

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
February 5, 2018
Municipal Building, Room 30
7:30 pm

ROLL CALL:

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

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:

- CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE SAFETY EQUIPMENT AND VEHICLE EQUIPMENT; FIRE DEPARTMENT TURNOUT GEAR AND HOSE REPLACEMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$65,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK**

RESOLUTIONS:

- Authorizing the Planning Board to undertake a preliminary investigation to determine whether Block 58 Lot 4 on Terminal Avenue qualifies as an area in need of redevelopment
- Authorizing final payment to D.L.S. Contracting, Inc., in the amount of \$2,553.05 for completion of the 2016 NJDOT Roadway Improvements to Broadway between Valley Road and Grand Street

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:

INTRO 1

TOWNSHIP OF CLARK

Ordinance No. 18-05

Adopted _____

Introduced: February 5, 2018 Public Hearing: February 20, 2018

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE SAFETY EQUIPMENT AND VEHICLE EQUIPMENT; FIRE DEPARTMENT TURNOUT GEAR AND HOSE REPLACEMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$65,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

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 acquire Police Safety Equipment; Vehicle Equipment; Fire Department Turnout Gear and Hose Replacement and any ancillary costs related thereto.

Section 2. The sum of \$40,000 is hereby appropriated for the acquisition of Police Department Equipment and \$25,000 is hereby appropriated for Fire Department Equipment for a total of \$65,000 and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund 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: March 14, 2018

TOWNSHIP OF CLARK
Resolution 18-35
February 5, 2018

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AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOT 4 IN BLOCK 58 QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the following parcels with frontage on Terminal Avenue, as depicted on the map attached hereto as Exhibit A and identified on the official tax map of the Township as Block 58, Lot 4 (the "Study Area") meet the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, the Township Mayor and Council finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area as shown on the Map attached hereto and made a part hereof as Schedule A, as a Redevelopment Area; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, and State of New Jersey, as follows:

I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J. S.A.40A:12A-6* to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including *N.J.S.A.40A:12A-5*, to be designated as a Redevelopment Area.

II. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained therein.

III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

V. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township should designate the Study Area as a Redevelopment Area. Such recommendation shall be submitted to the Township Council by May 2018.

VI. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VII. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condernnation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.
Adopted by the Township Council on February 5, 2018.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res18/2-5AuthPB-RedevelopmentStudy

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK
Resolution 18-36
February 5, 2018

WHEREAS D.L.S. Contracting, Inc. has completed work on the 2016 NJDOT Roadway Improvements to Broadway between Valley Road and Grand Street and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Two Thousand, Five Hundred Fifty-Three Dollars and Five Cents (\$2,553.05) including final quantities change order which decreases the adjusted contract amount by Ten Thousand, Nine Hundred Seventy-Three Dollars and Thirty-Seven Cents (\$10,973.37); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Bond Ordinance 16-07 as evidenced by the Certification of Availability of funds attached; 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 Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by D.L.S. Contracting, Inc. to be Twelve Thousand, Seven Hundred Sixty-Five Dollars and Twenty-Six Cents (\$12,765.26); and

WHEREAS D.L.S. Contracting, Inc. has submitted a Maintenance Bond in the amount of \$12,765.26.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to D.L.S. Contracting, Inc., 271 Highway 46, Suite D-205, Fairfield, New Jersey 07004 in the amount of \$2,553.05 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res18/2-5FinalPymt2016NJDOTBroadway-DLSCcontracting

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						