

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
April 1, 2019
Municipal Building, Room 30
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 as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. 19-09 **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**

2. 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**

3. 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**

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. 19-09

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

TOWNSHIP OF CLARK
Ordinance No. 19-11
Adopted _____

PH 3

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 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, 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								