

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

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
February 18, 2020
7:30 pm**

ROLL CALL:

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

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 Ordinance)

- 1. 20-10 ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$500,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP.**

PAYMENT OF CLAIMS:

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through February 13, 2020 in the amount of \$317,957.34

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:

2. Authorizing the Sale of \$500,000 Special Emergency Notes and providing for other matters in connection with the Revaluation program
3. Award of Contract to Appraisal Systems, Inc. for the Revaluation of all Real Property within the Township
4. Appointing Albert C. Bauer, III as a Class II Special Law Enforcement Officer
5. Authorizing the Library Director to submit a grant application for the project entitled the New Jersey Library Construction Bond Act

COUNCIL RESOLUTIONS AS THE MUNICIPAL POOL UTILITY:

6. Award of Contract for Pool Maintenance to Aquatic Service, Inc. for 2020 in the amount of \$30,838.90 and for 2021 in the amount of \$31,455.70
7. Authorizing and Directing the Council President to enter into Pool Employment Contracts
8. Authorizing the Pool Rates and Fees

CONSENT AGENDA RESOLUTIONS:

9. Authorizing the Chief Financial Officer to refund overpayment of 2020 sewer fees in the amount of \$140.00
10. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$20,212.90

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. 20-10
Adopted _____

Introduced: February 3, 2020 Public Hearing: February 18, 2020

ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$500,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP.

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$500,000 is hereby appropriated for the preparation and execution of a program of revaluation of real property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Effective Date: March 11, 2020

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TOWNSHIP OF CLARK
Resolution 20-36
February 18, 2020

RESOLUTION AUTHORIZING THE SALE OF
\$500,000 SPECIAL EMERGENCY NOTES OF
THE TOWNSHIP OF CLARK,
IN THE COUNTY OF UNION, NEW JERSEY
AND PROVIDING FOR OTHER MATTERS
IN CONNECTION THEREWITH.

BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, New Jersey (the "Township") (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to the Local Budget Law and an ordinance adopted by the Township Council of the Township on February 18, 2020 (the "Ordinance"), the Township appropriated \$500,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53 for the preparation and execution of a program of revaluation of real property. Pursuant to N.J.S.A. 40A:4-55, \$500,000 principal amount of Special Emergency Notes are hereby authorized to be issued.

Section 2. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Township.

Section 3. The Mayor and the Director of Revenue and Finance are hereby authorized to execute said notes, and the Township Clerk is hereby authorized to affix the seal of the Township to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 4. The Director of Revenue and Finance is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 5. The Township Council hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Special Emergency Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 6. The Township Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of the Code. It is hereby determined and stated that (1) the Special Emergency Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 7. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 8. This resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/2-18SpecialEmergency500

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

TOWNSHIP OF CLARK
Resolution 20-37
February 18, 2020

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WHEREAS the Township of Clark has been ordered by the Union County Board of Taxation to perform a Revaluation of all property in the Township; and

WHEREAS the Township must retain a competent appraisal firm to complete the Revaluation of all the taxable and exempt property within the limits of the Township; and

WHEREAS it has been determined that the value of this contract will exceed \$17,500; and

WHEREAS Requests for Proposals entitled Revaluation of all Real Property situated in the Township of Clark were advertised on the Township website on December 23, 2019 to be returnable by January 22, 2020; and

WHEREAS two Proposals were received at 10:00 a.m. on January 22, 2020; and

WHEREAS after a review and evaluation of the proposals, Appraisal Systems, Inc. 264 South Street, Building 2, Suite 1B, Morristown, New Jersey 07960 proposes to perform the services outlined in the Request for Proposals in the amount of Four Hundred Eight Thousand, Three Hundred Eighty-five Dollars (\$408,385.00); and

WHEREAS Appraisal Systems, Inc. of Morristown, NJ is licensed by the State of New Jersey, is experienced and meets all of the requirements set forth by the Township; and

WHEREAS the Township of Clark has decided to award this contract to Appraisal Systems, Inc. following a fair and open process in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS the Chief Financial Officer or Assistant Treasurer has certified that funds are available for this contract in Ordinance 20-10.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Appraisal Systems, Inc. in the amount \$408,385.00; and

BE IT FURTHER RESOLVED that the Mayor or Business Administrator and Township Clerk are hereby authorized and directed to execute the contract documents with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/2-18AwardRevaluationContract

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

TOWNSHIP OF CLARK
Resolution 20-38
February 18, 2020

BE IT RESOLVED by the Governing Body of the Township of Clark in accordance with the provisions of the Special Law Enforcement Officer’s Act (N.J.S.A. 40A:14-146.8 et seq.) and Pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby duly appoint Albert C. Bauer, III as a Class II Special Law Enforcement Officer to serve for the period commencing February 18, 2020 and concluding December 31, 2020.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O’CONNOR
Council President

Res20/2-18ApptClassIISpecialPoliceOfficer-Bauer

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
Smith						
Toal						
O’Connor						
Entire Council						
TOTAL						

TOWNSHIP OF CLARK
Resolution 20-39
February 18, 2020

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**Resolution to Apply for Funds: New Jersey Library Construction Bond Act,
Solicitation for Grant Applications
P.L.2017, c.149 N.J.A.C. 15:24-1 et seq.**

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Director of the Clark Public Library to submit a grant application and certifies that permission is hereby granted to apply for the project entitled the New Jersey Library Construction Bond Act, in the amount of \$550,000.00; and

BE IT FURTHER RESOLVED that the filing of the application is authorized this 18th day of February, 2020 at the official meeting of the Governing Body of the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/2-18AuthGrantSubmission-LibraryConstructionBondAct

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

6

TOWNSHIP OF CLARK
Resolution 20-40
February 18, 2020

WHEREAS the Governing Body of the Township of Clark advertised on January 23, 2020 and received one (1) bid for Specifications and Obligations for the Pool Maintenance for the 2020 and 2021 Seasons on February 5, 2020 at 10:00 am; and

WHEREAS Aquatic Services, Inc., 170 Burlington Ave., Spotswood, NJ 08884 was the sole bidder in the amount of \$30,838.90 for 2020 and \$31,455.70 for 2021; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Aquatic Services, Inc. in the amount of \$30,838.90 for 2020 and \$31,455.70 for 2021; and

WHEREAS the Chief Financial Officer has ascertained funds will be available subject to the adoption of the 2020 and 2021 Municipal Budgets.

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 the amount of \$30,838.90 for 2020 and \$31,455.70 for 2021 subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/2-18AwardPoolMaint2020-2021

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

TOWNSHIP OF CLARK
Resolution 20-41
February 18, 2020

7

BE IT RESOLVED by the Governing Body of the Township of Clark, acting as the Municipal Pool Utility, that the following appointments are made for the Clark Community Pool 2020 season, ending December 31, 2020:

Robert Cahill, Manager

Ricardo Viteri, Assistant Manager

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/2-18PoolEmploymentContracts

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

TOWNSHIP OF CLARK
Resolution 20-42
February 18, 2020

8

BE IT RESOLVED by the Governing Body of the Township of Clark, acting as the Municipal Pool Utility, that the Municipal Swimming Pool rates and fees be set for the year 2020 and forward as follows:

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O’CONNOR
Council President

Res20/2-18PoolRates&Fees

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
Smith						
Toal						
O’Connor						
Entire Council						
TOTAL						

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TOWNSHIP OF CLARK
 Resolution 20-43
 February 18, 2020

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2020 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 refund(s) as per the following schedule.

REF		Account #	Name	#	Address	Reason	Refund
20	2	1645-0	Eleanor Mirandi	91	Victoria Drive	duplicate payment	\$ 140.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/2-18SewerRefund(s)

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

TOWNSHIP OF CLARK
 Resolution 20-44
 February 18, 2020

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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

 PATRICK J. O'CONNOR
 Council President

Res20/2-18SewerAdj

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

SEWER BILLING ADJUSTMENT 2020									
CLARK TOWNSHIP									
REF	#	Account #	Name	#	Address	Reason	Original	Revised	Credit
20	1	3084-0	MKSK LLC	33	Westfield Avenue	3 businesses	\$ 1,530.00		
20	2	2473-0	Alexander Doctoroff	1075	Cetnral Avenue	Major leak	\$ 7,833.70	\$ 280.00	\$ 7,553.70
20	3	4452-0	Bogie, James	9	Emerson	Pool Leak	\$ 1,530.00	\$ 280.00	\$ 1,250.00
20	4	102-0	Bove, Sal & Angela	9	Deerwood Drive	pool issues	\$ 1,430.00	\$ 480.00	\$ 950.00
20	5	3586-0	Helen Dagainatis-Kofos	54	John Street	water issues	\$ 1,330.00	\$ 280.00	\$ 1,050.00
20	6	61-0	Casimiro, Ana	280	Laurel Avenue	pool issues	\$ 8,639.20	\$ 1,280.00	\$ 7,359.20
20	7	2098-0	Michael Bonacorssso	809	Featherbed Lane	leak	\$ 2,530.00	\$ 480.00	\$ 2,050.00
					Total Credit				\$ 20,212.90