

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 4, 2019
Municipal Building, Room 30
7:30 pm**

ROLL CALL:

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

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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. 19-03 **ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN LANDS BY THE TOWNSHIP OF CLARK FROM THE BOARD OF EDUCATION OF THE TOWNSHIP OF CLARK FOR THE PURPOSES OF THE WIDENING IMPROVEMENT AND SIGNALIZATION OF WILSON DRIVE AT THE INTERSECTION OF WESTFIELD AVENUE IN THE TOWNSHIP OF CLARK**
2. 19-04 **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

INTRODUCTION OF THE BUDGET:

3. Introduction of the 2019 Municipal Budget Public Hearing March 18, 2019

RESOLUTIONS:

4. Authorizing Emergency Temporary Appropriations for the Current Fund
5. Authorizing Emergency Temporary Appropriations for the Sewer Utility
6. Authorizing Emergency Temporary Appropriations for the Pool Utility

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. 19-03
Adopted _____

PH 1

Introduced: January 22, 2019 Public Hearing: February 4, 2019

“ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN LANDS BY THE TOWNSHIP OF CLARK FROM THE BOARD OF EDUCATION OF THE TOWNSHIP OF CLARK FOR THE PURPOSES OF THE WIDENING IMPROVEMENT AND SIGNALIZATION OF WILSON DRIVE AT THE INTERSECTION OF WESTFIELD AVENUE IN THE TOWNSHIP OF CLARK”

WHEREAS, the Township of Clark is embarked upon a capital project for the design and construction of a Clark Police Headquarters Building to be located at 315 Westfield Avenue in the Township of Clark; and

WHEREAS, in conjunction with the construction of the Police Headquarters Building, the Township of Clark finds it necessary and desirable to improve a portion of Wilson Drive adjacent to the Police Headquarters Building and to provide for its widening and the signalization of the intersection at Wilson Drive and Westfield Avenue; and

WHEREAS, in order to effect the foregoing widening and improvement of Wilson Drive, it is necessary for the Township of Clark to acquire from the Board of Education of Clark certain tracts of land as hereinafter defined; and

WHEREAS, the Board of Education has by Resolution determined that the properties to be conveyed are not needed for school purposes and has agreed to participate in this capital improvement by conveying without consideration the lands as are required and hereinafter referenced.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark as follows:

SECTION 1: The Township of Clark will acquire from the Board of Education of the Township of Clark the properties defined in Exhibit 1, attached hereto, for the purposes of widening Wilson Drive to a distance of 590 ft. from the intersection of Wilson Drive and Westfield Avenue.

SECTION 2: In consideration of the conveyance by the Board of Education to the Township of Clark, the Township of Clark agrees to widen and improve Wilson Drive and to construct at the intersection of Wilson Drive and Westfield Avenue appropriate traffic controls to govern the flow of traffic on Wilson Drive and Westfield Avenue.

SECTION 3: The improved Wilson Drive and intersection at Wilson Drive and Westfield Avenue shall provide access to public vehicular traffic in general and in particular to vehicular traffic accessing the lands of the Township of Clark and the lands of the Board of Education of the Township of Clark, and the improvement to be constructed thereon at the sole cost of the Township of Clark is a benefit both to the Township of Clark and the Board of Education of the Township of Clark, and, accordingly, both public municipal entities anticipate that benefits will be derived by each from the improvement of Wilson Drive and the signalization of the intersection at Wilson Drive and Westfield Avenue is a sufficient consideration to support the conveyance.

SECTION 4: This Ordinance and the matters contained herein are expressly permitted by the provisions of N.J.S.A. 40A:12-1 et seq., The Local Lands and Buildings Law, and this private sale is authorized pursuant to the provisions of N.J.S.A. 40A:12-113 (b) (1).

SECTION 5: In consideration of the conveyance by the Board of Education of the Township of Clark, the Township of Clark shall bear the full and complete expense incurred in connection with the design and construction of the capital improvement referenced herein.

SECTION 6: Exhibit 1 is a description of the properties to be conveyed hereunder and is incorporated and made a part of this Ordinance as if the same were fully set forth herein at length.

SECTION 7: 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 8: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: February 27, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

BRIAN P. TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/1-22ImprWilsonDr-WestfieldAveIntersectionPDHeadquarters

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

Exhibit 1

**DESCRIPTION OF PORTIONS OF LOTS 35, 37, 38 AND 40 IN BLOCK 50
TO BE ACQUIRED BY THE TOWNSHIP OF CLARK FOR THE
RIGHT-OF-WAY WIDENING OF WILSON DRIVE
TOWNSHIP OF CLARK
UNION COUNTY, NEW JERSEY**

Overall Tract

Beginning at the intersection of the northwesterly line of Wilson Drive (50' R.O.W.) and the southwesterly line of Westfield Avenue (60' R.O.W.) and running thence:

1. Along the said northwesterly line of Wilson Drive, South 39°-04'-22" West a distance of 590.00' to a point, said point being the intersection of the said northwesterly line of Wilson Drive and the dividing line between Lots 40 and 44 in Block 50, thence
2. Along said dividing line, North 50°-55'-38" West a distance of 20.00' to a point, thence
3. Through Lots 40, 38, 37 and 35, North 39°-04'-22" East a distance of 590.00' to a point in the aforementioned southwesterly line of Westfield Avenue, thence
4. Along the said southwesterly line of Westfield Avenue, South 50°-55'-38" East a distance of 20.00' to a point, the point and place of beginning.

Contains: 11,800.00 square feet or 0.2709 acre

Tract I (Portion of Lot 35)

**DESCRIPTION OF A PORTION OF LOT 35 IN BLOCK 50
TO BE ACQUIRED BY THE TOWNSHIP OF CLARK FOR THE
RIGHT-OF-WAY WIDENING OF WILSON DRIVE
TOWNSHIP OF CLARK
UNION COUNTY, NEW JERSEY**

Beginning at the intersection of the northwesterly line of Wilson Drive (50' R.O.W.) and the southwesterly line of Westfield Avenue (60' R.O.W.) and running thence:

1. Along the said northwesterly line of Wilson Drive, South 39°-04'-22" West a distance of 190.00' to a point, said point being the intersection of the said northwesterly line of Wilson Drive and the dividing line between Lots 35 and 37 in Block 50, thence
2. Along said dividing line, North 50°-55'-38" West a distance of 20.00' to a point, thence
3. Through Lot 35, North 39°-04'-22" East a distance of 190.00' to a point in the aforementioned southwesterly line of Westfield Avenue, thence
4. Along the said southwesterly line of Westfield Avenue, South 50°-55'-38" East a distance of 20.00' to a point, the point and place of beginning.

Contains: 3,800 square feet or 0.0872 acre

Tract II (Portion of Lot 37)

**DESCRIPTION OF A PORTION OF LOT 37 IN BLOCK 50
TO BE ACQUIRED BY THE TOWNSHIP OF CLARK FOR THE
RIGHT-OF-WAY WIDENING OF WILSON DRIVE
TOWNSHIP OF CLARK
UNION COUNTY, NEW JERSEY**

Beginning at a point in the northwesterly line of Wilson Drive (50' R.O.W.), said point being distant 190.00' southwestwardly from the intersection of the said northwesterly line of Wilson Drive and the southwesterly line of Westfield Avenue (60' R.O.W.) and running thence:

1. Along the said northwesterly line of Wilson Drive, South 39°-04'-22" West a distance of 50.00' to a point, said point being the intersection of the said northwesterly line of Wilson Drive and the dividing line between Lots 37 and 38 in Block 50, thence
2. Along said dividing line, North 50°-55'-38" West a distance of 20.00' to a point, thence
3. Through Lot 37, North 39°-04'-22" East a distance of 50.00' to a point in the dividing line between Lots 35 and 37, thence
4. Along the said dividing line between Lots 35 and 37, South 50°-55'-38" East a distance of 20.00' to a point, the point and place of beginning.

Contains: 1,000 square feet or 0.0230 acre

Tract III (Portion of Lot 38)

**DESCRIPTION OF A PORTION OF LOT 38 IN BLOCK 50
TO BE ACQUIRED BY THE TOWNSHIP OF CLARK FOR THE
RIGHT-OF-WAY WIDENING OF WILSON DRIVE
TOWNSHIP OF CLARK
UNION COUNTY, NEW JERSEY**

Beginning at a point in the northwesterly line of Wilson Drive (50' R.O.W.), said point being distant 240.00' southwestwardly from the intersection of the said northwesterly line of Wilson Drive and the southwesterly line of Westfield Avenue (60' R.O.W.) and running thence:

1. Along the said northwesterly line of Wilson Drive, South 39°-04'-22" West a distance of 150.00' to a point, said point being the intersection of the said northwesterly line of Wilson Drive and the dividing line between Lots 38 and 40 in Block 50, thence
2. Along said dividing line, North 50°-55'-38" West a distance of 20.00' to a point, thence
3. Through Lot 38, North 39°-04'-22" East a distance of 150.00' to a point in the dividing line between Lots 37 and 38, thence
4. Along the said dividing line between Lots 37 and 38, South 50°-55'-38" East a distance of 20.00' to a point, the point and place of beginning.

Contains: 3,000 square feet or 0.0689 acre

Tract IV (Portion of Lot 40)

**DESCRIPTION OF A PORTION OF LOT 40 IN BLOCK 50
TO BE ACQUIRED BY THE TOWNSHIP OF CLARK FOR THE
RIGHT-OF-WAY WIDENING OF WILSON DRIVE
TOWNSHIP OF CLARK
UNION COUNTY, NEW JERSEY**

Beginning at a point in the northwesterly line of Wilson Drive (50' R.O.W.), said point being distant 390.00' southwestwardly from the intersection of the said northwesterly line of Wilson Drive and the southwesterly line of Westfield Avenue (60' R.O.W.) and running thence:

1. Along the said northwesterly line of Wilson Drive, South 39°-04'-22" West a distance of 200.00' to a point, said point being the intersection of the said northwesterly line of Wilson Drive and the dividing line between Lots 40 and 44 in Block 50, thence
2. Along said dividing line, North 50°-55'-38" West a distance of 20.00' to a point, thence
3. Through Lot 40, North 39°-04'-22" East a distance of 200.00' to a point in the dividing line between Lots 38 and 40, thence
4. Along the said dividing line between Lots 38 and 40, South 50°-55'-38" East a distance of 20.00' to a point, the point and place of beginning.

Contains: 4,000 square feet or 0.0918 acre

Date: October 22, 2018

James E. Cleary, P.E., P.L.S., C.M.E.
New Jersey Professional Engineer & Land Surveyor No. GB 21252
For the Firm

Date

PH 2

TOWNSHIP OF CLARK

Ordinance No. 19-04

Adopted _____

Introduced: January 22, 2019 Public Hearing: February 4, 2019

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 1.0% increase in the budget for said year, amounting to \$175,032.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2019 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$612,614.30 and that the CY 2019 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**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 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified on the attached page; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$7,260,574.00.

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 \$7,260,574.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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

BRIAN P. TOAL
Council President

Res19/2-4BudgetTempEmergCurrent

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

CLARK TOWNSHIP			
EMERGENCY TEMPORARY BUDGET			
Dept#	DEPARTMENT	SALARIES	TOTAL
20-100	Administration	\$ 62,000.00	\$ 87,000.00
20-110	Mayor's Office	10,000.00	10,000.00
20-111	Municipal Council	13,000.00	21,000.00
20-120	Clerk	47,000.00	47,000.00
20-121	Clerk - Elections	-	-
20-130	Financial Administration	75,000.00	75,000.00
20-145	Revenue Administration	18,000.00	21,000.00
20-150	Tax Assessor	-	-
20-155	Legal Services	-	-
20-165	Engineering Services	-	-
21-180	Planning Board	2,000.00	10,000.00
21-185	Zoning Board	2,000.00	2,000.00
22-195	Code Enforcement	90,000.00	140,000.00
23-210	Ins & Bonding	-	550,000.00
23-220	Health Benefits	-	1,100,000.00
23-222	Life Insurance	-	-
23-223	Disability	-	30,000.00
25-240	Police	1,300,000.00	1,526,382.00
25-250	911	155,000.00	187,000.00
25-252	Emergency Management	3,000.00	9,000.00
25-260	Volunteer Emergency	-	70,000.00
25-265	Public Safety	-	-
25-266	Fire Bureau	24,000.00	64,000.00
25-267	Fire Hydrant	-	75,000.00
25-268	Fire Prevention	25,000.00	40,000.00
26-313	Shade Tree	-	5,000.00
26-290	Streets and Roads	300,000.00	390,000.00
26-305	Grass	-	10,000.00
26-306	Leaves	-	5,000.00
26-307	Recycling	-	260,000.00
26-308	Cleanup	-	25,000.00
26-310	Building and Grounds	52,000.00	72,000.00
26-325	Municipal Services Act	-	20,000.00
27-330	Public Health Services	25,000.00	20,000.00
27-331	Senior Citizens	30,000.00	25,000.00
27-340	Animal Control Services	-	40,000.00
27-365	Visiting Nurse	-	-
28-370	Recreation	45,000.00	5,000.00
29-390	Municipal Library	-	55,000.00
			300,000.00

CLARK TOWNSHIP			
EMERGENCY TEMPORARY BUDGET			
Dept#	DEPARTMENT	SALARIES	TOTAL
30-411	LOSAP	-	60,000.00
30-415	Reserve for Comp. Absenses	-	-
30-420	Celebration of Public Events	-	5,000.00
30-430	Utilities	-	75,000.00
31-435	Street Lighting	-	100,000.00
31-440	Utilities - Telephone	-	10,000.00
31-460	Utilities - Gasoline	-	20,000.00
36-471	PERS	-	470,886.00
36-472	Social Security - FICA	-	150,000.00
36-475	PFRS	-	1,011,306.00
36-476	Unemployment Comp.	-	-
36-477	DCRP	-	-
42-102	Interlocal Svc-Bd of Ed	-	15,000.00
43-490	Municipal Court	60,000.00	7,000.00
		\$ 2,338,000.00	\$ 4,922,574.00
			\$ 7,260,574.00

TOWNSHIP OF CLARK

Resolution 19-37

February 4, 2019

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**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 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified as follows; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,298,595.00

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 \$2,148,595.00; Capital Outlay \$150,000.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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

BRIAN P. TOAL
Council President

Res19/2-4BudgetTempEmergSewer

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

TOWNSHIP OF CLARK

Resolution 19-38

February 4, 2019

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

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified as follows; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$15,000.00

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: Capital Outlay \$15,000.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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

BRIAN P. TOAL
Council President

Res19/2-4BudgetTempEmergPool

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