

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  
September 17, 2018  
7:30 pm**

**ROLL CALL:**

<b>Councilwoman Albanese</b> _____	<b>Councilman Mazarella</b> _____
<b>Councilman Barr</b> _____	<b>Councilman O'Connor</b> _____
<b>Councilman Hund</b> _____	<b>Councilman Toal</b> _____
	<b>Council President Smith</b> _____

**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:

Police Department promotions: Sgt. Joseph Teston to Detective Sergeant  
P.O. Pedro Oliveira to Sergeant

Mayor's Proclamation: German-American Day

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](http://www.ourclark.com)

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 1. 18-21 AN ORDINANCE TO AMEND CHAPTER 347, ENTITLED VEHICLES AND TRAFFIC, ARTICLE V. TRAFFIC REGULATIONS, SECTION 39 BUS STOPS 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 September 4, 2018 in the amount of \$181,124.80

**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:**

2. Designating Lot 7, Block 155 on Walnut Avenue as an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area
3. Authorizing the Township Planning Board to undertake a preliminary investigation to determine whether the proposed study area, which includes Lot 5 in Block 58, on Terminal and Central Avenue, qualifies as an area in need of redevelopment
- 3A. Designating Lot 2 and Lot 26.01 in Block 105; and Lot 21 in Block 91 on Westfield Avenue an Area in Need of Redevelopment as a Condensation Redevelopment Area

**CONSENT AGENDA RESOLUTIONS:**

4. Authorizing the Tax Collector to refund overpayment of 2018 taxes in the amount of \$152.64
5. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$2,150.00
6. Authorizing the Clark Special Events Committee and the Department of Recreation to conduct a Community Bonfire
7. Approving the Council Meeting Calendar for 2019
8. Approving the 2019 Holiday Schedule

**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. 18-21  
Adopted \_\_\_\_\_

INTRO 1

Introduced: September 17, 2018 Public Hearing: October 15, 2018

**AN ORDINANCE TO AMEND CHAPTER 347, ENTITLED VEHICLES AND TRAFFIC,  
ARTICLE V. TRAFFIC REGULATIONS, SECTION 39 BUS STOPS  
OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 347, of the Code of the Township of Clark is hereby amended in the following particulars:

**SECTION 1:** Section 347-39, Bus Stops, is amended to delete the following described locations as bus stops:

**1. Along Raritan Road, northbound, on the easterly side thereof at:**

(f) Central Avenue – Far Side  
Beginning at the northerly curbline of Central Avenue and extending 100 feet northerly therefrom.

**2. Along Raritan Road, southbound, on the westerly side thereof at:**

(a) Central Avenue – Near Side  
Beginning at the northerly curbline of Central Avenue and extending 105 feet northerly therefrom.

**SECTION 2:** Section 347-39, Bus Stops, is amended to add the following described locations as bus stops:

**1. Along Raritan Road, northbound, on the easterly side thereof at:**

Between Shop Rite Way and Central Avenue Mid-Block  
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending 135 feet northerly therefrom. (Clark Commons, near the traffic light and pedestrian crosswalk)

**2. Along Raritan Road, southbound, on the westerly side thereof at:**

Between Shop Rite Way and Central Avenue Mid-Block  
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending 135 feet northerly therefrom. (Golf Club, near the traffic light and pedestrian crosswalk)



TOWNSHIP OF CLARK

Resolution 18-123

September 17, 2018

2

**WHEREAS**, the Governing Body of the Township of Clark by Resolution 18-85 authorized the Planning Board to undertake a preliminary investigation of a Study Area including property known as Lot 7, Block 155 to determine if said property qualifies as an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*, and

**WHEREAS**, the Clark Township Planning Board in a resolution dated July 5, 2018 directed Shamrock Enterprises, Ltd. to prepare a report in order to determine if the properties within the Study Area qualify as an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*, and

**WHEREAS**, Township Planner Kevin O'Brien, P.P., AICP prepared a report titled: "Planning Report Concerning the Determination of the Proposed Walnut Avenue Study Area as a Non-Condensation Area in Need of Redevelopment", dated August 14, 2018, and

**WHEREAS**, the Planning Board conducted a public hearing on September 6, 2018 to determine if the property within the Study Area was an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area, and

**WHEREAS**, no members of the public spoke at the hearing, and

**WHEREAS**, the Planning Board finds Planner Kevin O'Brien to be highly credible and his report to be accurate.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Clark on this 17<sup>th</sup> of September 2018, that the property identified as Lot 7, Block 155 be designated an Area in Need of Redevelopment as a Non-Condensation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/9-17DesignateNon-CondensationRedevArea-Walnut

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

**AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOT 5 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 parcels with frontage on Terminal Avenue, identified on the official tax map of the Township as Block 58, Lot 5 (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, Block 58, Lot 5, 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.

**IV. 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.

**V. 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.

**VI. 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-Condemnation 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 September 17, 2018.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res18/9-17AuthPB-RedevelopmentStudyTerminalB58L5

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

TOWNSHIP OF CLARK  
Resolution 18-130  
September 17, 2018

3A

**WHEREAS**, the Governing Body of the Township of Clark by Resolutions 18-38 and 18-84 authorized the Planning Board to undertake a preliminary investigation of a Study Area including property known as Lots 2 and 26.01 in Block 105 and Lot 21 in Block 91 to determine if said property qualifies as an Area in Need of Redevelopment as a Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*, and

**WHEREAS**, the Clark Township Planning Board in resolutions dated March 1, 2018, July 5, 2018 revised August 2, 2018 directed Shamrock Enterprises, Ltd. to prepare a report in order to determine if the properties within the Study Area qualify as an Area in Need of Redevelopment as a Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*; and

**WHEREAS**, Township Planner Kevin O'Brien, P.P., AICP prepared a report titled: "Planning Report Concerning the Determination of the Proposed Westfield Avenue Study Area as a Condemnation Area in Need of Redevelopment", dated July 11, 2018; and

**WHEREAS**, at its August 2, 2018 meeting the Planning Board held a public hearing on notice as provided for in N.J.S.A. 40A:12A-6, where the Planner presented his Study and the Board accepted testimony from the public and its members as to the criteria set forth in the statute; and

**WHEREAS**, the Board reviewed the Study, heard testimony and considered all of the relevant facts and determined that the Study Area meets the statutory criteria to be "in need of redevelopment"; and

**WHEREAS**, the Planning Board finds Planner Kevin O'Brien to be highly credible and his report to be accurate.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Clark on this 17<sup>th</sup> of September 2018, that the property identified as Lots 2 and 26.01 in Block 105 and Lot 21 in Block 91 be designated an Area in Need of Redevelopment as a Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 *et seq.*

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/9-17DesignateCondemnationRedevArea-WestfieldAve

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

CA 4

TOWNSHIP OF CLARK  
 Resolution 18-125  
 September 17, 2018

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2018 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refund(s) in accordance with the following schedule:

<b>CLARK TOWNSHIP</b>						
<b>TAX REFUNDS- 2018</b>						
<b>BLOCK</b>	<b>LOT</b>	<b>QUAL.</b>	<b>NAME</b>	<b>#</b>	<b>ADDRESS</b>	<b>REFUND</b>
168	6		Smith, Thomas N	56	Parkway Drive	\$ 152.64
<b>Total Refunds</b>						<b>\$ 152.64</b>

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res18/9-17TaxRefund(s)

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

CA 5

TOWNSHIP OF CLARK  
Resolution 18-126  
September 17, 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

Res18/9-17SewerAdj

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



CA 6

TOWNSHIP OF CLARK  
Resolution 18-127  
September 17, 2018

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School JV Soccer Field on Wednesday, November 21, 2018 at 6:00 pm.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/9-17Bonfire

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

TOWNSHIP OF CLARK  
Resolution 18-128  
September 17, 2018

CA 7

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby approve the Meeting Calendar for the Year 2019 as outlined below.

**CLARK MUNICIPAL COUNCIL 2019 MEETING DATES**  
**Reorganization Meeting Tuesday, January 1, 2019**  
**315 Westfield Ave. – 12 Noon**

**WORKSHOP MEETINGS 7:30 PM**  
430 Westfield Avenue  
Room 30

**PUBLIC MEETINGS 7:30 PM**  
315 Westfield Avenue  
Council Chambers

January 7  
February 4  
March 4  
April 1  
May 6  
June 3  
July 1  
August 5  
September 3 (Tuesday)  
October 7  
November 4  
December 2

January 22 (Tuesday)  
February 19 (Tuesday)  
March 18  
April 15  
May 20  
June 17  
July 15  
August 19  
September 16  
October 21  
November 18  
December 16

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/MeetingDates2019

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

TOWNSHIP OF CLARK  
 Resolution 18-129  
 September 17, 2018

CA 8

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, will constitute the official Township employee holiday calendar for the year 2019.

New Year's Day	Tuesday	01/01/2019
Martin Luther King Jr. Day	Monday	01/21/2019
Presidents Day	Monday	02/18/2019
Good Friday	Friday	04/19/2019
Memorial Day	Monday	05/27/2019
Independence Day	Thursday	07/04/2019
Labor Day	Monday	09/02/2019
Columbus Day	Monday	10/14/2019
Veteran's Day	Monday	11/11/2019
Thanksgiving Day	Thursday	11/28/2019
Day after Thanksgiving	Friday	11/29/2019
Christmas Day	Wednesday	12/25/2019

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res18/Holidays2019

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