

**AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
March 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. **21-10 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**
2. **21-11 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS"**

INTRODUCTION OF PROPOSED ORDINANCES:

3. **21-13 AN ORDINANCE TO SUPPLEMENT CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF CLARK**

RESOLUTIONS:

4. Authorizing an Interlocal Agreement with the Board of Education for the purpose of providing the necessary financing for the Resurfacing of parking lots at Arthur L. Johnson High School, Kumpf Middle School and Hehnlly Elementary School for joint school and municipal use
5. Authorizing the Health Officer and Township Clerk to enter into an agreement between the Township of Clark and the City of Elizabeth, Division of Health, STD Clinic
6. Authorizing the maintenance contract for the Municipal Building with Edison Heating and Cooling in the amount of \$3,688.80

7. Requesting Permission of the Director of the Division of Local Government Services for the Dedication by Rider for the Storm Recovery Trust Fund
8. Authorization to use a three-year average in estimating Pool revenues in the 2021 Budget

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. 21-10

Adopted _____

Introduced: February 16, 2021 Public Hearing: March 1, 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
Ordinance No. 21-11
Adopted _____

PH 2

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

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 279
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "SEWERS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that various sections of Chapter 279 of the Code of the Township of Clark are hereby amended and supplemented in the following particulars:

SECTION 1: ARTICLE I-SECTION 279-1, Entitled DEFINITIONS

Section 279-1 of the Clark Township Code is amended to add and/or amend the following definitions:

DEMOLITION is hereby defined as "The removal of walls, superstructure, roof, and other structural elements."

SUBSTANTIAL RENOVATION is hereby defined as "A substantial renovation shall consist of any renovation, alteration, addition, or enlargement of an existing structure representing more than 50 percent of the existing building volume above the finished floor elevation or more than 500 Square feet in building area.

SECTION 2: ARTICLE II-SECTION 279-2, entitled DISCHARGE TO SANITARY SEWERS PROHIBITED

Section 279-2, Subsection C is hereby deleted and replaced as follows:

- C. Whenever a property owner with the Township of Clark constructs a new dwelling or structure that requires sanitary sewer discharges, or substantially renovates an existing dwelling irrespective of the type and use of said structure, the property owner shall be required, when undertaking such a construction, to construct a new sanitary sewer lateral in a manner acceptable to the Department of Engineering of the Township of Clark and in a good workmanlike manner, in accordance with standard engineering practices and such construction standards as may be approved by the Township of Clark.

SECTION 3: ARTICLE V-SECTION 279-23 entitled EXCEPTIONS

Section 279-23 Exceptions is hereby deleted.

TOWNSHIP OF CLARK
Resolution 21-47
March 1, 2021

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WHEREAS the Township of Clark has introduced a multi-purpose Bond Ordinance which will provide funds for various capital expenses and acquisitions including authorization for the funding of the 2021 Road Improvement Program within the Township of Clark; and

WHEREAS the Board of Education of the Township of Clark has determined it to be necessary to make capital improvements to its parking facilities at Arthur L. Johnson High School, Kumpf Middle School and Hehnly Elementary School for joint use by the Board of Education and Township of Clark; and

WHEREAS the Board of Education and Township of Clark are desirous of entering into an Interlocal Services Agreement pursuant to which capital improvements to be made to the Board of Education properties at the Arthur L. Johnson High School, Kumpf Middle School and Hehnly Elementary School parking lots can be funded initially through the multi-purpose Bond Ordinance referenced above upon the understanding that the Board of Education through the budgetary process will repay the full amount of the cost of constructing said improvements in equal installments over a five year term to the Township of Clark; and

WHEREAS it has been determined by the Township of Clark and Board of Education of Clark that the execution of an Interlocal Services Agreement for the purposes referenced herein is in the best interest of all of the citizens of Clark, the Township, and the Board of Education; and

WHEREAS in order to implement the foregoing, it will be necessary for both the Township of Clark and the Board of Education to adopt concurring resolutions respecting their agreement to enter into an Interlocal Services Agreement for the purpose set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby express its intention and desire to enter into an Interlocal Services Agreement with the Clark Board of Education for the purpose of providing the necessary financing for the improvement of the parking facilities at Arthur L. Johnson High School, Kumpf Middle School and Hehnly Elementary School for joint school and municipal use; and

BE IT FURTHER RESOLVED that the actions of the Township as referenced hereinabove are contingent upon the adoption of a resolution in kind by the Board of Education pursuant to which the Board of Education shall agree to appropriate funds in sufficient amount in its next five successive budgets to repay the Township of Clark for the costs incurred in connection with the capital improvements at Arthur L. Johnson High School, Kumpf Middle School and Hehnly Elementary School; and

BE IT FURTHER RESOLVED that the Township of Clark upon the receipt of a concurring resolution by the Board of Education will execute the required Interlocal Services Agreement confirming the foregoing; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded upon adoption to the Board of Education of the Township of Clark for its concurrence and the adoption of a resolution by the Board of Education confirmatory in nature.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/3-1InterlocalBdofEdParkingLots

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

TOWNSHIP OF CLARK
Resolution 21-48
March 1, 2021

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer and Township Clerk are hereby authorized to enter into an agreement between the Township of Clark and the City of Elizabeth, Department of Health and Human Services, Division of Health; Sexually Transmitted Disease (STD) Clinic for the period commencing January 1, 2021 and shall remain valid through December 31, 2021.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/3-1AuthSTDCLinicAgreement

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

TOWNSHIP OF CLARK
Resolution 21-49
March 1, 2021

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby accept the Total Comfort Agreement with Edison Heating & Cooling for Heating and Cooling Maintenance Services in the Clark Municipal Building in the amount of \$3,688.80 as executed by the Assistant Treasurer effective for a one-year period from the date of acceptance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res21/

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

TOWNSHIP OF CLARK
 County of Union
 Resolution 21-50
 March 1, 2021

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A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
 BY RIDER FOR STORM RECOVERY TRUST FUND
 REQUIRED BY PL 2013, c271, NJS 40A:4-62.1

WHEREAS, permission is required of the Director of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40A:4-62.1 provides for receipt of Storm Recovery Trust Fund revenue by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from the Storm Recovery Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark, County of Union, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services and in accordance with Township of Clark resolution 20-59 to pay expenditures of the Storm Recovery Trust Fund and NJS 40A:4-62.1.
2. The Clerk of the Township of Clark, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/3-1DedicationbyRider-StormRecoveryTrust

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

TOWNSHIP OF CLARK
 Resolution 21-51
 March 1, 2021

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WHEREAS the Director of the Division of Local Government Services has authorized the use of a three-year average for calculation of COVID affected revenues; and

WHEREAS the Swim Pool Utility revenues were severely impacted in 2020 due to COVID, and the Chief Financial Officer recommends that a three-year average be utilized for these revenues in the 2021 Swim Pool Budget.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that a three-year average be utilized in estimating Swim Pool Revenues in the 2021 Budget.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res21/3-1Auth3-yearAverage-PoolBudget

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