

**AGENDA**  
**SPECIAL COUNCIL MEETING**  
**430 WESTFIELD AVE., CLARK, NJ 07066**  
**February 1, 2021**  
**Municipal Building, Room 30**  
**7:30 pm**

**ROLL CALL:**

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

**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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

1. **21-04 AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 3, ENTITLED ADMINISTRATION OF GOVERNMENT OF THE CODE OF THE TOWNSHIP OF CLARK**
2. **21-05 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "ANIMALS"**
3. **21-06 AN ORDINANCE TO AMEND CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF CLARK**
4. **21-07 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE I, ENTITLED "STORMWATER MANAGEMENT" OF THE CODE OF THE TOWNSHIP OF CLARK**

**INTRODUCTION OF PROPOSED ORDINANCE:**

5. **20-10 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**RESOLUTIONS:**

6. Cancelling the remaining balance in the CARES Act Grant Agreement in the amount of \$147,942.83
7. Appointing John Laezza as the Municipal Housing Liaison for the Affordable Housing Program

**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:**

TOWNSHIP OF CLARK

PH 1

Ordinance No. 21-04

Adopted \_\_\_\_\_

Introduced: January 19, 2021 Public Hearing: February 1, 2021

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF  
CHAPTER 3, ENTITLED ADMINISTRATION OF GOVERNMENT OF  
THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Sections of Chapter 3, Articles VII and VIII of the Code of the Township of Clark are hereby amended and supplemented in the following particulars:

**SECTION 1:** Chapter 3, Article VII, Section 3-22 is hereby supplemented to add Subsection A.(10) Department of Communications and Business Development.

**SECTION 2:** Chapter 3, Article VIII is hereby amended and supplemented to establish the Department of Communications and Business Development as follows:

- A. Department created.
  - (1) There shall be established a Department of Communications and Business Development the head of which shall be known as the "Director of Communications and Business Development." The Director shall have jurisdiction over all divisions within the Department and shall serve for a term concurrent with that of the Mayor unless otherwise terminated as provided herein or by the general law.
- B. Organization of Department. The Department of Communications and Business Development shall consist of the following two Divisions:
  - (1) Division of Communications
  - (2) Division of Business Development

- C. Division of Communications. The Division shall Manage the internal and external communications of the Township, including public relations, communication strategies and media relations.

1. Township Communications

- (a) Coordinate the development, implementation, and delivery of a comprehensive communication plans for the town
- (b) Develop, write, and edit marketing and communications materials shared with Township residents such as announcements, invitations, blog posts and social media content
- (c) Create and coordinate distribution schedules and cadence for various types of communications
- (d) Distribute through multiple modalities, email, regular postal mail, social media and web page updates
- (e) Manage Township Social Media accounts – posting and sharing to ensure that all communications and marketing material aligns with Township standards

2. Media Relations

- (a) Develop press kit materials for media outlets, including press releases, images, pitch letters, case studies, feature articles, and trend stories
- (b) Help maintain the identity and reputation of the Township
- (c) Respond to media inquiries and perform media outreach to achieve brand placement in publications
- (d) Evaluate public opinion of the Township through surveys, polls, and social media listening
- (e) Cultivate and maintain relationships with regional and local media outlets
- (f) Arrange for press conferences, interviews, and other media and event appearances for Township Officials as appropriate
- (g) Write speeches as needed
- (h) Respond to requests for information from media outlets
- (i) Seek out and cultivate news and information resources for the development of positive stories

### 3. Internal Township Communications

- (a) Work with Township team members to conceptualize and implement communications strategies and campaigns for various departments
- (b) Develop escalation protocols for managing communication crises, should they arise
- (c) Coordinate development and updates of website with vendors

D. **Division of Business Development.** The Division shall Promote a strong local economy by developing relationships between businesses, citizens and the Township through a variety of events, outreach and services.

#### 1. Business Development

- (a) Serve as the liaison between new and established town businesses, business organizations and the Township
- (b) Develop, write, and edit marketing and communications materials directed at businesses
- (c) Meet with new businesses in town
- (d) Represent the town at all networking related groups; Chamber of Commerce, Rotary etc.
- (e) Explore the concept of creating a Clark Business Alliance – or similar concept
- (f) Ribbon Cutting Events for new businesses
- (g) Set up Business Networking Events
- (h) Attend regional, statewide commerce events to represent and attract business to Clark

**SECTION 3:** The initial salary range for the Director of Communications and Business Development, depending on qualifications is \$55,000 to \$90,000.

**SECTION 4:** 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 5:** Effective Date: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: February 24, 2021



**TOWNSHIP OF CLARK**  
**Ordinance No. 21-05**  
**Adopted \_\_\_\_\_**

PH 2

Introduced: January 19, 2021 Public Hearing: February 1, 2021

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 84  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "ANIMALS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 84 of the Code of the Township of Clark is hereby amended and supplemented as follows:

**SECTION 1:**     **Farm Animals.** Farm Animals are hereby defined to include but not be limited to chickens, ducks, geese, pheasants, turkeys, quail or other fowl, cows, goats, rabbits, sheep, swine, horses, or cattle and such other animals as are typically raised on farms for domestic use.

**SECTION 2:**     **Farm Animals Prohibited.** The raising, keeping, and breeding of farm animals, as defined hereinabove, is strictly prohibited within all zones including commercial and industrial property within the jurisdictional limits of the Township of Clark.

**SECTION 3:**     **Other Birds.** The keeping, breeding and raising of pigeons on any property within all zones within the jurisdictional limits of the Township of Clark is prohibited.

**SECTION 4:**     **Exemption.** Any resident keeping, harboring, raising and/or caring for chickens prior to the introduction of this ordinance and who has registered same with the Clark Health Department shall be exempt from this ordinance until such time as the registered animals (chickens) are no longer living, and must comply with the following past practices as they relate to chickens:

- a. No more than 6 chickens are allowed
- b. No roosters
- c. Chicken coops must be offset at least 3 feet from all property lines.
- d. All waste generated from the chickens must be picked up and disposed of daily.
- e. Chicken feed must be kept in metal, rodent proof containers, with secure lids at all time.
- f. Any eggs from chickens may not be sold and can only be used for personal consumption.
- g. The premises shall be kept clean and free from the accumulation of all liquid and solid excrement or other filth, free from any condition where noxious odors or offensive odors may be present, and free from any condition which may breed flies, insects, rodents or other vermin.



TOWNSHIP OF CLARK  
Ordinance No. 21-06  
Adopted \_\_\_\_\_

PH 3

Introduced: January 19, 2021 Public Hearing: February 1, 2021

**AN ORDINANCE TO AMEND CHAPTER 347  
ENTITLED "VEHICLES AND TRAFFIC" OF THE  
CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 347, Article II, § 347-9 Parking Prohibited During State of Emergency is hereby amended as follows:

**SECTION 1:** § 347-9 A. shall be deleted in its entirety and replaced with the following:

Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary "Emergency No Parking" signs are displayed. The Chief of Police or, in his/her absence, the ranking police officer is authorized to declare an emergency and to direct the posting of "Emergency No Parking" signs when (1) weather conditions, (2) accidents, (3) for municipal or private construction operations, (4) fire or (5) public celebrations dictate or require avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that "Emergency No Parking" signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

**SECTION 2: 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 3: Effective date:**

This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: February 24, 2021

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

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**STEVEN M. HUND**  
Council President

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**SALVATORE BONACCORSO**  
Mayor



**TOWNSHIP OF CLARK**

**Ordinance No. 21-07**

**Adopted \_\_\_\_\_**

PH 4

Introduced: January 19, 2021 Public Hearing: February 1, 2021

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306,  
ARTICLE I, ENTITLED "STORMWATER MANAGEMENT" OF THE  
CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 306, Article I, entitled Stormwater Management of the Code of the Township of Clark is hereby deleted in its entirety and replaced to conform with NJAC 7:8 et. seq. as follows:

**§ 306-1 Scope and Purpose.**

**A. Policy statement.**

- (1) Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including Green Infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and Low Impact Development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- (2) In addition to the proper design and construction of stormwater management facilities, continued inspection and maintenance will be required through the life of each facility. This oversight includes periodic inspection of stormwater facilities and review of operation and maintenance records kept by each property owner; including inspection logs, maintenance records, and stormwater facility location information.

**B. Purpose.**

- (1) This article is enacted in accordance with the Stormwater Pollution Prevention Plan (SPPP) of the Township of Clark and is enacted with the purpose to establish minimum stormwater management requirements and controls for "major development," as defined herein.

- (2) The Township of Clark is also subject to compliance with the New Jersey Municipal Stormwater Regulation Program. Under this program, the Township of Clark holds a Municipal Separate Storm Sewer System (MS4) permit that requires the municipality to have a system of oversight in place to ensure adequate long-term operation and maintenance of stormwater facilities approved but not owned or operated by it. Stormwater facilities include, among other devices and structures, stormwater management basins.
- (3) A system of oversight is achieved by the implementation of local ordinances which are required by the MS4 permit with the legal authority being derived from the Federal Clean Water Act, the New Jersey Water Pollution Control Act and the New Jersey Stormwater Management Rules. The Township's system of oversight requires collaboration with the owners or operators of stormwater facilities.
- (4) The Township of Clark also is establishing a policy for addressing stormwater management for development not meeting the criteria of major development. Design standards and design requirements not included herein may be found in a publication entitled "New Jersey Stormwater Best Management Practices Manual" (BMP Manual) that may be found at [https://www.njstormwater.org/bmp\\_manual2.htm](https://www.njstormwater.org/bmp_manual2.htm) .

The Stormwater Management rules, N.J.A.C. 7:8 specify stormwater management standards that are mandatory in New Jersey for new major development. The BMP Manual was developed by the NJDEP to provide guidance to address the standards in the Stormwater Management Rules, N.J.A.C. 7:8.

C. Applicability.

- (1) This article shall be applicable to all site plans and subdivisions for developments that require **either** preliminary or final site plan or subdivision review:
- (2) This article shall also be applicable to all major developments undertaken by the Township of Clark.

D. Compatibility with other permit and ordinance requirements.

Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## **§ 306-2 Definitions.**

- A. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

In addition to the following definitions, definitions contained in the BMP Manual, Appendix D "Model Stormwater Control Ordinance for Municipalities" (BMP Manual – Appendix D), Section II Definitions.

### **CONTRIBUTORY DRAINAGE AREA**

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

### **DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means: any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

### **DOMESTIC SEWAGE**

Waste and wastewater from humans or household operations.

### **FEED**

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

### **ILLICIT CONNECTION**

Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Clark, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

## **INDUSTRIAL WASTE**

Nondomestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

## **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by Clark Township or other public body and is designed and used for collecting and conveying stormwater.

## **NJPDES PERMIT**

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

## **NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL**

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 306-4 F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

## **NONCONTACT COOLING WATER**

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may however contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

## **PROCESS WASTEWATER**

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

## **STORMWATER RUNOFF**

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

## **WILDLIFE**

All animals that are neither human nor domesticated.

### **§ 306-3 Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **§ 306-4 Stormwater Management Requirements for Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a development in accordance with BMP Manual, Appendix D “Model Stormwater Control Ordinance for Municipalities” (BMP Manual – Appendix D), Section X as may be amended herein.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of BMP Manual – Appendix D., Sections IV P., Q. and R.
  - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion.
  - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements

of the BMP Manual – Appendix D., Section IV, O., P., Q. and R. may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of the BMP Manual – Appendix D., Section IV, O., P., Q. and R. to the maximum extent practicable;
  - (3) The applicant demonstrates that, in order to meet the requirements of the BMP Manual – Appendix D., Section IV, O., P., Q. and R., existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under the BMP Manual – Appendix D, Section IV, D. (3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of the BMP Manual – Appendix D., Section IV, O., P., Q. and R. that were not achievable onsite.
- E. Tables 1, 2 and 3 in the BMP Manual – Appendix D summarize the ability of stormwater best management practices that are identified and described in the Appendix to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in the BMP Manual – Appendix D., Section IV, O., P., Q. and R. When designed in accordance with the most current version of the BMP Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables referenced above. The most current version of the BMP Manual can be found on the Department’s website at:
- [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm)
- F. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate is addressed in the BMP Manual – Appendix D., Section IV, G.
- G. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- H. Design standards for stormwater management measures are found in the BMP Manual – Appendix D., Section I.
- I. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices are further discussed in more detail the BMP Manual – Appendix D., Section IV, J. and O.
- J. Agricultural development shall comply with and be guided by the BMP Manual – Appendix D., Section IV, K.
- K. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at the BMP Manual – Appendix D., Section IV, P., Q. and R. shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- L. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk., the details of which shall comply with the BMP Manual – Appendix D., Section IV, M.
- M. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to the BMP Manual – Appendix D., and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 306-4 M. above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- N. Green Infrastructure Standards
- Green infrastructure designs shall comply with the BMP Manual - Appendix D., Section IV. O.
- O. Groundwater Recharge Standards
- Groundwater recharge designs shall comply with the BMP Manual – Appendix D., Section IV., P.
- P. Stormwater Runoff Quality Standards

Stormwater runoff quality designs shall comply with the BMP Manual – Appendix D., Section IV. Q.

Q. Stormwater Runoff Quantity Standards

Stormwater runoff quantity designs shall comply with the standards outlined in the BMP Manual – Appendix D., Section IV. R.

R. Minimum Development Design Criteria

Development that does not meet the criteria of a major development shall address the requirements herein to the maximum extent practicable. At a minimum, applicants proposing such development shall document that there is no additional runoff draining to adjoining properties. Runoff from new impervious coverage shall be routed to the nearest street or municipal storm drainage system and not to adjacent properties.

**§ 306-5 Calculation of Stormwater Runoff and Groundwater Recharge.**

A. Stormwater runoff shall be calculated in accordance the BMP Manual – Appendix D., Section V, A.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420  
Mail Code 29-01, Trenton, New Jersey 08625-0420.

**§ 306-6 Sources for Technical Guidance**

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP website at:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm)

(1) Guidelines for stormwater management measures are contained in the BMP Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the NJDEP's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm)

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of  
Environmental Protection, Mail Code 401-02B, PO Box 420,  
Trenton, New Jersey 08625-0420

**§ 306-7 Solids and Floatable Materials Control Standards**

Site design related to solids or floatable materials shall comply with the BMP Manual – Appendix D., Section VII.

**§ 306-8 Safety Standards for Stormwater Management Basins.**

Stormwater management basins shall provide safety measures in accordance with standards outlined in the BMP Manual – Appendix D., Section VIII.

**§ 306-9 Requirements for a Site Development Stormwater Plan.**

A site development stormwater plan shall comply with the requirements of the BMP Manual – Appendix D., Section IX.

**§ 306-10 Maintenance and Repair.**

- A. Applicability

Projects subject to review as in § 306-1 C. of this ordinance shall comply with the requirements of the BMP Manual – Appendix D., Section X, B. regarding general maintenance and C. regarding performance and maintenance guarantees.

- B. Inspection, oversight and owner responsibilities. [Added 12-4-2017 by Ord. No. 17-24]

(1) All developments that contain stormwater management measures within the Township that meet the requirements of N.J.A.C. 7:8-1.6, Applicability to major development, and/or if an additional one-quarter acre of impervious surface is being proposed on the development site, are subject to the stormwater maintenance permit and periodic inspection. An annual stormwater maintenance permit is required in January of each year. Stormwater structures and devices listed herein are described in New Jersey Stormwater Best Management Practices Manual, latest edition, issued by the NJDEP and can be found on its website at [http://www.state.nj.us/dep/stormwater/bmp\\_manual2.htm](http://www.state.nj.us/dep/stormwater/bmp_manual2.htm). The annual permit and inspection fees for each stormwater device are as follows:

- (a) Drywell up to 1,000 cf of storage: \$50.
- (b) Drywell over 1,000 cf of storage: \$250.

- (c) Vegetative swales: \$250 for the first 100 linear feet and \$50 for each additional 100 linear feet.
  - (d) Infiltration basin, aboveground: \$500.
  - (e) Infiltration basin, below ground: \$750.
  - (f) Detention basin, aboveground: \$500.
  - (g) Detention basin, belowground: \$750.
  - (h) Wet pond: \$750.
  - (i) Rain garden: \$50.
  - (j) Bioretention basin: \$750.
  - (k) Porous pavement/pervious surface: \$500.
  - (l) Constructed wetland: \$750.
  - (m) Manufactured treatment device: \$500.
  - (n) Storm sewer collection system: \$50.
- (2) Recordkeeping, inspection and repair guidelines and noncompliance penalties.
- (a) Quarterly maintenance records shall be submitted to the Township of Clark Clerk's office. Report forms and report guidance can be obtained in the NJDEP - NJPDES Monitoring Report Form Reference Manual (81 pp). The maintenance records for the periods of:
    - i. January 1 to March 31 must be reported no later than April 30.
    - ii. April 1 to June 30 must be reported no later than July 31.
    - iii. July 1 to September 30 must be reported no later than October 31.
    - iv. October 1 to December 31 to be reported no later than January 31.

Note: Deficient maintenance items identified in this process must be rectified and the owner of the stormwater management facility shall complete the required repairs within 30 days of date of the report. Documentation of the repairs shall be submitted to the Township.

- (b) Mechanically treated structures which utilize filters shall have on record and be provided to the Township the requirements of the replacement of the filters as per manufacturer and the dates the filters have been replaced.
- (c) Inspections shall include but not be limited to:
  - i. Detention basin outflow structures, escape provisions as outlined in N.J.A.C. 7:8-6.2 and all components;
  - ii. Vegetation;
  - iii. Trash racks and overflow grates;
  - iv. Embankment erosion; and
  - v. Sediment removal and pond maintenance.
  - vi. Catch basin and inlet cleaning.

- (d) The owner of the stormwater management measure, immediately upon notice, shall complete repairs that may adversely affect the public's health, safety and welfare.

Note: The permittee is responsible for understanding and meeting all permit requirements. Permittees should read this entire chapter and their permit completely and thoroughly to ensure their understanding of all limitations and conditions contained therein. Submission of improperly completed monitoring report forms (MRF) is a violation of the NJPDES permit and this chapter which may result in the assessment of penalties against the permittee and associated costs.

- (3) The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Township or County may immediately proceed to do so and shall bill the cost thereof to the Owner.
- (4) Nothing in this section shall preclude the Township in which the major development is located from requiring the posting of a performance or maintenance guaranty in accordance with N.J.S.A. 40:55D-53.

### **§ 306-11.1 Violations and penalties.**

- A. General penalty. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty.
- B. NJPDES violations and recovery.
  - (1) A person who has not complied with § 306-10D, Inspection, oversight and owner responsibilities, and who, after notice, refuses to implement and maintain soil erosion control and stormwater runoff control measures and facilities in conformance with these regulations shall be subject to a fine of not more than \$1,000 or 90 days in jail, or both, plus the cost of prosecution. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense. In addition, persons failing to obtain an annual stormwater maintenance permit and persons failing to provide quarterly maintenance records shall be subject to a fine of not more than \$50 and \$100 respectively.
  - (2) Repeat offenses under this chapter shall be subject to increased fines as provided for below. As used in this section, "repeat offenses" means a second or subsequent violation of the same requirement or provision of this chapter for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
    - (a) The fine for any offense which is a first repeat offense shall be \$500, plus costs; and

- (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$2,500, plus costs.
- (c) In addition to other remedies under this chapter, the Township may bring an action against the owner of the property for which the violation exists for the costs incurred in cleaning up and abating the offending condition.
  - i. Failure of owner to repair; repair by Township. If the property owner receiving notice shall not comply with the requirements of such notice, the Engineer, upon filing due proof of service in the office of the Township Clerk, shall cause the required work to be done.
  - ii. Lien. The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the property for which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.
  - iii. Lien to be noted on lien searches. In all searches against any lands affected by any such improvement, it shall be the duty of the Township official making such search to set out the amount due and unpaid for such repairs or improvements, if such amount appears on record. If the amount of such cost shall not yet have been reported as herein provided for, it shall be the duty of such officer to set forth on the search, in brief, a reference to repairs or improvements and the fact that notice was given to the owner to repair.
  - iv. Additional liability of owner. In addition thereto, the Township may have an action to recover such amount against the owner of such lands in any court having competent jurisdiction thereof, and a certified copy of the certificate of lien shall, in such action, be prima facie evidence of the existence of the debt due from such owner to the Township.
- (d) In addition, should an owner violate the requirements of this article on more than two occasions, the Township shall require the submission of a maintenance bond, renewable annually, in the amount to be determined by the Township Engineer, to guarantee future maintenance.

## **§ 306-11.2 Severability**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.



TOWNSHIP OF CLARK  
Ordinance No. 21-10  
Adopted \_\_\_\_\_

INTRO 5

Introduced: February 1, 2021 Public Hearing: February 16, 2021

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS** the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS** N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS** the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS** the Governing Body hereby determines that a 2.5% increase in the budget for said year, amounting to \$466,824.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS** the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2021 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$653,553.74 and that the CY 2021 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED** that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and



TOWNSHIP OF CLARK  
Resolution 21-41  
February 1, 2021

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**WHEREAS** the CARES Act Grant Agreement covered necessary expenditures incurred due to the public health emergency with respect to COVID-19 beginning March 1, 2020 and ending December 31, 2020; and

**WHEREAS** there are unexpended appropriations in the amount of \$147,942.83 as of December 31, 2020; and

**WHEREAS** the Chief Financial Officer has recommended that the unexpended appropriation balances be cancelled.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Clark, County of Union, New Jersey that the unexpended appropriations in the CARES Act Grant be cancelled.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
STEVEN M. HUND  
Council President

Res21/2-1 CancelCARESActBalance

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Mazzarella						
Minniti						
O'Connor						
Smith						
Toal						
Hund						
Entire Council						
<b>TOTAL</b>						

TOWNSHIP OF CLARK

Resolution 21-42

February 1, 2021

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**WHEREAS** Chapter 66, Section 15A of the Code of the Township of Clark requires the designation by resolution of a Municipal Housing Liaison (MHL) to be responsible for oversight and administration of the Affordable Housing Program for the Township; and

**WHEREAS** Business Administrator, John Laezza is qualified to hold the position as Liaison with the Administrative Agent and carry out the responsibilities of those tasks which may not be contracted out to the Administrative Agent.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints John Laezza as the Municipal Housing Liaison in accordance with the above-mentioned section of the Township Code.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
STEVEN M. HUND  
Council President

Res21/2-1AppointMunHousingLiaison

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Mazzarella						
Minniti						
O'Connor						
Smith						
Toal						
Hund						
Entire Council						
<b>TOTAL</b>						