

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
July 20, 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, the Official Website of the Township 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:

INTRODUCTION OF PROPOSED ORDINANCES:

- 1. **20-16 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 179 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “GARAGE SALES”**

Public Hearing August 3

- 2. **20-17 BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$800,000 FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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

Public Hearing August 3

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 16, 2020 in the amount of \$319,726.58

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:

3. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2019 Annual Audit entitled General Comments and Recommendations
4. Approving the 2019 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
5. Authorizing the Qualified Purchasing Agent to utilize the increased bid threshold of \$44,000.00 as adjusted by the State Treasurer effective July 1, 2020
6. Authorizing the purchase of telephone, radio and computer equipment through State and Cooperative Contracting for installation in the New Police Headquarters building
7. Authorizing the Mayor and Clerk to Execute an Agreement with Union County to Modify the Cooperative Agreement for the Community Development Block Grant program
8. Approval to Submit a Grant Application, Accept the Award, and execute the Cares Act – Coronavirus Relief Funds Grant SubAward Agreement with the County of Union
9. Authorizing the Mayor to enter into a lease agreement with the Union County Educational Services Commission for use of the gyms in the Municipal Building from September 2020 through June 2021
10. Authorizing Final Payment to S. Brothers, Inc. for work completed on the 2019 Capital Roadway Improvements in the amount of \$312,648.86 including Final Quantities Change Order which decreases the Final Payment by \$82,304.02
11. Authorizing Final Payment to D.L.S. Contracting, Inc. for work completed on the 2018 Capital Road Improvements in the amount of \$15,079.13 including Final Quantities Change Order which decreases the Final Payment by \$102,272.26
12. Renewing the Professional Services contract with CGP&H as the Administrative Agent for the Township's Affordable Housing Program

CONSENT AGENDA RESOLUTIONS:

13. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$28,268.86 for the Clean Communities Grant
14. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$42,000.00 for the Kids Recreation Trust Grant

15. 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 Infrastructure and Municipal Aid Grant
16. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$19,205.00 for the New Jersey Association of County and City Health Officials COVID-19 Grant
17. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$8,966.99
18. Authorizing the Chief Financial Officer to refund overpayment of 2020 sewer fees in the amount of \$852.27
19. Rescinding Resolution 20-62 which authorized the Tax Collector to prepare and mail estimated tax bills which are no longer necessary

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:

INTRO

TOWNSHIP OF CLARK
Ordinance No. 20-16
Adopted _____

Introduced: July 20, 2020 Public Hearing: August 3, 2020

AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS
OF CHAPTER 179 OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "GARAGE SALES"

BE IT ORDAINED by the Governing Body of the Township of Clark that various sections of Chapter 179 of the Code of the Township of Clark are hereby amended and supplemented by adding and ~~deleting~~ as follows:

SECTION 1: Section 179-1 entitled "Definitions" is hereby amended and supplemented as indicated:

Garage Sale add the term "estate sale." to the existing list

Goods Any belongings ~~goods warehouse merchandise~~ or other property capable of being the object of a sale regulated hereunder.

SECTION 2: Section 179-3 entitled "Fee" is hereby deleted in its entirety and replaced as follows: There is no fee for the license.

SECTION 3: Section 179-4 entitled "Application for license" is hereby amended and supplemented to remove the period (.) from the end of each phrase and to provide as follows:

Sub-section 179-4D. The number of days of the sale, which shall not exceed three (3) consecutive days

Sub-section 179-4E. The date and nature of any past sale within the calendar year

Sub-section 179-4G. is hereby deleted in its entirety, with subsequent sections relettered as appropriate

Sub-section 179-4H. (formerly 179-4I.) A sworn statement or affirmation by the applicant that he/she will abide by the terms of Chapter 179 and that the information therein given is full and true and known to the applicant to be so

SECTION 4: Section 179-5 entitled "Limitations on issuance of license; display requirements" is hereby amended and supplemented as indicated:

Sub-section 179-5A. No garage sale license shall be issued to any one person or for any one premises more than four times within a ~~Twelve month period~~ the calendar year. A license number shall be issued to keep track of the number of sales. ~~and~~ No such license shall be issued for more than three consecutive calendar days. In the event a sale is cancelled because of rain, the licensee shall be authorized to hold the sale the following week.

Sub-section 179-5C. Each license issued under this chapter must be prominently displayed and posted on the premises upon which the garage sale is conducted, in a conspicuous place so as to be seen from the street, throughout the entire period of the licensed sale.

Sub-section 179-5D. Power of Attorney and/or binding agreements must be submitted with applications for “estate sale services” and/or “professional service sales”.

SECTION 5: Section 179-6 entitled “Hours of sale” delete the word *only*

SECTION 6: Section 179-7 entitled “Signs” This section is hereby deleted in its entirety and replaced as follows:

No signs for advertising or directing customers shall be posted longer than two (2) days prior to and including the dates of the sale. Under no circumstances shall any signs be placed on or within high volume intersections, private property, trees or telephone poles. No such signs shall exceed 17 inches in height or 11 inches in width. All such signs shall be removed within twenty-four (24) hours after the completion of the sale.

SECTION 7: Section 179-11 entitled “Violations and penalties” is hereby amended to provide as follows:

Any person conducting any such sale or similar activity without being properly licensed therefor or who shall violate any of the other terms and regulations of this chapter shall, upon conviction thereof, be liable to the penalty ~~stated in Chapter 1, Article III, General Penalty of \$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for each subsequent offense.~~ Each day that such sale shall continue without being duly licensed shall be considered a separate violation.

SECTION 8: **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 9: **Effective date:** This Ordinance shall take effect upon adoption and publication, according to law.

TOWNSHIP OF CLARK
Ordinance No. 20-17
Adopted _____

INTRO
2

Introduced: July 20, 2020 Public Hearing: August 3, 2020

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$800,000 FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Township Council of the Township of Clark has heretofore authorized the construction of a new Public Safety Building in, by and for said Township, and appropriated the aggregate sum of \$10,250,000 therefor pursuant to ordinance no. 19-16 adopted by the Township Council of said Township on June 3, 2019, as supplemented by ordinance no. 19-21 adopted by the Township Council of said Township on October 21, 2019; and

WHEREAS, the Township Council now finds and determines that the additional sum of \$800,000 is required for such improvement, NOW, THEREFORE,

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

Section 1. The additional sum of \$800,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 19-16 adopted by the Township

Council of the Township on June 3, 2019, as supplemented by ordinance no. 19-21 adopted by the Township Council of the Township on October 21, 2019 (collectively, the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "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 authorized by the Prior Ordinance is \$11,050,000, including the sum of \$10,250,000 appropriated by the Prior Ordinance and the \$800,000 appropriated by this ordinance, and (4) \$533,000 of said sum is to be provided by the down payment, including the \$493,000 appropriated by the Prior Ordinance and the \$40,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$10,517,000, including the

\$9,757,000 authorized by the Prior Ordinance and the \$760,000 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$1,120,000, including the sum of \$1,100,000 stated in the Prior Ordinance and the sum of \$20,000 hereby stated, 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 3. It is hereby determined and stated that moneys exceeding \$40,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$40,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$760,000 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 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$760,000 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 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said 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 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 8. 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 said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$760,000 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 9. 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 such purpose, shall be applied to the payment of the cost of such purpose, or, if bond

anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Township intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Township incurs such costs prior to the issuance of the 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 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 12. 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 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: August 27, 2020

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

PATRICK J. O'CONNOR
 Council President

SALVATORE BONACCORSO
 Mayor

Ord20/7-20 20-17Bond-PoliceHqtrsadd800K

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

TOWNSHIP OF CLARK
Resolution 20-83
July 20, 2020

3

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction,

may be fined not more than one thousand dollars (\$1,000.00)
 or imprisoned for not more than one year, or both, in
 addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/7-20AuditReport-GoupAffidavit

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

TOWNSHIP OF CLARK
Resolution 20-84
July 20, 2020

4

RESOLUTION APPROVING THE 2019 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2019; and

WHEREAS the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

WHEREAS the Governing Body has received the 2019 Annual Audit – Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2019 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20Audit-CorrectiveActionPlan

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

Township of Clark
Corrective Action Plan
Year ended December 31, 2019

Recommendation:

During our testing of bids and quotes under the Local Public Contracts Law, we identified instances where the Township obtains the proper bids and/or quotes for services and materials, but at times will utilize the same vendor for such things as normal maintenance repairs that was not included in the original bid or quote.

We suggest the Township revise its process in the future to include a requirement that the vendor provide a rate for additional labor and materials that may be needed during the year.

Response:

The corrective action plan will add to each contract for which bids were received, an additional paragraph stating that "should some additional maintenance projects become evident respond as to your interest, with a Yes or No, and if yes, provide a cost of labor and materials bid document, with rates and discounts on materials, subject to Municipal acceptance." Further we will set up bid proposals for "on Call Service" for maintenance of buildings and municipal properties.

TOWNSHIP OF CLARK
Resolution 20-85
July 20, 2020

5

WHEREAS the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$44,000; and

WHEREAS N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS Jennifer Kobliska possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS Jennifer Kobliska was appointed on January 1, 2018 as the Qualified Purchasing Agent for the Township of Clark to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

WHEREAS the Township of Clark desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, in the County of Union, in the State of New Jersey hereby increases its bid threshold to \$44,000; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:34-5.2 the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Jennifer Kobliska's certification to the Director of the Division of Local Government Services.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20IncreaseBidThreshold-OPAKobliska

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

TOWNSHIP OF CLARK
Resolution 20-86
July 20, 2020

6

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the purchase of telephone, radio and computer equipment for the New Police Headquarters; and

WHEREAS the Business Administrator has recommended that the Township use the following State Contracts and Cooperative Purchasing Contracts which provide predetermined preferential pricing through approved vendors which have been bid at the county, state and national levels:

Vendor: Johnston Communications – P.O. 20-01602 (\$284,396.95)
Union County Coop Contract 8-UCCP Coop/Bid #42-2017
Telephone/Associated Services Systems

Vendor: Mobile tech – P.O. 20-01599 (\$129,748.00)
NJ State Contract #T-0109 Radio Communications Equipment and Accessories
NJ State Contract #83924 Zetron authorized dealer

Vendor: PMC Associates – P.O. 20-01600 (\$38,948.56)
NJ State Contract #83932 (authorized dealer for TAIT Radio Equipment)
NJ State Contract #83900 (authorized dealer for Sinclair Radio Equipment)

Vendor: SHI International Corp. – P.O. 20-01604 (\$186,602.33)
NJ State Coop Contract #CK04 Cooperative Purchasing Alliance (authorized dealer for Dell, Cisco, etc. computer equipment), NJ State Contract #ITS58:89851 (authorized dealer for Dell, Cisco, etc. computer equipment); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$639,695.84 funded by Capital Account C-04-19-016-001, as authorized by Bond Ordinance 19-16 and attached hereto as a “Certification of Availability of Funds.”

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to proceed with the abovementioned purchases through Cooperative Pricing and State Contracts as indicated.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O’CONNOR
Council President

Res20/7-20Equip-NewPDHeadquarters-State&CooperativePurchasing

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

TOWNSHIP OF CLARK
Resolution 20-87
July 20, 2020

7

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF CLARK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 16, 2014 AS AMENDED JULY 17, 2017

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Clark and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Clark that the agreement entitled **“COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,”** dated June 2014, as amended July 17, 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2020-2021 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

Passed: _____

Approved: _____

Patrick J. O'Connor
Council President

Salvatore Bonaccorso
Mayor

Dated: _____

Attest: _____

Edith L. Merkel, RMC
Township Clerk

Res20/7-20CDBGModifyCooperativeAgreement

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

TOWNSHIP OF CLARK
Resolution 20-88
July 20, 2020

APPROVAL TO SUBMIT A GRANT APPLICATION, ACCEPT THE AWARD AND EXECUTE THE CARES ACT – CORONAVIRUS RELIEF FUNDS GRANT SUBAWARD AGREEMENT WITH THE COUNTY OF UNION

WHEREAS the County of Union received direct funding under the CARES Act Assistance for State and Local Governments; and

WHEREAS the County has established a Grant Program to reimburse local entities for unforeseen but necessary expenditures to address the public health emergency, in an effort to help constituent municipalities mitigate the effects of COVID-19; and

WHEREAS Section 5001(d) of the CARES Act allows the County to reimburse local governments for programs that:

- (1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19)
- (2) were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the State or government
- (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020 (although any and all requests for reimbursement must be submitted no later than December 15, 2020); and

WHEREAS the Township of Clark plans to submit a grant application to seek reimbursement of qualified and incurred expenses and/or projected expenses related to COVID-19 in accordance with the established guidelines, including accepting the award and executing an agreement with Union County.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, New Jersey formally approves the submission of a grant application for the above stated Grant Program; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the County of Union CARES Act – Coronavirus Relief Funds Grant SubAward Agreement on behalf of the Township of Clark and that their signatures constitute acceptance of the award and the terms and conditions of the grant agreement.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20 COVID-19Grantapplforreimbursement

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

State of New Jersey)
County of Union) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the forgoing is a true and correct copy of Resolution 20-88, as adopted at a Regular Meeting of the Township Council held on July 20, 2020.

Edith L. Merkel, Township Clerk
Date July 21, 2020

TOWNSHIP OF CLARK
Resolution 20-89
July 20, 2020

9

WHEREAS an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the “Landlord” and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the “Tenant”; and

WHEREAS premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm commencing on September 1, 2020 and concluding on June 30, 2021 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an “as needed” basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O’CONNOR
Council President

Res20/7-20 UCESC LeaseAgreement-Gyms

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

TOWNSHIP OF CLARK
Resolution 20-90
July 20, 2020

10

WHEREAS S. Brothers, Inc. has completed work on the 2019 Capital Roadway Improvements and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Three Hundred Twelve Thousand, Six Hundred Forty-Eight Dollars and Eighty-Six Cents (\$312,648.86) including final quantities change order which decreases the adjusted contract amount by Eighty-Two Thousand, Three Hundred Four Dollars and Two Cents (\$82,304.02); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-19-011-001 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by S. Brothers, Inc. to be One Hundred Twenty-Five Thousand, Three Hundred Thirty-Two Dollars and Eighty-One Cents (\$125,332.81); and

WHEREAS S. Brothers, Inc. has submitted a Maintenance Bond in the amount of \$125,332.81.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882 in the amount of \$312,648.86 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20FinalPayment2019CapRoads-S.Bros.

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

TOWNSHIP OF CLARK
 Resolution 20-91
 July 20, 2020

11

WHEREAS D.L.S. Contracting, Inc. has completed work on the 2018 Capital Roadway Improvements and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Fifteen Thousand, Seventy-Nine Dollars and Thirteen Cents (\$15,079.13) including final quantities change order which decreases the adjusted contract amount by One Hundred Two Thousand, Two Hundred Seventy-Two Dollars and Twenty-Six Cents (\$102,272.26); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-18-002-001 as attached hereto as a "Certification of Availability of Funds"; and

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 D.L.S. Contracting, Inc., 271 Highway 46 West, Suite D-205, Fairfield, NJ 07004 in the amount of \$15,079.13 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/7-20FinalPayment2018CapRoads-DLSCcontracting

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

TOWNSHIP OF CLARK
Resolution 20-92
July 20, 2020

12

WHEREAS Chapter 66, Section 15B of the Code of the Township of Clark requires the designation by resolution of one or more Administrative Agents to administer newly constructed affordable housing and rehabilitation units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and the Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS Community Grants, Planning & Housing (CGP&H), 101 Interchange Plaza, Suite 301, Cranbury, New Jersey 08512-3716 was awarded a Professional Services Contract to perform such services for the Township of Clark as hereinabove described as required by the Code and approved by the Court; and

WHEREAS the renewal agreement submitted by CGP&H meets the needs the Township.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a Professional Services contract to CGP&H as the Administrative Agent responsible for the administration of affordable units; and

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized and directed to enter into a contract with CGP&H for a one-year period beginning July 20, 2020 in an amount not to exceed \$31,850.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20 AdminAgentCGP&HRenewalContract

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

TOWNSHIP OF CLARK
Resolution 20-93
July 20, 2020

CA 13

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 2020 in the sum of \$28,268.86 which is now available from the State of New Jersey in the amount of \$28,268.86; and

BE IT FURTHER RESOLVED that the like sum of \$28,268.86 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$28,268.86.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20Ch159CleanCommunitiesGrant

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

TOWNSHIP OF CLARK
Resolution 20-94
July 20, 2020

CA 14

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 2020 in the sum of \$42,000.00 which is now available from the County of Union 2020 Kids Recreation Grant in the amount of \$42,000.00; and

BE IT FURTHER RESOLVED that the like sum of \$42,000.00 is hereby appropriated under the caption 2020 Kids Recreation Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$42,000.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20Ch159-KidsRecreationTrustGrant

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

TOWNSHIP OF CLARK
Resolution 20-95
July 20, 2020

CA 15

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 2020 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 2020 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

PATRICK J. O'CONNOR
Council President

Res20/7-20Ch159-Infrastructure&MunAidGrant

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

TOWNSHIP OF CLARK
Resolution 20-96
July 20, 2020

CA 16

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 2020 in the sum of \$19,205.00 which is now available from the New Jersey Association of County and City Health Officials (NJACCHO) in the amount of \$19,205.00; and

BE IT FURTHER RESOLVED that the like sum of \$19,205.00 is hereby appropriated under the caption 2020 NJACCHO-COVID-19 Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the New Jersey Association of County and City Health Officials in the amount of \$19,205.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/7-20 Ch159 NJACCHO-COVID-19Grant

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

TOWNSHIP OF CLARK
Resolution 20-97
July 20, 2020

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

PATRICK J. O'CONNOR
Council President

Res20/7-20 SewerAdj

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

SEWER BILLING ADJUSTMENT 2020

CLARK TOWNSHIP

REF #	Acct #	Name	#	Address	Reason	Original	Revised	Credit	Addition	Comments
20	48	1901-0	89	Hutchinson Place	water issue	\$ 2,230.00	\$ 280.00	\$ 1,950.00		
20	49	4108-0	60	Walnut	plumbing issues	\$ 23,229.28	\$ 16,762.29	\$ 6,466.99		
20	50	2491-0	42	School Street	previous owner	\$ 830.00	\$ 280.00	\$ 550.00		
				TOTALS		\$ 26,289.28	\$ 17,322.29	\$ 8,966.99		

CA 18

TOWNSHIP OF CLARK
 Resolution 20-98
 July 20, 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	Acct #	Name	#	Address	Reason	Refund
20	4 1538-0	Van Nattan, Genevieve	187	Jupiter Street	over paid due to Adj	\$ 30.87
20	5 1659-0	Signorella, Joseph	11	Rolling Hill Way	over paid due to Adj	\$ 366.40
20	6 1241-0	Chavez, Armando	81	Mae Belle Dr.	faulty meter	\$ 455.00
		TOTALS				\$ 852.27

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

PATRICK J. O'CONNOR
 Council President

Res20/7-20SewerRefund(s)

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

CA 19

TOWNSHIP OF CLARK
Resolution 20-99
July 20, 2020

WHEREAS Resolution 20-62 adopted May 4, 2020 authorized the Clark Township Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72 due to the late adoption of the State Budget, and the subsequent delay in the Union County Board of Taxation’s ability to certify tax rates throughout Union County, resulting in the Tax Collector’s inability to mail the Township’s 2020 tax bills on a timely basis; and

WHEREAS the Division of Local Government Services has since prepared levy certifications for counties and municipalities that have adopted their budgets and made all required submissions to the Division; and

WHEREAS the Director of the Division of Local Government Services began releasing certifications to County Boards of Taxation on June 29, 2020, and said County Board has certified the tax levy, as required; and

WHEREAS the Tax Collector of the Township of Clark received the tax rate on June 30, 2020 permitting regular tax bills to be mailed within the proper statutory limits, with no need to extend the grace period.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union and State of New Jersey that it hereby rescinds Resolution 20-62.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O’CONNOR
Council President

Res20/7-20RescindRes20-62EstTaxBills

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