

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
February 19, 2019
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 (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.

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:

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through February 6, 2019 in the amount of \$209,238.98

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:

1. Authorizing Expanded Area in Need of Noncondemnation Redevelopment Study at the Walnut Ave. Site to include Lot 10

2. Appointing Evandro Galli, Andrew Beach and Angel Torres as Members of the Clark Volunteer Fire Department
3. Authorizing the Tax Collector to refund overpayment of 2018 taxes in the amount of \$4,246.47
4. Appointing Marc Hayden as Alternate II Member of the Board of Adjustment to fill the unexpired term of Carmen Brocato until December 31, 2019
5. Supporting passage of the Main Street Assistance Act which encourages business development through financial and technical assistance to businesses located in downtown areas of small municipalities
6. Authorizing Final Payment to P & A Construction for the 2018 NJDOT Lake Avenue Roadway Improvements in the amount of \$5,945.04
7. Authorizing Final Payment to S. Brothers, Inc. for the 2017 Capital Roadway Improvements in the amount of \$46,729.04

Council as the Board of Health:

8. Accepting and Approving the Annual Health Report for 2018

Council as the Pool Utility:

9. Authorizing and Directing the Council President to enter into Employment Contracts for the Pool Director and Assistant Managers for the 2019 pool season
10. Adopting the Pool Rules and Regulations
11. Authorizing the Pool Fees to be charged for the 2019 Season

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
Resolution 19-39
February 19, 2019

AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 7 AND 10 IN BLOCK 155 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 Walnut Avenue and Valley Road identified on the official tax map of the Township as Block 155, Lots 7 and 10 (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 155, Lots 7 and 10, as a Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, 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 March 2019.

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-Condensation 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 19, 2019.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN TOAL
Council President

Res19/2-19AuthPB-ExpandedRedevStudyWalnutAveB155L7and10

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

TOWNSHIP OF CLARK
 Resolution 19-40
 February 19, 2019

2

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Evandro Galli, Andrew Beach and Angel Torres are hereby appointed as Members of the Clark Volunteer Fire Department effective this 19th day of February 2019.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/2-19AppointFirefightersBeachGalliTorres

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

TOWNSHIP OF CLARK
Resolution 19-41
February 19, 2019

3

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:

CLARK TOWNSHIP TAX REFUNDS- 2018- REVISED						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
31.03	31	C-031	Deborah Brodersen	31	Briarwood Path	\$ 1,375.19
59	8		Goodman Dean, Inc.	1799	Dakota Street	\$ 2,281.12
86	1		Laughery, Kevin & Elizabeth	6	Fisher Pl	\$ 590.16
TOTAL						\$ 4,246.47

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19TaxRefunds

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

TOWNSHIP OF CLARK
Resolution 19-42
February 19, 2019

4

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that Clark resident, Marc Hayden is hereby appointed as Alternate II Member of the Board of Adjustment this 19th day of February 2019 to fill the unexpired term of Carmen Brocato until December 31, 2019.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19AppointAltIIZBMember-Hayden

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

TOWNSHIP OF CLARK
Resolution 19-43
February 19, 2019

5

WHEREAS Senate Bill No. 2256/Assembly Bill No. 1183 establishes the “Main Street Assistance Program” to encourage business development by providing financial and technical assistance to businesses located in Main Street areas within small municipalities; and

WHEREAS it is in the long-term economic interest of the Township of Clark and the State of New Jersey to establish an economic development incentive program to encourage business growth in the commercial areas of smaller municipalities, so that the local economy of these municipalities may grow and thrive; and

WHEREAS many municipalities having small populations face considerable obstacles in fostering new jobs and business growth and do not qualify for assistance offered by the State’s municipal and business assistance programs.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby supports Senate Bill No. 2256/Assembly Bill No. 1183 which will provide much needed resources to help revitalize small downtowns and thereby provide job opportunities for local residents.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19SupportS2256/A1183MainStreetAssistancAct

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

TOWNSHIP OF CLARK
Resolution 19-44
February 19, 2019

6

WHEREAS P & A Construction, Inc. has completed work on the 2018 NJDOT Roadway Improvements to Lake Avenue and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Five Thousand, Nine Hundred Forty-Five Dollars and Four Cents (\$5,945.04) including final quantities Change Order No. 1 which decreases the adjusted contract amount by Thirty-Five Thousand, Seven Hundred Thirty-Nine Dollars and Twenty-One Cents (\$35,739.21); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Bond Ordinance 18-14 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 P & A Construction, Inc. to be Twenty-Nine Thousand, Seven Hundred Twenty-Five Dollars and Nineteen Cents (\$29,725.19); and

WHEREAS P & A Construction, Inc. has submitted a Maintenance Bond in the amount of \$29,725.19.

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 P & A Construction, Inc., PO Box 28, Colonia, New Jersey 07067 in the amount of \$5,945.04 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19FinalPayment2018NJDOT-LakeAve_P&A

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

TOWNSHIP OF CLARK
Resolution 19-45
February 19, 2019

7

WHEREAS S. Brothers, Inc. has completed work on the 2017 Capital Roadway Improvements and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Forty-Six Thousand, Seven Hundred Twenty-Nine Dollars and Four Cents (\$46,729.04) including final quantities change order which increases the adjusted contract amount by Thirty-Six Thousand, Seven Hundred Thirty-Eight Dollars and Thirty-One Cents (\$36,738.31); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-16-001-001 as attached hereto as a "Certification of Availability of Funds"; 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 S. Brothers, Inc. to be Twenty-Six Thousand, Three Hundred Forty-Four Dollars and Nine Cents (\$26,344.09); and

WHEREAS S. Brothers, Inc. has submitted a Maintenance Bond in the amount of \$26,344.09.

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 S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882 in the amount of \$46,729.04 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19FinalPayment2017CapRoads-SBro

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

TOWNSHIP OF CLARK
Resolution 19-46
February 19, 2019

8

WHEREAS in accordance with the New Jersey Administrative Code, Title 8, Chapter 52 entitled "Public Health Practice Standards of Performance for Local Boards of Health" the Clark Township Health Department hereby submits the 2018 Annual Health Status Report for acceptance and approval by the Governing Body; and

WHEREAS the Governing Body sitting as the Board of Health has reviewed the report and is in agreement with its contents.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts and approves the 2018 Annual Health Status Report for presentation to the residents of Clark in compliance with the New Jersey Administrative Code; and

BE IT FURTHER RESOLVED that copies of said report are available online at www.ourclark.com and in the Clerk's office, at no charge.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19AnnualHealthReport

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

TOWNSHIP OF CLARK
Resolution 19-47
February 19, 2019

9

BE IT RESOLVED by the Governing Body of the Township of Clark, acting as the Municipal Pool Utility, that the following appointments are made for the Clark Community Pool 2019 season, ending December 31, 2019:

Mike Kozlowski, Director

Robert Cahill, Assistant Manager

Brittany Hillier, Assistant Manager

BE IT FURTHER RESOLVED that the Council President, as the Chairman of the Pool Utility, is hereby authorized and directed to enter into an employment contract with each of the above-mentioned employees.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19PoolEmploymentContracts

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

TOWNSHIP OF CLARK
Resolution 19-48
February 19, 2019

10

BE IT RESOLVED by the Governing Body of the Township of Clark, acting as the Municipal Pool Utility, that it hereby approves and adopts the Clark Community Pool Rules and Regulations for the 2019 season as attached hereto.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/2-19PoolRules&Regs

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

TOWNSHIP OF CLARK

Resolution 19-49

February 19, 2019

//

BE IT RESOLVED by the Governing Body of the Township of Clark, acting as the Municipal Pool Utility, that the 2019 Municipal Swimming Pool rates and fees be set as follows:

POOL MEMBERSHIP TYPE	Rate
Card ID Replacement	\$ 15.00
Couple Non-Resident	\$ 500.00
Couple Resident	\$ 340.00
Daily Guest Pass Weekday	\$ 10.00
Family - Garwood	\$ 500.00
Family - Non-Resident	\$ 575.00
Family - Resident	\$ 400.00
Family + Caregiver/Nanny (resident)	\$ 500.00
Family + Caregiver (non-resident)	\$ 675.00
Garwood Family + Caregiver/Nanny	\$ 600.00
Grandparent and 1 Child (non-resident)	\$ 285.00
Grandparent and 1 Child (resident)	\$ 230.00
Grandparent and 2 Children (non-resident)	\$ 385.00
Grandparent and 2 Children (resident)	\$ 330.00
Grandparent and 3 Children (non-resident)	\$ 485.00
Grandparent and 3 children (resident)	\$ 430.00
Guest Pass Special (12 passes)	\$ 100.00
Individual - Non-Resident	\$ 340.00
Individual - Resident	\$ 240.00
One Parent & One child – Non-Resident	\$ 500.00
One Parent & One Child - Resident	\$ 340.00
Senior Citizen – Non-Resident	\$ 185.00
Senior Citizen - Resident	\$ 130.00
Weekend Guest Pass Adult	\$ 12.00
Weekend Guest Pass Child	\$ 10.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/2-19PoolFees

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