

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
March 18, 2019
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazarella _____
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.

Regular Order of Business Suspended

Mayor's Presentation: Athletic Achievement Certificates

Regular Order of Business Resumes after 5 minute recess

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. 19-05 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKS AND RECREATION AREAS, INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION OF PLAYGROUND EQUIPMENT AT FUN-TIME JUNCTION IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

2. **19-06 AN ORDINANCE TO SUPPLEMENT CHAPTER 195, LAND USE AND DEVELOPMENT ARTICLE XXIII, DISTRICT REGULATIONS OF THE CODE OF THE TOWNSHIP OF CLARK**
3. **19-07 AN ORDINANCE TO SUPPLEMENT CHAPTER 310 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STREETS, SIDEWALKS, AND ALL IMPROVEMENTS RELATED THERETO" BY THE ADDITION OF A NEW ARTICLE VIII ENTITLED "SITING OF POLES, CABINETS, AND ANTENNAS IN THE MUNICIPAL RIGHT-OF-WAY"**
4. **19-08 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF ARTICLE XXVI ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES" OF THE CODE OF THE TOWNSHIP OF CLARK**

INTRODUCTION OF PROPOSED ORDINANCES:

Public Hearings on the following three ordinances will be held on April 1st, Municipal Building, room 30

5. **19-09 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY ADOPTING THE WALNUT AVENUE REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 155, LOTS 7 AND 10 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**
6. **19-10 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CLARK, CHAPTER 16 THEREOF ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS" BY REPEALING ARTICLE I**

The Supplemental Debt Statement for the following Bond Ordinance has been properly filed with the New Jersey Department of Community Affairs by the Chief Financial Officer

7. **19-11 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2019 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,300,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through March 7, 2019 in the amount of \$239,308.58

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:

8. Budget Compliance Resolution allowing the Budget to be read by title
9. **Public Hearing and Adoption of the Municipal Budget for Calendar Year 2019**
10. Authorizing the Township of Clark to assume the responsibility of conducting the Annual Budget examination pursuant to N.J.S.A. 40A:4-78b
11. Designating Lots 7 and 10 in Block 155 as an Area in Need of Non-Condensation Redevelopment
12. Authorizing the Mayor or Business Administrator to enter into a maintenance contract for the Municipal Building with Edison Heating and Cooling in the amount of \$3,480.00
13. Award of Contract to Aquatic Services Inc. for repairs to the Clark Community Pool in the amount of \$19,539.00
14. Award of contract to Schaefer Fireworks, Inc. for the July 4th Fireworks display in the amount of \$15,900.00
15. Appointing Ryan Moncada as a Member of the Clark Volunteer Fire Department

CONSENT AGENDA RESOLUTIONS:

16. Authorizing the Chief Financial Officer to refund overpayment of 2019 sewer fees in the amount of \$280.00
17. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$10,627.27

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:

PH 1

TOWNSHIP OF CLARK
Ordinance No. 19-05
Adopted _____

Introduced: March 4, 2019 Public Hearing: March 18, 2019

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKS AND RECREATION AREAS, INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION OF PLAYGROUND EQUIPMENT AT FUN-TIME JUNCTION IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake various improvements to parks and recreation areas, including, but not limited to, the installation of playground equipment at Fun-Time Junction in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general

improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$200,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$10,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$10,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$10,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$190,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: April 11, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

BRIAN P. TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/3-4 19-05BondOrd200Rec&Parks

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

TOWNSHIP OF CLARK
ORDINANCE NO.19-07
ADOPTED _____

PH 3

Introduced: March 4, 2019 Public Hearing: March 18, 2019

**AN ORDINANCE TO SUPPLEMENT CHAPTER 310
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"STREETS, SIDEWALKS, AND ALL IMPROVEMENTS RELATED THERETO"
BY THE ADDITION OF A NEW ARTICLE VIII ENTITLED
"SITING OF POLES, CABINETS, AND ANTENNAS
IN THE MUNICIPAL RIGHT-OF-WAY"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 310, entitled "Streets, Sidewalks, and all Improvements Related Thereto" be supplemented by the addition of a new Article VIII entitled Siting of Poles, Cabinets, and Antennas in the Municipal Right-of-Way, as follows:

WHEREAS, the Governing Body of the Township of Clark has the sole jurisdiction and the authority to make, amend, repeal, and enforce municipal ordinances related to the boundaries, use, change, modifications, erection, construction, and regulation of the use of those public streets and rights-of-way within the Township of Clark; and

WHEREAS, the Governing Body of the Township of Clark is aware of the need to allow its streets and rights-of-way to be used for the siting of small cell wireless facilities necessary and incidental to the proper operation of a modern telecommunications system to be operated within the Township; and

WHEREAS, the Federal government, through the adoption of the Federal Telecommunications Act, while preserving local governmental control to those activities, nevertheless, requires local government to make provision within its jurisdiction for personal wireless service facilities; and

WHEREAS, the Governing Body of the Township of Clark intends on complying with the foregoing legislation while at the same time exerting such control over said activities of third-party servicers as are necessary and desirable to protect the public interest and to ensure that the roads and municipal rights-of-way are not overly burdened and that the areas which are to be put to use are properly maintained and restored;

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

SECTION 1: 310-33 Definitions:

- a. "Anticipated Municipal Expenses" means the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Township.
- b. "Cabinet" shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.
- c. "Electric Distribution System" shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. "Existing Pole" shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. "Ground Level Cabinets" shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- f. "Municipal Right-of-Way" shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Township as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Union where the Township's approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.
- g. "New Pole" shall mean a Pole proposed to be placed in the Municipal Right-of-Way.
- h. "Pole" shall mean a long, slender, rounded piece of wood, concrete or metal.
- i. "Pole Mounted Antenna" shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- j. "Proposed Mounted Cabinet" shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- k. "Proposed Pole" shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- l. "Right-of-Way Agreement" shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- m. "Restoration Costs" are herein defined as the full cost of restoring the right-of-way to the condition in which it existed prior to the grant of any right-of-way permit or agreement.
- n. "Right-of-Way Permit" shall mean an approval from the Township setting forth applicant's compliance with the requirements of this Article VIII of Chapter 310 of the Revised General Ordinances of the Township of Clark.
- o. "Surrounding Streetscape" shall mean Existing Poles within the same right-of-way which are located within five hundred (500) linear

feet of the Proposed Pole. Poles carrying electric transmission lines shall not be considered part of the "Surrounding Streetscape."

p. "Township Council" shall mean the Township Council of the Township of Clark.

q. "Utilities Regulated by the Board of Public Utilities" shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes.

r. "Utility Service" shall mean electric, telephone, or cable service.

s. "Zone, Non-Residential" shall mean the CO, CN, COH, CG, CP, I, O, P, GC, CI, COR, and LCI zones as designated in Article XXI of Chapter 195 of the Revised General Ordinances of the Township of Clark.

t. "Zone, Residential" shall mean any zones permitting single family, two-family, or multi-family residences, assisted living residences, nursing homes, and/or residential health care facilities.

SECTION 2: 310-34 ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS

a. Notwithstanding any provision to the contrary, no person shall operate or place any type of antenna, cabinet, pole or other facility within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement pursuant to the provisions of this Section.

b. The terms of said Right-of-Way Agreement shall include:

- i. A term not to exceed fifteen (150+) years;
- ii. Reasonable insurance requirements;
- iii. Fine for unauthorized installations;
- iv. A reference to the siting standards as set forth in this Article;
- v. Provisions ensuring adequate maintenance of Applicant's facilities within the Municipal Right-of-Way
- vi. Maintenance and removal bond requirements adequate to ensure that Applicant's facilities will be adequately maintained and removed at the end of the term of the Agreement or earlier if they are abandoned; and
- vii. Any other items which may reasonably be required.

SECTION 3: 310-35 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES

1. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Right-of-Way by a utility regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Right-of-Way, shall be subject to the standards and procedures set forth in this Article and shall require Right-of-Way permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.

SECTION 4: 310-36 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS, AND CABINETS IN THE RIGHT-OF-WAY

a. No Pole, Antenna, or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.

b. Pole Siting Standards

- i. Height. No Pole shall be taller than thirty-five (35) feet or 100% of the average height of poles in the Surrounding Streetscape, whichever is higher.
- ii. Location, Safety and Anesthetics. No Pole shall be erected in the Right-of-Way unless it:
 1. Is replacing an Existing Pole; or
 2. Approved pursuant to a land development application by either the Township's Zoning Board of Adjustment or Planning Board pursuant to a land use application; or
 3. Is being constructed to house an Antenna; or
 4. Is located on the opposite side of the street from the Electric Distribution System; or
 5. For sites in Residential Zones, is two hundred (200) linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Non-Residential Zones is one hundred (100) linear feet from any other Existing Pole or Proposed Pole along the same side of the street; or
 6. Is located in an area which currently has above ground utilities; or
 7. Is not located in an area which currently has underground utilities; or
 8. Does not inhibit any existing sight triangles or sight distance; or
 9. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way; and
 10. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibility with its background and so as to minimize its visual impact on surrounding properties.

c. Ground Level Cabinet Site Standards

- i. Ground Level Cabinets are prohibited in Residential Zones.
- ii. Ground Level Cabinets are permitted in Non-Residential Zones provided that each Ground level Cabinet:
 1. Is less than twenty-eight (28) cubic feet in volume; and
 2. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit an existing sight triangle or sight distance; and

4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards.
- i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:
 1. Does not exceed three (3) cubic feet in volume; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
 - ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:
 1. Does not exceed sixteen (16) cubic feet; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
 - iii. The Township may also require that a Permittee provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

SECTION 5: 310-37 APPLICATION PROCESS

- a. Pre-Application Meeting – Prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant’s proposal.
- b. The Township Council shall, by resolution, approve or disapprove every Right-of-Way Permit application based on the recommendations provided to it pursuant to subsections (e) and (f) below.
- c. All applications made under this section which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.

d. Every application for a New Pole must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such New Pole is located within the Municipal Right-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.

e. Reserved.

f. Pole Mounted Antenna, Pole Mounted Cabinets, New Poles, and Ground Level Cabinets.

i. The Township Engineer shall review applications to place Pole Mounted Antenna, Pole Mounted Cabinets, New Poles and Ground Level Cabinets within the Municipal Right-of-Way and advise the Township Council of his or her recommendation to approve or disapprove same.

g. If the Township Council denies any application made under this Section, it shall do so in writing and set forth the factual basis therefor.

SECTION 6: 310-38 WAIVER

a. The Township Council may waive any siting standard set forth in Section 310-36 where the applicant demonstrates that strict enforcement of said standard:

- i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
- ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c) (7) (b) (I)(II); or
- iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket 17-84.

SECTION 7: 310-39 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES INCLUSIVE OF THE ESTIMATED COST OF RESTORING THE RIGHT-OF-WAY AREA TO THE CONDITION WHICH IT EXISTED PRIOR TO THE ISSUANCE OF ANY PERMIT

a. Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:

- i. One (1) to five (5) collocation sites on Existing Poles - \$500.00.
- ii. Each additional collocation site on an Existing Pole - \$100.00

b. Deposit Towards Anticipated Municipal Expenses and Restoration Fees

- i. In addition to the Right-of-Way Permit Fee, Applicant shall post a Two Thousand (\$2,000.00) Dollar Deposit Towards

Anticipated Municipal Expenses which shall include the cost of the repair and restoration of the right-of-way area. The Township Engineer may waive this requirement where only the Applicant's Right-of-Way Permit Fees are needed to reasonably cover the Township's expenses related to Applicant's application.

- ii. Applicant's Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days, post a deposit to the account in an amount to be mutually agreed upon.
- iii. The Chief Financial Officer shall, upon request by the applicant, and after a final decision has been made by the Township Council regarding his or her pending Right-of-Way Permit application, and subject to review by the Township Engineer, refund any unused balance from applicant's Deposit Towards Anticipated Municipal Expenses.

SECTION 8: 310-40 MISCELLANEOUS PROVISIONS

- a. Any approval received pursuant to this Article does not relieve the applicant from receiving consent from the owner of the land above which an applicant's facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits, and any other requirement set forth in Chapter 310 of the Revised Ordinances of the Township of Clark or state statutes.
- c. The Township's consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth in this Article. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.
- d. Applicant must comply with all applicable state, local and federal regulations.
- e. This Article should not be construed to permit new utility poles to be placed into the Municipal Right-of-Way which would otherwise be prohibited pursuant to Section 195-212 of the Revised General Ordinances of the Township of Clark. Rather, this Article is meant to regulate how certain types of facilities are placed onto existing poles and to only permit new poles to be placed into the Municipal Right-of-Way that house Antennas and are in areas that currently have above-ground utilities. This is done to conform with the requirements set forth in the FCC order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" WT Docket No. 17-79; WC Docket 17-84.

SECTION 9: 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 10: Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply on to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 11: Effective Date: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: April 11, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

BRIAN TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/3-4 19-07SitingofPolesintheROW

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

PH 4

TOWNSHIP OF CLARK
ORDINANCE NO.19-08
ADOPTED _____

Introduced: March 4, 2019 Public Hearing: March 18, 2019

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
ARTICLE XXVI ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES"
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark that the Code of the Township of Clark be amended and supplemented as follows:

Section 1. Article XXVI entitled "Wireless Telecommunications Facilities" is amended and supplemented as follows:

§ 195-162 Purpose, Goals and General Conditions

Sub-section B shall be restated as follows:

B. No antenna(s), personal wireless telecommunications facility, tower or supporting structure shall be located, constructed or maintained on any lot, building, structure or land area, except in conformity with the requirements of Article XXVI of the Revised General Ordinances of the Township of Clark.

Sub-Section D shall be restated as follows:

D. Purpose; goals. The purpose of this section is to establish general guidelines for the siting of PWTEFS and PWTFS. The goals of this section are to:

1. Encourage the location of PWTFS in nonresidential areas and minimize the total number of telecommunications towers throughout the community;
2. Encourage strongly the joint use of new and existing PWTEFS and PWTFS sites;
3. Encourage users of PWTEFS and PWTFS to locate them, to the greatest extent possible, in areas where the adverse impact on the community is minimal;
4. Encourage users of PWTEFS and PWTFS to configure them

in a way that minimizes the adverse visual impact of the telecommunication towers and antennas; and

5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

§ 195-162.1 Definitions.

The following definitions are deleted from the provisions of this ordinance:

Existing Pole
Municipal Right-of-Way
Proposed Wireless Pole
Small Cell Equipment
Utility Pole
Wireless Pole

The following definitions shall be incorporated as part of the Ordinance:

MUNICIPAL RIGHT-OF-WAY

Definition set forth at Section 310-33 of the Revised General Ordinances of the Township of Clark.

The following definitions are added to this ordinance:

PERSONAL WIRELESS TELECOMMUNICATIONS EQUIPMENT FACILITIES (PWTEFS).

Facilities serving and subordinate in area, extent and purpose to, and on the same lot as, a telecommunications tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings, and security fencing.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES (PWTFES).

Facilities for the provision of wireless communications services, including, but not limited to, antennas, antenna support structure, telecommunications towers, and related facilities other than PWTEF's.

§ 195-168 is deleted in its entirety and reserved for future use.

§ 195-168.1 is hereby restated as follows:

§ 195-168.1 COLLOCATION ONTO EXISTING TOWERS AND BASE STATIONS

A. This section implements Section 6409(a) of the Middle Class Tax Relief Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report and Order, which requires a state or local government to approve any Eligible Facilities Request for a Modification of an existing Tower or Base Station that does not result in a substantial change to the physical dimensions of such Tower or Base Station.

B. Definitions. The following terms, shall, when used in this section have the following meanings:

1. Base Station.

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications users, equipment and a communications network. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. This term includes Base Stations in the Municipal Right-of-Way. Base stations includes, without limitation:

- i. Equipment associated with wireless communications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- iii. Small Cell Equipment located within the Municipal Right-of-Way.
- iv. Any structure other than a Tower that, at the time the relevant application is filed, supports or houses equipment described in paragraphs (1)(i)-(1)(ii) that has been reviewed and approved under the applicable zoning, siting, or administrative process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time of application is filed the Planning Board,

Zoning Board or pursuant to any other administrative process does not support or house equipment described in 1(i)-(1)-(ii) of this subsection.

2. Collocation.

The mounting or installing of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

3. Eligible Facilities Request.

Any request for modification of an existing Tower or Base Station that does not substantially change the physical dimension or such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

4. Eligible Support Structure.

Any Tower or Base Station as defined in this section, provide that it is existing at the time the relevant application is filed with the Planning Board, Zoning Board or applicable municipal official.

5. Existing

A constructed Tower or Base Station is existing for the purposes of this section if it has been reviewed and approved under the applicable zoning, siting or administrative process.

Reserved. Site.

For Towers other than Towers in the Municipal Rights-of-Way, the current boundaries of the leased or owned property surrounding the Towers and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

6. Substantial Change.

- i. For Towers other than Towers in the Municipal Rights-of-Way, it increases the height of the Tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or

- more than ten feet, whichever is greater;
- ii. For Towers other than Towers in the Municipal Rights-of-Way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the Municipal Rights-of-Way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - iv. It entails any excavation or deployment outside the current site;
 - v. It would defeat the concealment elements of the Eligible Support Structure; or
 - vi. It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or Base Station equipment, provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (8)(I) - (8)(iv) of this subsection.

7. Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services,

as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

8. Tower.

Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This term includes Towers in the Municipal Right-of-Way.

C. Application Review

1. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Board, Zoning Board or otherwise applicable municipal official shall review such application to determine whether the application qualifies.
2. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this section, the Planning Board, Zoning Board or otherwise applicable municipal official shall approve the application unless it is determined that the application is not covered by this section.
3. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Board, Zoning Board or otherwise applicable municipal official and the applicant, or in the cases where the application is deemed incomplete.
 - i. To toll the timeframe for incompleteness, the Planning Board, Zoning Board or otherwise applicable municipal official must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness by the Planning Board, Zoning Board or otherwise applicable municipal official.
 - iii. Following a supplemental submission, the Planning Board, Zoning Board or otherwise applicable municipal official will notify the applicant within

10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (3) of this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

4. Interaction with 42 U.S.C. 332(c)(7). If the Planning Board, Zoning Board or otherwise applicable municipal official determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under 42 U.S.C. 332(c)(7), as prescribed by the FCC, will begin to run from the issuance of decision that the application is not a covered request by the Planning Board, Zoning Board or otherwise applicable municipal official.

Section 2. Planning Board Review. After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Clark for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 3. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Union County Planning Board pursuant to N.J.S.A. 40:55D-16.

Note to Codifier: language in brackets and struck through is to be deleted from the original text. Underlined language is new language to the original text.

Effective Date: April 11, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord19/3-4 19-08 WirelessTelecommunicationsFacilities

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

INTRO
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TOWNSHIP OF CLARK
Ordinance No. 19-09
Adopted _____

Introduced: March 18, 2019 Public Hearing: April 1, 2019

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK,
COUNTY OF UNION, NEW JERSEY ADOPTING THE WALNUT AVENUE
REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 155, LOTS 7
AND 10 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**

WHEREAS, the Governing Body of the Township of Clark, directed the Planning Board, on separate occasions, to undertake studies to determine if Block 155 Lots 7 and 10 were “Areas in Need of Redevelopment” in accord with the Redevelopment and Housing Law “RDHL” N.J.S.A. 40A: 12 A -1 et seq.; and

WHEREAS, the Planning Board, in both instances, directed it’s Planner to undertake that study and, in both instances, after completion of the study and a public hearing as required by the RDHL did determine that the Study Areas qualified as “Non-Condensation Areas in Need of Redevelopment, and

WHEREAS, the Governing Body did confirm the designation of Block 155 Lot 7 and is did confirm the designation of Lot 10, as “Non-Condensation Areas in Need of Redevelopment”; and

WHEREAS, the Township Planner has now completed the “Walnut Avenue Redevelopment Plan” for Block 155 Lots 7 and 10, the Planning Board at its March 7, 2019 meeting subsequent to a presentation by the Planner had the opportunity to discuss and take public input on the Plan and has reviewed the Plan for its consistency with the Master Plan and for its ability to fulfill the goals of the Township’s recently modified Housing Plan and pursuant to N.J.S.A. 40A:12A-7.f. the Planning Board has transmitted to the Governing Body, the “Walnut Avenue Redevelopment Plan” and its determination that the Plan is consistent with the Master Plan; and

NOW THEREFORE BE IT ORDAINED that the Governing Body of the Township of Clark, County of Union, State of New Jersey, pursuant to the provisions of the Local Redevelopment and Housing Law, hereby accepts and approves the Redevelopment Plan for the following reasons:

1. The Walnut Avenue Redevelopment Plan is consistent with and achieves the stated Goals and Objectives of the 2010 Township of Clark Master Plan Reexamination Report and Master Plan Update, and the 2017 Housing Element and Amended Land Use Element of the Master Plan.

- a) The 2010 Master Plan Re-examination Report and Master Plan Update shows the existing land use of the Walnut Avenue Redevelopment Area as being industrial on Figure 2: Existing Land Use on page 6. The Master Plan Re-examination Report quotes the 2003 Master Plan as recognizing that industrial uses are declining, in general, across the country; and that therefore, in the future, it will become necessary to redevelop some of the existing industrial areas. The Walnut Avenue Redevelopment Area is such an area.
- b) In 2017, the Township of Clark adopted a new Housing Element of the Master Plan. Section F. the Land Use Plan Amendment, contained Updated Land Use Goals and Objectives.
 - Goal #2 of the Land Use Amendment is: “Continue to encourage housing diversity to accommodate the needs of people of various ages and income levels in the community in accordance with State requirements and local/regional needs”. A specific Objective within Goal # 2 discusses reviewing the mixed-us and residential standards in the RB multifamily zone, among others, to remove barriers to investment and the provisions of a variety of housing types. The Walnut Avenue Redevelopment Area is in an RB Zoning District and the proposed Redevelopment Plan will achieve the objectives of this goal.
 - Goal #3 of the Land Use Amendment is: “Create opportunities for very low, low and moderate income housing in fulfillment of the Township’s constitutional obligation to satisfy its fair share of the regional need for affordable housing....”. A specific Objective within Goal # 3 is to identify sites that are suitable, developable and approvable for inclusionary residential development and rezone such sites at densities that warrant requiring a set-aside of very low, low and moderate income housing. The proposed Redevelopment Plan is consistent with these goals and objectives.
2. The Township of Clark Planning Board has recommended that the Governing Body of the Township of Clark adopt the proposed Walnut Avenue Redevelopment Plan as attached to and made a part of this Ordinance.
3. The Planning Board Secretary, on behalf of the Township of Clark Planning Board, has transmitted the Resolution of the Township of Clark Planning Board and the Walnut Avenue Redevelopment Plan for Block 155 Lots 7 and 10 prepared by Shamrock Enterprises. Ltd. to the Governing Body of the Township of Clark in compliance with the requirements of N.J.S.A. 40A:12A-7.f. of the Local Redevelopment and Housing Law; and

BE IT FURTHER ORDAINED if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

INTRO
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TOWNSHIP OF CLARK
Ordinance No. 19-11
Adopted _____

Introduced: March 18, 2019 Public Hearing: April 1, 2019

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2019 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,300,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the 2019 Capital Road Improvement Program (including roadway reconstruction and resurfacing and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township:

- Briarheath Lane (from Williams Street to Willow Way)
- Franklin Street
- Surrey Road
- Victoria Drive
- Armstrong Drive
- Rolling Hill Way

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$1,300,000 is hereby appropriated to the payment of the cost of making the improvements described in Section I hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,300,000, and (4) \$65,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,235,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$150,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$65,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$65,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,235,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within

the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,235,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,235,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the

payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: April 11, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

BRIAN P. TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/3-18 19-11BondOrd1.3MCapRoads2019

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

TOWNSHIP OF CLARK
Resolution 19-51
March 18, 2019

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WHEREAS at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

WHEREAS an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to N.J.S.A. 40A:4-8; and

WHEREAS copies of the budget have been made available to each person requesting one at no charge.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

ATTEST:

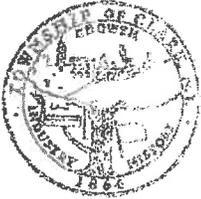
APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/3-18BudgetCompliance-Library

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



TOWNSHIP OF

Clark NEW JERSEY

EDITH L. MERKEL
TOWNSHIP CLERK

430 Westfield Avenue
Clark, New Jersey 07066-1704
Tel: (732) 388-3669
Fax: (732) 388-1241
Email: clerk@ourclark.com

MEMORANDUM

TO: Megan Kociolek, Library Director
FROM: Edith L. Merkel, Township Clerk
DATE: February 12, 2019
RE: 2019 Municipal Budget

.....

Attached please find a copy of the 2019 Municipal Budget of the Township of Clark as Introduced and Approved by the Governing Body at a Special Council meeting held February 4, 2019, 430 Westfield Avenue, Clark, New Jersey at 7:30 p.m.

A hearing on the budget and tax resolution will be held at the Municipal Building, 315 Westfield Avenue on Monday, March 18, 2019 at 7:30 p.m. at which time and place objections to the Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

Additional copies are available in the office of the Township Clerk, room 28 of the Municipal Building, 430 Westfield Avenue and can also be viewed on the Township website at www.ourclark.com

Upon receipt of the Budget please sign and date as indicated below. Return this memo as attestation that the delivery was made.

ATTEST:

RECEIVED:

Edith L. Merkel 2/14/19
Edith L. Merkel
Township Clerk

Megan Kociolek 2/13/19
Megan Kociolek
Library Director

Adoption of the Municipal Budget of the Township of Clark for Calendar Year 2019

BE IT RESOLVED by the Township of Clark, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$ 17,585,667.00 for municipal purposes, and
\$ 909,504.00 Minimum Library Levy

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 1,500,000.00
Miscellaneous Revenues Anticipated	\$ 3,527,993.00
Receipts from Delinquent Taxes	\$ 430,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	\$ <u>17,585,667.00</u>
AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	\$ <u>909,504.00</u>
 Total Revenues	 \$ 23,953,164.00

SUMMARY OF APPROPRIATIONS

General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$ 15,614,815.00
Deferred Charges and Statutory Expenditures – Municipal	\$ 2,170,274.00
Excluded from "CAPS"	
Operations – Total Operations Excluded from "CAPS"	\$ 1,727,860.00
Capital Improvements	\$ 515,000.00
Municipal Debt Service	\$ 2,900,516.90
Deferred Charges – Municipal	\$ 24,698.10
Reserve for Uncollected Taxes (Include Other Reserves, if Any)	\$ 1,000,000.00
 Total Appropriations	 \$ 23,953,164.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 18th day of March, 2019. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2019 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/3-18BudgetAdoption

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

TOWNSHIP OF CLARK
Resolution 19-53
March 18, 2019

WHEREAS N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Clark has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.A.C. 5:30-7.6a and 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/3-18BudgetSelfExam

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

11

TOWNSHIP OF CLARK
Resolution 19-54
March 18, 2019

AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Mayor and Council of the Township of Clark by Resolution 19-39 authorized the Planning Board to undertake a preliminary investigation of a Study Area including property known as Lots 7 and 10, 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 March 7, 2019 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 Expanded Walnut Avenue Study Area as A Non-Condensation Area in Need of Redevelopment", dated March 7, 2019, and

WHEREAS, the Planning Board conducted a public hearing on March 7, 2019 to determine if the property within the Expanded Study Area was within an Area of Need of Redevelopment as a Non-Condensation Redevelopment Area, and

WHEREAS, two members of the public attended 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 Township Council of the Township of Clark on this 18th day of March, 2019, that the property designated as Lots 7 and 10, Block 155

be designated an Area in Need of Redevelopment as a Non-Condernation Redevelopment Area pursuant to N.J.S.A. 40A:12A-1 et seq.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/3-18AreainNeedofNonCondernationRDEXPWalnutAve

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

The foregoing is a true copy of a Resolution adopted by the Township Council of the Township of Clark at its meeting on March 18, 2019, as copied from the Minutes of said meeting.

The within resolution memorializes a motion which was adopted by the Township Council of the Township of Clark on March 18, 2019.

 Township Clerk

Dated:

TOWNSHIP OF CLARK
Resolution 19-55
March 18, 2019

12

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 a Total Comfort Agreement with Edison Heating & Cooling for Heating and Cooling Maintenance Services in the Clark Municipal Building in the amount of \$3,480.00 effective for a one-year period from the date of acceptance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/3-18AuthContract-EdisonHeating&Cooling

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

TOWNSHIP OF CLARK
 Resolution 19-56
 March 18, 2019

13

WHEREAS the Governing Body acting in its capacity as the Pool Utility advertised on February 21, 2019 to solicit bids for the Replacement of the Baby Pool Coping and Deck Expansion Joint; and

WHEREAS one (1) bid was received on March 6, 2019 at 10:00 am; and

WHEREAS the lowest responsible bidder, Aquatic Services Inc., 170 Burlington Avenue, Spotswood, New Jersey 08884, submitted a bid in the amount of \$19,539.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Aquatic Services Inc.; and

WHEREAS the Chief Financial Officer has ascertained funds are available from Capital Outlay in the 2019 Municipal Pool Budget, not to exceed \$19,539.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Aquatic Services Inc., in an amount not to exceed \$19,539.00 subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/3-18AwardPoolRepairs

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

TOWNSHIP OF CLARK
Resolution 19-57
March 18, 2019

14

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, 2019; and

WHEREAS Garden State Fireworks and International Fireworks Mfg. Co. are under contract with other communities for July 4th and are therefore unavailable; and

WHEREAS Schaefer Fireworks Inc., 370 Hartman Bridge Road, Ronks, PA 17572, submitted a responsible, responsive proposal in the amount of \$15,900.00.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby commits to a fireworks display presented by Schaefer Fireworks Inc., to be held on Thursday, July 4, 2019 with a rain date of Friday, July 5, 2019; and

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 2019 as sufficient funds have been appropriated in the 2019 Municipal Budget, Celebration and Public Events account.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/3-18Fireworks

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

TOWNSHIP OF CLARK
Resolution 19-58
March 18, 2019

15

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Ryan Moncada is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 18th day of March 2019.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/3-18AppointFirefighterMoncada

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

TOWNSHIP OF CLARK
Resolution 19-59
February 19, 2019

CA 16

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2019 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.

CLARK TOWNSHIP			Sewer Refund 2019				
REF	#	Acct #	Name	#	Address	Reason	Refund
19	1R	1671-0	Lettini, Domenico	559	Madison Hill Rd	overpayment	\$ 280.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/3-18 SewerRefund

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

TOWNSHIP OF CLARK
Resolution 19-60
March 18, 2019

CA 17

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

BRIAN P. TOAL
Council President

Res19/3-18SewerAdj

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

SEWER BILLING ADJUSTMENT 2019

CLARK TOWNSHIP

REF #	Account #	Name	#	Address	Reason	Original	Revised	Credit	Additional
19 1	1232-0	Robert & Linda Tayarynw	353	Madison Hill Rd	well	\$ 500.00	\$ 280.00	\$ 220.00	
19 2	10-0	Clark Pool			repairs	\$ 9,847.27	\$ 280.00	\$ 9,567.27	
19 3	4314-0	Lettini, Domenico	332	Valley Road	demo	\$ 280.00	\$ -	\$ 280.00	
19 4	3561-0	Ciesla, Mary Ann	115	Nassau Street	under construction	\$ 280.00	\$ -	\$ 280.00	
19 5	709-0	G&G Development	492	Raritan Road	under construction	\$ 280.00	\$ -	\$ 280.00	
					Total Credit			\$10,627.27	