

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

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
September 16, 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:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

- 1. 19-18 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 84 ARTICLE IV OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VICIOUS DOGS"**
- 2. 19-19 CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE CAPITAL ENHANCEMENTS OF TRAFFIC LIGHTS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$22,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUNDS OF THE TOWNSHIP OF CLARK**

INTRODUCTION OF PROPOSED ORDINANCE:

- 3. 19-20 AN ORDINANCE TO SUPPLEMENT SECTION 37 OF CHAPTER 347 ENTITLED "RIGHT TURN ON RED" OF THE CODE OF THE TOWNSHIP OF CLARK**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through September 10, 2019 in the amount of \$328,430.51

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.

RESOLUTIONS:

4. Authorizing the Health Officer to enter into an Agreement with the Visiting Nurse and Health Service for the year 2020 in the amount of \$7,986.00
5. Appointing Benjamin Romero as a Member of the Clark Volunteer Fire Department
6. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$50,000.00 for the 2019 Infrastructure and Municipal Aid Grant.
7. Authorizing Final Payment to K & D Contractors, LLC in the amount of \$14,251.92 for work completed on the Police Department Expansion – Phase 1 – Parking Lot
8. Authorizing the Township to Enter into a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission

CONSENT AGENDA RESOLUTIONS:

9. Authorizing the Chief Financial Officer to refund overpayment of 2019 sewer fees in the amount of \$585.17
10. Authorizing the Tax Collector to refund overpayment of 2019 taxes in the amount of \$17,161.32
11. Approving the Council Meeting Calendar for 2020
12. Approving the 2020 Holiday Schedule

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK
Ordinance No. 19-18
Adopted _____

Introduced: August 19, 2019 Public Hearing: September 16, 2019

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF
CHAPTER 84 ARTICLE IV OF THE CODE OF
THE TOWNSHIP OF CLARK
ENTITLED "VICIOUS DOGS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Sections of Chapter 84, Article IV, of the Clark Code entitled "Vicious Dogs" be and the same is hereby amended as follows:

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

SECTION 1: Repeal and Replace:

Section 84-20 entitled "Dog declared vicious by Municipal Court; conditions is hereby deleted in its entirety and replaced as follows:

- a. The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
 - (1) killed a person or caused serious bodily injury to a person; or
 - (2) (deleted by amendment, P.L. 2019, c.82)
- b. A dog shall not be declared vicious for inflicting death or serious bodily injury upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.
- c. If the municipal court declares a dog to be vicious, and no appeal is made of this ruling pursuant to Section 9 of P.L. 1989, c.307 (C.4:19-25), the court may order:
 - (1) the dog's owner to comply with certain restrictions to protect the public that are at least as stringent as the requirements for potentially dangerous dogs pursuant to Section 8 of P.L. 1989, c.307 (C.4:19-24) and Section 12 of P.L. 1989, c.307 (C.4:19-28); or
 - (2) the dog to be euthanized in a humane and expeditious manner, except that no dog may be euthanized during the pendency of an appeal.
- d. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

SECTION 2: **Repeal and Replace:**

Section 84-21 entitled “Dog declared potentially dangerous; condition” is hereby deleted in its entirety and replaced as follows:

- a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:
 - (1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person;
 - (2) caused serious bodily injury to another domestic animal or killed another domestic animal; and
 - (a) poses a serious threat of serious bodily injury or death to a person; or
 - (b) poses a serious threat of death to another domestic animal; or
 - (3) (Deleted by amendment, P.L. 2019, c.82)
- b. A dog shall not be declared potentially dangerous for:
 - (1) causing bodily injury to a person if the dog was provoked;
 - (2) causing serious bodily injury to, or killing a domestic animal if the domestic animal was the aggressor;
 - (3) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the property of the owner or person with custody or control of the dog;
 - (4) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog’s offspring; or
 - (5) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting;

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. As used in this section, “bodily injury” means bodily injury as defined in subsection a of N.J.S.2C:11-1; and “serious bodily injury” means serious bodily injury as defined in subsection b of N.J.S.2C:11-1.

SECTION 3: **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 4: **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjusted 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 5: Effective Date: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: October 9, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

BRIAN P. TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/8-19 19-18Ch84ArtIV ViciousDogs

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

PH 2

TOWNSHIP OF CLARK
Ordinance No. 19-19
Adopted _____

Introduced: September 3, 2019 Public Hearing: September 16, 2019

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE CAPITAL ENHANCEMENTS OF TRAFFIC LIGHTS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$22,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUNDS OF THE TOWNSHIP OF CLARK

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 Enhance Traffic Lights in the Township of Clark for additional Public Safety, and any ancillary costs related thereto.

Section 2. The sum of \$22,000.00 is hereby appropriated for the Capital Enhancement of Various Traffic Lights and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Effective Date: October 9, 2019

TOWNSHIP OF CLARK
Resolution 19-115
September 16, 2019

4

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) dba Holy Redeemer Home Care, Inc. in the amount not to exceed \$7,986.00 for the period commencing January 1, 2020 and terminating on December 31, 2020, pending the approval of the 2020 Municipal Budget.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/9-16VNHSContract

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

TOWNSHIP OF CLARK
 Resolution 19-116
 September 16, 2019

5

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Benjamin S. Romero is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 16th day of September 2019.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/9-16AppointFirefighterRomero

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

TOWNSHIP OF CLARK
Resolution 19-117
September 16, 2019

6

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$50,000.00 which is now available from the County of Union in the amount of \$50,000.00; and

BE IT FURTHER RESOLVED that the like sum of \$50,000.00 is hereby appropriated under the caption 2019 Infrastructure and Municipal Aid Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the County of Union in the amount of \$50,000.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/9-16Ch159UCInfrastructureGrant

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

TOWNSHIP OF CLARK
Resolution 19-118
September 16, 2019

7

WHEREAS K & D Contractors, LLC has completed work on the Police Department Expansion – Phase 1 – Parking Lot and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Fourteen Thousand, Two Hundred Fifty-One Dollars and Ninety-Two Cents (\$14,251.92) including final quantities Change Order No. 1 which decreases the adjusted contract amount by Seventy-Nine Dollars and Ninety-Five Cents (\$79.95); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Account Number C-04-18-004-001 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 K & D Contractors, LLC to be Twenty-One Thousand, Six Hundred Forty-Seven Dollars and Eleven Cents (\$21,647.11); and

WHEREAS K & D Contractors, LLC has submitted a Maintenance Bond in the amount of \$21,647.11.

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 K & D Contractors, LLC, 351 Monroe Avenue, Kenilworth, New Jersey 07033 in the amount of \$14,251.92 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/9-16FinalPaymentPDExpansion-Phase1-ParkingLot-K&D

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

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

A RESOLUTION AUTHORIZING THE TOWNSHIP OF CLARK
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

RESOLUTION NUMBER 19-119
September 16, 2019

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 16, 2019 the governing body of the Township of Clark, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Clark.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY:

Brian P. Toal, Council President

ATTEST BY:

Edith L. Merkel, RMC, Township Clerk

Res19/9-16JoinHCESC Co-op

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

TOWNSHIP OF CLARK
Resolution 19-120
September 16, 2019

CA 9

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	12R	796-0	Carkhuff, Ralph Jr	75	Meadow Rd	overpaid	\$ 535.00
19	13R	2204-0	Kelly, Jeffrey	16	Janie Lane	overpaid	\$ 50.17
Total Refunds							\$ 585.17

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/9-16SewerRefund(s)

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

TOWNSHIP OF CLARK
Resolution 19-121
September 16, 2019

CA 10

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2019 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:

TAX REFUNDS-2019						
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
60	12		CCC 301 LLC	301	Central Avenue	\$ 8,959.28
120	13		Feeney, Martin & Darlene	135	Nassau	\$ 398.37
110	3		Farrington, John & Mary Ann	17	Malvern Dr	\$ 187.87
4.02	29.01		Areias, Arsenio & Maria	241	Oak Ridge Rd	\$ 2,485.93
102	2		Cilento, Anthony	40	Harold Avenue	\$ 113.18
90	22		Donde, Raphael	5	Kathryn St.	\$ 1,849.59
35	3		Lereta LLC	31	Mc Collum Drive	\$ 3,167.10
			Total Refunds			\$ 17,161.32

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/9-16TaxRefunds

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

TOWNSHIP OF CLARK
 Resolution 19-122
 September 16, 2019

CA 11

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby approve the Meeting Calendar for the Year 2020 as outlined below.

CLARK MUNICIPAL COUNCIL 2020 MEETING DATES
Reorganization Meeting Monday, January 6, 2020
315 Westfield Ave. – 7:00 PM

WORKSHOP MEETINGS 7:30 PM

430 Westfield Avenue
 Room 30

January 6 **
 February 3
 March 2
 April 6
 May 4
 June 1
 July 6
 August 3
 September 8 (Tuesday)
 October 5
 November 4 (Wednesday)
 December 7

PUBLIC MEETINGS 7:30 PM

315 Westfield Avenue
 Council Chambers

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

** Council Chambers 315 Westfield Avenue

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/9-16MeetingDates2020

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

TOWNSHIP OF CLARK
 Resolution 19-123
 September 16, 2019

CA 12

BE IT RESOLVED by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, will constitute the official Township employee holiday calendar for the year 2020.

New Year's Day	Wednesday	01/01/2020
Martin Luther King Jr. Day	Monday	01/20/2020
Presidents Day	Monday	02/17/2020
Good Friday	Friday	04/10/2020
Memorial Day	Monday	05/25/2020
Independence Day	Friday	07/03/2020
Labor Day	Monday	09/07/2020
Columbus Day	Monday	10/12/2020
Election Day	Tuesday	11/03/2020
Veteran's Day	Wednesday	11/11/2020
Thanksgiving Day	Thursday	11/26/2020
Day after Thanksgiving	Friday	11/27/2020
Christmas Day	Friday	12/25/2020

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 BRIAN P. TOAL
 Council President

Res19/9-16Holidays2020

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