

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
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
April 16, 2018
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 (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.

Regular order of business suspended

- Annual Police Awards
- ALJ Cheerleaders – Certificate of Achievement

Regular order of business resumes

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 ORDINANCES:

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

1. **18-09 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 195 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "LAND USE AND DEVELOPMENT"**

2. **18-10 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 3, ARTICLE VIII, ENTITLED DEPARTMENTS**

3. **18-11 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 161 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "FIRE PREVENTION"**
4. **18-12 AN ORDINANCE SUPPLEMENTING ORDINANCE 18-01 ENTITLED "AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES"**
5. **18-13 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 347, ENTITLED VEHICLES AND TRAFFIC, ARTICLE V TRAFFIC REGULATIONS OF THE CODE OF THE TOWNSHIP OF CLARK**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through April 10, 2018 in the amount of \$199,997.16

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. Authorizing 100% disabled veteran property tax exemption as deemed by the US Department of Veterans Affairs for Barton C. Theile
7. Award of contract to Schaefer Pyrotechnics, Inc. for the July 4th Fireworks display in the amount of \$15,000.00
8. Authorizing the Mayor and/or Business Administrator to execute an Acknowledgement of Continuation of the Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to bulky waste

CONSENT AGENDA RESOLUTIONS:

9. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$3,655.00
10. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$55.00

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. 18-09
Adopted _____

PH 1

Introduced: March 19, 2018 Public Hearing: April 16, 2018

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
CHAPTER 195 OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "LAND USE AND DEVELOPMENT"**

BE IT ORDAINED by the Governing Body of the Township of Clark that various Sections of Chapter 195 of the Code of the Township of Clark entitled "Land Use and Development" are hereby amended and supplemented, as follows:

SECTION 1: Section 195-54 entitled "Definitions" is supplemented so as to include the following definitions:

Certificate of Occupancy: A Certificate issued by the Construction Code Official upon the completion of the construction, erection, or alteration of a building upon its use or occupancy, or upon any change in the use or occupancy of a building or other structure or lot or area of land, or part thereof, certifying that all applicable requirements have been complied with.

Maintenance Guarantee: Any security that may be required and accepted by the Township Council to ensure that necessary improvements will function as required for a period not to exceed two (2) years from the date of final acceptance of the improvement. The Maintenance Guarantee takes effect upon the Township Council's acceptance of the completed improvements and the release of the Performance Guarantee. (See Section 195-65- Guarantees Required).

Performance Guarantee: Any security which may be accepted in lieu of a requirement that certain improvements be made before the Board approves a final plat or site plan, including performance bonds, escrow agreements and other similar collateral or surety agreements. The guarantee shall be approved by the Township Engineer as to the amount and the Township Attorney as to the form. The guarantee can be provided in the form of a bond, a bank letter of credit, or cash. In each case, a minimum cash deposit of 10% shall be required.

Safety and Stabilization Guarantee: A form of Performance Guarantee in favor of the Township which may be furnished either as a separate guarantee or as a line item of the developer's Performance Guarantee. This Guarantee shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition. (See Section 195-65 – Guarantees Required).

Temporary Certificate of Occupancy Guarantee: A form of Performance Guarantee in favor of the Township posted in cash, good funds or pursuant to a Performance Bond issued by an insurance company, approved by the Township and authorized to conduct business within the State of New Jersey, which may be furnished to secure the completion of improvements that are required by a Site Plan or Subdivision approval, a developer's agreement, an ordinance, or a regulation requiring dedication to a public entity, and that have not yet been installed. The amount of the guarantee shall be determined by the Township Engineer. The posting of this guarantee is necessary for the Construction Code Official to issue a temporary permit to authorize a land use activity with conditions and for a limited period of time. (See Section 195-65 – Guarantees Required).

Temporary Certificate of Occupancy (TCO): A document issued by the Construction Official or other duly authorized representative of the Township, allowing the occupancy or use of a building or site, and certifying that the structure, facility or use will be constructed and will be used in compliance with all the applicable Township approvals, codes, ordinances, and agreements. It is a form of permit with specific conditions, with limits imposed, backed by a required guarantee (See Temporary Certificate of Occupancy Guarantee) and a specific time duration to be established by the Construction Official or other duly authorized representative.

Since the purpose of the Certificate of Occupancy is to ensure that construction has been performed in complete conformance with the Uniform Construction Code and Site Plan or Subdivision approval requirements, a Temporary Certificate of Occupancy (TCO) may be issued if the parts of the building or site to be covered by the Certificate may be occupied without endangering the health and safety of the occupants or users, in the sole opinion of the Construction Official or other duly authorized representative. As adopted herein, this requirement is interpreted to mean that utilities, including but not limited to, water, sewer, gas, and electric must be installed and in service.

Temporary Certificates of Occupancy shall be issued for time periods not to exceed six (6) months in duration. Temporary Certificates of Occupancy may be extended only after documenting a diligent pursuit of the completion of the remaining work, in the sole opinion of the Construction Official or other duly authorized representative. In no case shall a Temporary Certificate of Occupancy exceed one year. Should a TCO be in place for one year, the Township reserves the right to utilize any guarantees to complete the work as may be required.

SECTION 2: Section 195-64 entitled “Final Approval” is supplemented as follows:

Add at the end of Section A(2) the phrase “in accordance with Section 195-51. Fees Established.”

Add to Section B entitled “Requirements” after the word “Requirements”, the phrase “In accordance with Section 195-65. Guarantees Required.”

Add to Section B, Line 2, after the word "...following" the words, "required, dedicated..."

Delete in Section B(1) the words "street grading" and add the word "streets."

Delete in Section B(5) the words "water mains" and add the word "sidewalks."

Delete in Section B(6) the word "culverts" and add the words "street lighting."

Delete in Section B(7) the words "storm sewers" and add the words "street trees."

Delete in Section B(8) the words "sanitary sewers" and add the sentence, "Surveyor's monuments as shown on a Final Map and as required by the Map Filing Law."

Delete in Section B(9) the sentence "Drainage structures and stormwater detention facilities" and add the words "Water mains."

Add Section 10, "Sanitary Sewers."

Add Section 11, "Drainage structure."

Add Section 12, "Public improvements of Open Space."

Add Section 13, "Any grading necessitated by the preceding improvements."

SECTION 3:

Article XII entitled "Performance Guarantees", delete the first paragraph in Section 195-65 entitled "Guarantees Required" and insert the following:

Before the filing of final subdivision plats or the recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of certain zoning permits and temporary land use permits, the Township may require, for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of performance guarantees and the provision for maintenance guarantees in accordance with standards contained herein.

A. Performance Guarantees. The Developer shall furnish a Performance Guarantee in favor of the Township of Clark in an amount not to exceed 120% of the cost of the installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation which are proposed to be dedicated to the Township, and that have not yet been installed, which cost shall be determined by the Township Engineer. In accordance with Section 195-64(B), guarantees are required for the streets, pavements, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, water mains, sanitary sewers, drainage structures, public

improvements of open space, and any grading necessitated by the improvements.

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the developer.

B. Temporary Certificate of Occupancy Guarantee. In the event that the developer shall seek a Temporary Certificate of Occupancy (TCO) for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "Temporary Certificate of Occupancy Guarantee" in favor of the Township of Clark in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the Temporary Certificate of Occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent Certificate of Occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "Temporary Certificate of Occupancy Guarantee," all sums remaining under an underlying performance guarantee, required for final approval, which relate to the development, unit, lot, building, or phase of development for which the Temporary Certificate of Occupancy is sought, shall be released. The scope and amount of the "Temporary Certificate of Occupancy Guarantee" shall be determined by the Zoning Officer, Township Engineer, or Construction Code Official. The Temporary Certificate of Occupancy Guarantee shall be released by the Zoning Officer, Township Engineer, or Construction Code Official upon the issuance of a permanent Certificate of Occupancy with regard to the particular development, unit, lot, building, or phase as to which the Temporary Certificate of Occupancy relates.

C. Safety and Stabilization Guarantee.

A developer shall furnish to the Township a "Safety and Stabilization Guarantee," in favor of the Township of Clark. At the developer's option, a "Safety and Stabilization Guarantee" may be furnished either as a separate guarantee or as a line item of the Performance Guarantee. A "Safety and Stabilization Guarantee" shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(1) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least sixty (60) consecutive days following such commencement for reasons other than force majeure; and

(2) Work has not recommenced within thirty (30) days following a written notice from the Township to the developer of the Township's intent to claim payment under the guarantee. The Township shall not provide notice of its

intent to claim payment under a “Safety and Stabilization Guarantee” until a period of at least sixty (60) days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “Safety and Stabilization Guarantee” for a development with bonded improvements in an amount not exceeding \$100,000.00 shall be \$5,000.00. The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000.00 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000.00 for the first \$100,000.00 of bonded improvement costs, plus two and a half (2½%) per cent of the bonded improvement costs in excess of \$100,000.00, up to \$1,000,000.00, plus one (1%) per cent of the bonded improvement costs in excess of \$1,000,000.00.

The Township shall release a separate “Safety and Stabilization Guarantee” to a developer upon the developer’s furnishing of a Performance Guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Township shall release a “Safety and Stabilization Guarantee” upon the Township Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

D. Maintenance Guarantee. At the completion of certain required improvements and prior to the release of any Performance Guarantees required pursuant to this subsection, the developer shall post with the Township a Maintenance Guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

In addition to certain required on-tract improvements, the developer shall also post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a Maintenance Guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined by the Township Engineer.

The term of the Maintenance Guarantee shall be for a period not to exceed two (2) years and shall automatically expire at the end of the established term.

In the event that other governmental agencies or public utilities will own the utilities to be installed or the improvements are covered by a Performance or Maintenance Guarantee to another governmental agency, no Performance or

Maintenance Guarantee shall be required by the Township for such utilities or improvements.

The time allowed for installation of the bonded improvements for which the Performance Guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be adjusted to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer as of the time of the passage of the resolution.

If the required bonded improvements are not completed or corrected in accordance with the Performance Guarantee, the developer and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the township may complete such improvements.

Delete Section 195-66 entitled, "Amounts" in its entirety.

Delete Section 195-67 entitled "Partial Release" in its entirety.

Add the following: Section 195-66 Partial Release:

Upon substantial completion, as determined by the Township Engineer, of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the developer may request, in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer, a list of all uncompleted or unsatisfactory completed bonded improvements. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the developer. Thereupon the Township Engineer shall inspect all bonded improvements covered by the developer's request and shall file a detailed list and report, in writing, with the Township Council not later than forty-five (45) days after receipt of the developer's request.

The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the Performance Guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the Performance Guarantee as required.

The Township Council, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements and shall approve

and authorize the amount of reduction to be made in the Performance Guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the Performance Guarantee. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the developer shall be released from all liability pursuant to its Performance Guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that of the amount of the total Performance Guarantee and "Safety and Stabilization Guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "Safety and Stabilization Guarantee" shall be reduced by the same percentage as the Performance Guarantee is being reduced at the time of each Performance Guarantee reduction.

For the purpose of releasing the developer from liability pursuant to its Performance Guarantee, the amount of the Performance Guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the Performance Guarantee, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70% of the total amount of the Performance Guarantee, then the Township may retain 30% of the amount of the total Performance Guarantee and "Safety and Stabilization Guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the Performance Guarantee attributable to bonded improvements for which a "Temporary Certificate of Occupancy Guarantee" has been posted, shall be released from the Performance Guarantee even if such release would reduce the amount held by the Township below 30%.

In the event that the developer has made a cash deposit with the Township as part of the Performance Guarantee, then any partial reduction granted in the Performance Guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the Performance Guarantee," the Township may retain cash equal to the amount of the remaining "Safety and Stabilization Guarantee."

If any portion of the required bonded improvements is rejected, the approving authority may require the developer to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section, shall be followed.

In the event that final approval is by phases, stages or sections of development as permitted by law, the provisions of this section shall be applied for each phase, stage or section.

To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Township Council shall be

deemed, upon the release of any Performance Guarantee required herein, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plans approved by the Township Council, provided that such improvements have been inspected and have received final approval by the Township Engineer.

Article XIV, delete Section 195-81 entitled "Inspection and Completion of Improvements" in its entirety and add the following: The installation of improvements as approved in the final site plan, other than buildings, shall be subject to inspection by the Township Engineer. Approval shall be revoked if there is a significant deviation from the site plan as approved. Performance and maintenance bonds, as specified in Section 195-65, Guarantees Required, may be required and shall be released subject to approval by the Township Engineer and the Township Council. All improvements shall be completed in a timely manner so as not to leave the site in an unfinished or unsightly condition, as determined by the Township Engineer. (See Section 195-61A. Safety and Stabilization Guarantee).

Article XV, Section 195-82 entitled "Improvement Standards", In line 2 after the word "...guarantees" add "as specified in Section 195-65."

Delete Section 195-83 entitled "Inspection; Costs" in its entirety and add the following:

A. All improvements, except electric, gas and waterlines, shall be installed under the supervision and inspection of the Division of Engineering. The inspection costs are to be borne by the developer, and the developer shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (1) and (2) of this section. The Township may require the developer to post the inspection fees in escrow in an amount:

(1) Not to exceed, except for extraordinary circumstances, the greater of \$500.00 or five (5%) per cent of the cost of bonded improvements of only those improvements required by an approval or a developer's agreement, an ordinance, or a regulation for improvements to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer; and

(2) Not to exceed five (5%) per cent of the cost of private site improvements that are not subject to a Performance Guarantee for required dedicated improvements, which cost shall be determined by the Township Engineer pursuant to Section 15 of P.L.1991, c.256 (C.40:55D-1 53.4).

B. Fees Paid in Installments.

(1) For those developments for which the inspection fees total less than \$10,000.00, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be

fifty (50%) per cent of the inspection fees. When the balance on deposit drops to ten (10%) per cent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining fifty (50%) per cent of the inspection fees.

(2) For those developments for which the inspection fees total \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be twenty-five (25%) per cent of the inspection fees. When the balance on deposit drops to ten (10%) per cent of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of twenty-five (25%) per cent of the inspection fees.

If the Township determines that the amount in escrow for the payment of inspection fees, as calculated herein, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections. (See Sections 195-27 and 195-28).

Delete Section 195-84(A) entitled "Completion of Required Improvements; Performance Guarantee; Maintenance Bond", in its entirety and add the following:

A. No final plat shall be approved by the Planning Board for filing until the completion of all required improvements specified in Section 195-64B have been certified to the Planning Board by the Township Engineer. In addition, no final plat shall be approved by the Planning Board unless the subdivider or owner shall have filed with the Township Clerk a performance guarantee sufficient in amount to cover the cost of all required improvements or uncompleted portions thereof, specified in Section 195-65 as estimated by the Township Engineer, and assuring the installation of such uncompleted improvements on or before an agreed date, not to exceed three years from the date of execution of the performance guarantees. Such performance guarantee may be in the form of an irrevocable performance bond, which shall be issued by a bonding or surety company and approved by the Township Council and by the Township Attorney as to form, sufficiency and execution; or a certified check in the sum specified by the Township Engineer, which check shall be deposited to the trust account for the Township or a bank account with the bank book in Township custody. Such money or other surety shall be returned to the depositor after full compliance. The Township may require up to 10% of the performance guarantee to be deposited in cash.

Section 195-84(B), line 2, delete the word “owner” and insert the word “developer;” line 6, delete the phrase beginning with the words “...and accepted” and ending with the word “...guarantee;” and insert the following: “accepted and secured by a maintenance guarantee.”

Section 195-84(C), line 2, delete the word “obligor” and insert the word “developer;” line 8, after the words “...such improvements” insert the words “(See Section 195-65A).”

Section 195-84(D), line 1, delete the word “subdivider” and insert the word “developer;” line 2, add after the word “bond”, the words “as specified in Section 195-65D”; line 3, delete the word “subdivider” and insert the word “developer.”

SECTION 4: **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 5: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: May 9, 2018

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord18/3-19AmendCh195LandUseGuarantees

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

TOWNSHIP OF CLARK
Ordinance No. 18-10
Adopted _____

PH 2

Introduced: March 19, 2018 Public Hearing: April 16, 2018

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS
SECTIONS OF CHAPTER 3, ARTICLE VIII, ENTITLED DEPARTMENTS**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 3, Article VIII, Section 3-30 being the same is hereby amended and supplemented as follows:

SECTION 1: Sub-Section B, entitled Organization is hereby amended and supplemented to read as follows:

The Clark Fire Department shall consist of the following Officers in order of the chain of command/rank:

1. Director/Fire Chief/Fire Official
2. Command Staff/Line Officers
3. Duties and responsibilities of the Command Staff and Line Officers and for their appointment, pursuant to the terms of Chapter 161, entitled Fire Prevention.
4. The Command Staff shall include Deputy Chiefs, Battalion Chiefs, Captains and Lieutenants in such number as may be determined by the Director of the Department.
5. Duties, responsibilities, and appointment procedures are defined in Chapter 161, Fire Prevention and as needed in accord with the Clark Fire Department Standard Operating Guidelines as approved by the Director/Chief of the Department with approval of the Administration.
6. It shall be the duty of every Command Staff and Line Officer to perform all acts and things required by general law, the Ordinances of the Township, Standard Operating Guidelines governing the Department and orders issued by the Director/Chief and the Administration.

SECTION 2: Sub-Section I, entitled General Provisions (2) is supplemented so as to recite the following:

Any Rule or Regulation shall be issued by the Director/Fire Chief/Fire Official of the Department and posted. The Standard Operating Guidelines, together with any other Rule or Regulation of the Fire Department heretofore adopted are continued.

SECTION 3: 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 4: Effective Date: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: May 9, 2018

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord18/3-19AmendCh3-30FireDepartment

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

TOWNSHIP OF CLARK

Ordinance No. 18-11

PH 3

Adopted _____

Introduced: March 19, 2018 Public Hearing: April 16, 2018

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
CHAPTER 161 OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "FIRE PREVENTION"**

BE IT ORDAINED by the Governing Body of the Township of Clark that the following sections of Chapter 161 of the Code of the Township of Clark entitled "Fire Prevention" are hereby amended and supplemented, as follows:

SECTION 1: Sub-Sections F.; H.; H (1) and (2); I; and K are deleted and replaced as follows:

F. Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Deputy Chief or Battalion Chief of the Department. It is important that the individual be a resident of the Township of Clark.

H. Clark Volunteer Fire Department Command Staff/Line Officers appointment; command authority; responsibilities.

(1) Appointment. The Director/Fire Chief/Fire Official/Fire Marshal/Fire Code Official shall appoint the Clark Volunteer Fire Department Command Staff and Line Officers. Once having been so appointed, shall serve without term so long as they shall continue to discharge the duties of the office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.

(2) Command authority; responsibilities. The Command Staff and Line Officers shall have authority within the Clark Volunteer Fire Department at the discretion of the Director/Fire Chief.

I. Qualifications. As a condition of appointment and continuance in office, the Command Staff and Line Officers must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Deputy Chief, Battalion Chief, Captain or Lieutenant.

K. In the event a Command Staff or Line Officer appointed position becomes vacant for any reason, the Fire Chief shall appoint a replacement from the current ranks of the Clark Volunteer Fire Department.

SECTION 2: All other sections and sub-sections of 161-40 that are specifically repealed hereunder shall remain in full force and effect.

SECTION 3: **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 4: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: May 9, 2018

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

WILLIAM F. SMITH
 Council President

SALVATORE BONACCORSO
 Mayor

Ord18/3-19AmendCh161FirePrevention

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

TOWNSHIP OF CLARK
Resolution 18-67
April 16, 2018

6

WHEREAS the Tax Assessor has certified that the U.S. Department of Veterans Affairs has deemed Barton C. Theile to be 100% permanently disabled effective October 3, 2017, in accordance with N.J.S.A. 54:4-3, 30, et. seq.; and

WHEREAS Barton C. Theile owns the property listed in the tax duplicate as 65 Sweet Briar Drive, Clark, NJ, Block 31.01 Lot 19, and is entitled to one hundred percent of the taxes for this property exempt; and

WHEREAS Barton C. Theile has pre-paid his 1st and 2nd Quarter 2018 taxes, amounting to \$7,574.40; and

WHEREAS in accordance with a request from the Tax Collector for authorization to refund the 1st and 2nd Quarter 2018 taxes in the amount of \$7,574.40 and cancel the 3rd and 4th Quarter taxes; the Mayor has recommended to Council that such authorization be granted; and

WHEREAS one hundred percent of the taxes on this property will be entitled to exemption for as long as Barton C. Theile is an owner of the property.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper refund and adjustments to exempt this property as indicated above.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res18/4-16TaxExemptDisabledVeteran

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

TOWNSHIP OF CLARK
Resolution 18-68
April 16, 2018

WHEREAS the Township solicited quotes seeking proposals from Garden State Fireworks, International Fireworks Mfg. Co. and Schaefer Fireworks Inc. for a Fireworks Display to be presented on July 4, 2018; and

WHEREAS Garden State Fireworks expressed an interest but did not submit a proposal; International Fireworks Mfg. Co. is under contract with another community for July 4th and is therefore unavailable; and

WHEREAS Schaefer Fireworks Inc., 370 Hartman Bridge Road, Ronks, PA 17572, submitted a responsible, responsive proposal in the amount of \$15,000.00.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that they hereby commit to a fireworks display presented by Schaefer Fireworks Inc., to be held on Wednesday, July 4, 2018 with a rain date of Thursday, July 5, 2018;

BE IT FURTHER RESOLVED that the Mayor and/or appropriate officials of the Township of Clark are hereby authorized to enter into a contract with Schaefer Fireworks Inc. for 2018 as sufficient funds have been appropriated in the 2018 Municipal Budget; and

BE IT FURTHER RESOLVED that when the contract is signed by Schaefer Fireworks Inc. they must include the proper insurance certificate endorsing the Township of Clark and the Clark Board of Education as "additional insured" on the policy.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res18/4-16Fireworks

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

TOWNSHIP OF CLARK
Resolution 18-69
April 16, 2018

8

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res18/4-16PMUABulkyType13

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

CA 9

TOWNSHIP OF CLARK
Resolution 18-70
April 16, 2018

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

WILLIAM F. SMITH
Council President

Res18/4-16SewerAdj

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

CA 10

TOWNSHIP OF CLARK
 Resolution 18-71
 April 16, 2018

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2018 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 2018							
REF	#	Acct #	Name	#	Address	Reason	Refund
17	21R	61-0	Casimiro, Jose & Ana	280	Laurel Ln	overpaid as per adjustment	\$55.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res18/4-16SewerRefund(s)

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