supplemented so as to add after the word "Township" the phrase "its servants, agents and employees..."

**SECTION 14:** **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 15:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**ANGEL ALBANESE**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord17/3-6AmendCh310StreetsandSidewalks  
Aye Nay Abstain Absent

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

2

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
March 6, 2017

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** Chapter 66, Section 14A of the Code of the Township of Clark requires the designation by resolution of a Municipal Housing Liaison (MHL) to be responsible for oversight and administration of the Affordable Housing Program for the Township; and

**WHEREAS** Business Administrator, John Laezza is qualified to hold the position as Liaison with the Administrative Agent and carry out the responsibilities of those tasks which may not be contracted out to the Administrative Agent.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints John Laezza as the Municipal Housing Liaison in accordance with the above mentioned section of the Township Code.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6AffHousingMunHousingLiaisonMHL  
Aye Nay Abstain Absent

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

3

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
March 6, 2017

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** Chapter 66, Section 14B of the Code of the Township of Clark requires the designation by resolution of one or more Administrative Agents to administer newly constructed affordable housing and rehabilitation units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and the Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS** two proposals were solicited from qualified firms to perform the Professional Services as required by the Code; and

**WHEREAS** the proposal submitted by CGP&H of Cranbury, New Jersey meets the needs and criteria of the Township as determined by the RFP Review Committee.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a Professional Services contract to CGP&H as the Administrative Agent responsible for the administration of affordable units; and

**BE IT FURTHER RESOLVED** that the Business Administrator is hereby authorized and directed to enter into an agreement with CGP&H for a one-year period in an amount not to exceed \$31,850.00.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6AffHousing-AdminAgentCGP&H  
Aye Nay Abstain Absent

Barr \_\_\_\_\_  
Hund \_\_\_\_\_  
Mazzarella \_\_\_\_\_  
O'Connor \_\_\_\_\_  
Smith \_\_\_\_\_  
Toal \_\_\_\_\_  
Albanese \_\_\_\_\_

Motion \_\_\_\_\_ Second \_\_\_\_\_

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING  
AN EMERGENCY TEMPORARY APPROPRIATION  
IN ACCORDANCE WITH N.J.S.A. 40A:4-20  
CURRENT FUND**

**WHEREAS** an emergent condition has arisen due to the anticipated delay in the adoption of the 2017 Budget, and adequate provision has not been made in the 2017 Temporary Budget for the appropriations specified on the attached page; and

**WHEREAS** the total emergency temporary resolutions adopted in fiscal year 2017 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$8,377,513.00

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made as specified on the attached page in the amount of \$8,377,513.00; and
2. That said emergency temporary appropriations will be provided in the 2017 budget under the headings as specified on the attached page.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6BudgetTempEmergCurrent  
Aye Nay Abstain Absent

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

Account	Description	Emg. Temp
7-01-20-100-101	Admin: S&W Regular	53,000
7-01-20-100-224	Admin: Miscellaneous	25,000
7-01-20-110-101	Mayor's Office: S&W Regular	20,000
7-01-20-110-224	Mayor's Office: Miscellaneous Other Exp.	
7-01-20-111-101	Council: Salaries and Wages - Regular	12,000
7-01-20-111-224	Municipal Council: Miscellaneous OE	
7-01-20-120-101	Clerk: S&W Regular	46,000
7-01-20-120-224	Clerk: Books & Bonding Misc.	
7-01-20-121-224	Elections: Miscellaneous Other Expenses	
7-01-20-130-101	Finance: S&W - Regular	45,000
7-01-20-130-224	Finance: Miscellaneous Other Expenses	50,000
7-01-20-145-101	Revenue: Salaries - Regular	18,000
7-01-20-145-224	Revenue: Miscellaneous	
7-01-20-150-101	Assessment: S&W - Regular	
7-01-20-150-224	Assessments: Miscellaneous	
7-01-20-155-101	Law: Salaries and Wages - Regular	10,000
7-01-20-155-201	Law: Special Services	60,000
7-01-20-165-224	Engineering: Misc. Other Expenses	25,000
7-01-21-180-105	Planning Board: S&W - Secretary P/T	1,000
7-01-21-180-201	Planning Board: Special Services	10,000
7-01-21-185-105	Zoning: S&W - Secretary P/T	
7-01-21-185-201	Zoning: Special Services	3,000
7-01-22-195-101	Code Enf: S&W - Regular	100,000
7-01-22-195-201	Code Enf: Special Services	
7-01-23-210-223	Ins. & Bonding: Misc. Other Expenses	250,000
7-01-23-220-223	Health Benefits: Misc. Other Expenses	2,614,000
7-01-23-222-223	Life Ins. - Misc. Other Expenses	9,000
7-01-23-223-223	Disability Ins: Misc. Other Expenses	43,200
7-01-25-240-101	Police: S&W - Regular	1,300,000
7-01-25-240-203	Police: Equipment Maintenance	20,000
7-01-25-250-101	911: S&W - Regular	200,000
7-01-25-250-223	911: Miscellaneous Other Expenses	10,000
7-01-25-252-101	Emergency Mgt: S&W - Regular	5,000
7-01-25-252-235	Emg. Mgt: Equipment & Supplies	
7-01-25-260-222	Emergency Squad: Misc. Other Expense	70,000
7-01-25-265-101	Public Safety: S&W - Regular	

7-01-25-266-101	Fire: S&W - Regular	50,000
7-01-25-266-224	Fire: Miscellaneous Other Expense	70,000
7-01-25-267-223	Fire Hydrants: Misc. Other Expense	125,000
7-01-25-268-101	Fire Prevention: Salary & Wages-Reg.	50,000
7-01-25-268-236	Fire Prevention: General Supplies	5,000
7-01-26-290-101	Roads: Salaries & Wages-Regular	200,000
7-01-26-290-218	Roads: General Maintenance	100,000
7-01-26-305-223	Grass Expense	35,000
7-01-26-306-223	Leaves Expense	67,000
7-01-26-307-223	Recycling Expense	37,000
7-01-26-308-223	Clean-Up Expense	30,000
7-01-26-310-101	B&G: S&W-Regular	50,000
7-01-26-310-218	B&G: General Maintenance	35,000
7-01-26-313-219	Shade Tree: Tree Planting & Maint.	10,000
7-01-26-325-223	Municipal Services Act (Condo)	45,000
7-01-27-330-101	Health: S&W-Regular	25,000
7-01-27-330-224	Health: Supplies	5,000
7-01-27-331-101	Senior Citizens: S&W-Regular	25,000
7-01-27-331-223	Senior Citizens: Misc. Other Expenses	4,000
7-01-27-340-222	Contribution: Dog Regulation	10,000
7-01-27-365-222	Contribution: Visting Nurse	4,000
7-01-28-370-101	Recreation: S&W-Regular	100,000
7-01-28-370-224	Recreation: Misc. Other Expenses	10,000
7-01-29-390-223	Maintenance of Free Public Library	450,000
7-01-30-411-223	LOSAP: Length of Service Awards	60,000
7-01-30-420-223	Celebration of Public Events	
7-01-31-430-223	Utilities Expenses	
7-01-31-435-223	Street Lighting Expenses	100,000
7-01-31-440-223	Telephones	
7-01-31-460-223	Gas & Diesel Fuel	48,000
7-01-36-471-223	Public Employees Retirement System(PERS)	443,363
7-01-36-472-223	Social Security (FICA)	160,000
7-01-36-475-223	Police and Fire Retirement System(PFRS)	911,200
7-01-36-476-223	Unemployment Compensation	1,000
7-01-36-477-223	Defined Contribution Retirement Plan	500
7-01-42-102-223	Shared Services: Board of Education	15,000
7-01-43-490-101	Court: S&W-Regular	60,000

7-01-43-490-236	Court: General Supplies	10,000
7-01-44-901-223	Capital Improvement Fund	
7-01-45-920-223	Bond Principal Payment	
7-01-45-930-223	Interest on Bonds	27,250
7-01-45-935-223	Interest on Notes	
<b>Final Totals</b>		<b>8,377,513.00</b>

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

March 6, 2017

5

Motion \_\_\_\_\_ Second \_\_\_\_\_

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING  
AN EMERGENCY TEMPORARY APPROPRIATION  
IN ACCORDANCE WITH N.J.S.A. 40A:4-20  
SEWER UTILITY**

**WHEREAS** an emergent condition has arisen due to the anticipated delay in the adoption of the 2017 Budget, and adequate provision has not been made in the 2017 Temporary Budget for the appropriations specified on the attached page; and

**WHEREAS** the total emergency temporary resolutions adopted in fiscal year 2017 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,443,972.00

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made: Other Expenses \$2,000,000.00; Bond Anticipation Notes \$170,000.00; Capital Outlay \$250,000.00; Interest on Notes \$23,972.00; and
2. That said emergency temporary appropriations will be provided in the 2017 budget under the above headings.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6BudgetTempEmergSewer  
Aye Nay Abstain Absent

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

6

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

March 6, 2017

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 and directs the Business Administrator to enter into the Cooperative Pricing System Agreement with the County of Union.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6UCCooperativePricingAgreement  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
March 6, 2017

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** George Sangiuliano of the Sangiuliano Group, LLC previously requested partial release of the Performance Guarantee originally posted for the Stone Hill Village Townhouses in the amount of One Million, One Hundred Twelve Thousand, One Hundred Seventy-Nine Dollars and Fourteen Cents (\$1,112,179.14) to guarantee site work at 960 – 982 Lake Avenue; and

**WHEREAS** Resolution 16-33 authorized a partial release of the Performance Guarantee in accordance with the Township Engineer’s recommendation; and

**WHEREAS** Mr. Sangiuliano has subsequently requested the maximum allowable reduction by ordinance which cannot reduce the total Performance Guarantee to less than 30% of the original Performance Guarantee; and

**WHEREAS** the Township Engineer has performed an inspection of all work completed to date and based upon the work completed recommends that the Township reduce the required Performance Bond amount to Two Hundred Ten Thousand, Seventy-Eight Dollars and Twenty-Seven Cents (\$210,078.27) which is sufficient to guarantee full performance and installation of all requisite improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize a partial release of the Performance Guarantee in the abovementioned amount to guarantee the complete installation and construction of all improvements, said remaining Performance Guarantee to be released only upon final completion and approval by the Township Engineer together with posting of the requisite Maintenance Guarantee.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6ReducePerfGuarantee-StoneHill  
Aye Nay Abstain Absent

Barr \_\_\_\_\_  
Hund \_\_\_\_\_  
Mazzarella \_\_\_\_\_  
O'Connor \_\_\_\_\_  
Smith \_\_\_\_\_  
Toal \_\_\_\_\_  
Albanese \_\_\_\_\_

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
March 6, 2017

8

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** on February 22, 2017 at 2:00 pm, an 8" diameter sewer main break was discovered at the intersection of Westfield Avenue and Terminal Avenue; and

**WHEREAS** such break caused an inordinate amount of waste material which could affect the public health and welfare of the municipality; and

**WHEREAS** the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem which required the immediate delivery of services.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res17/3-6ExigencySewerWestfield-Terminal  
Aye Nay Abstain Absent

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