

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**  
**February 6, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCE:**

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

**Ordinance 17-01**

**BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A SYNTHETIC TURF SOCCER FIELD AT BARTELL PARK IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY, TO APPROPRIATE THE SUM OF \$680,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A COUNTY GRANT AND A PRIVATE CONTRIBUTION, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Council President Albanese opened the Public Hearing on Ordinance 17-01

**Matthew Pop, 78 Bartell Place:**

- concerns regarding traffic with turf field
- does not object to turf field
- ideas regarding more parking areas
- timing of games causing congestion
- landscaping for noise reduction

Councilman Toal: Reinforced his support of the neighborhood.

Seeing no one else coming forward Councilman Mazzarella made a motion to close the Public Hearing, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance made by Councilman Hund, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

### **RESOLUTIONS:**

#### **Bond Sale Resolutions:**

##### **Resolution 17-43**

RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$15,100,000 GENERAL IMPROVEMENT BONDS AND \$500,000 SEWER UTILITY BONDS, BOTH ISSUES DATED MARCH 15, 2017, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the Township Council of the Township of Clark, in the County of Union, New Jersey (the "Township"), desires to make further provision for the issuance of \$15,100,000 General Improvement Bonds and \$500,000 Sewer Utility Bonds (collectively, the "Bonds"), which are to be issued

pursuant to bond ordinances heretofore adopted by the Township Council; NOW, THEREFORE,

BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

TOWNSHIP OF CLARK,  
IN THE COUNTY OF UNION, NEW JERSEY

\$15,600,000 BONDS CONSISTING OF  
\$15,100,000 GENERAL IMPROVEMENT BONDS AND  
\$500,000 SEWER UTILITY BONDS

(Book-Entry Only)  
(Non-Callable) (Parity Bid)

dated  
March 15, 2017

The Township of Clark, in the County of Union, a municipal corporation of the State of New Jersey (the "Township"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$15,100,000 General Improvement Bonds and \$500,000 Sewer Utility Bonds, each issue dated March 15, 2017 (individually, the "General Improvement Bonds" or the "Sewer Utility Bonds"; collectively, the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Director of Revenue and Finance in the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, on March 7, 2017 at 11:00 o'clock A.M. (local time).

The Bonds comprise two issues of bonds payable on March 15 in each year (without the right of prior redemption) as follows:

\$15,100,000 General Improvement Bonds

\$850,000 in each of the years 2018 and 2019,  
\$1,500,000 in the year 2020, and  
\$1,700,000 in each of the years 2021 to 2027, inclusive.

\$500,000 Sewer Utility Bonds

\$100,000 in each of the years 2018 to 2022, inclusive.

The combined maturity schedule for the Bonds is as follows:

| <u>Year</u> | <u>Principal<br/>Amount</u> | <u>Year</u> | <u>Principal<br/>Amount</u> |
|-------------|-----------------------------|-------------|-----------------------------|
| 2018        | \$ 950,000                  | 2023        | \$1,700,000                 |
| 2019        | 950,000                     | 2024        | 1,700,000                   |
| 2020        | 1,600,000                   | 2025        | 1,700,000                   |
| 2021        | 1,800,000                   | 2026        | 1,700,000                   |
| 2022        | 1,800,000                   | 2027        | 1,700,000                   |

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of each issue will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each March 15 and September 15, commencing September 15, 2017 (each, an "Interest Payment Date"), in each year until maturity, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Township will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Township determines that continuation of the book-entry system of

evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will deliver replacement bonds in the form of fully registered certificates.

The Bonds are general obligations of the Township and are secured by a pledge of the full faith and credit of the Township for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Township without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$15,600,000 nor more than \$15,756,000. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$156,000 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Township under any legally acceptable proposal. The Township reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Township reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds

will be authenticated by the Director of Revenue and Finance, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Director of Revenue and Finance, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$312,000, payable to the order of the TOWNSHIP OF CLARK, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Township no later than 11:00 A.M. on March 7, 2017. If a cash wire is utilized, each bidder must notify the Township of its intent to use such cash wire prior to 11:00 A.M. on March 7, 2017, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on March 7, 2017 (with return wiring instructions). Wire instructions for the Township can be obtained by contacting the Director of Revenue and Finance (Terance J. O'Neill (732) 388-3600 ext. 3019) or the Township's Bond Counsel (Steven Rogut or Peter Calhoun (908) 931-1150). If a check is used, it must accompany the bid or be received by the undersigned Director of Revenue and Finance prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Township is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the Purchaser. The Deposit will be applied in part payment for the Bonds or to partially secure the Township from any loss resulting from the failure of the Purchaser to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the

Bonds shall be paid for by the Township; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

The Bonds shall be delivered on or about March 16, 2017 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Township. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or may be obtained from the undersigned, Director of Revenue and Finance, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, Telephone No. (732) 388-3600 ext. 3019. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Township by facsimile transmission or overnight delivery received by Bond Counsel and the Township within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Township (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Township who will have executed the final Official



Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Township has agreed in its bond resolution adopted on February 6, 2017 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Township's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2016), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the Township to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Township has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Township has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income

of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The successful bidder will be required to furnish, prior to the delivery of the Bonds, a certificate acceptable to Bond Counsel setting forth information with respect to the Bonds including the "issue price" of the Bonds within the meaning of Section 1273 of the Code.

By order of the Township Council of the Township of Clark,  
in the County of Union, New Jersey.

Dated: February 16, 2017

/s/ Terance J. O'Neill  
Director of Revenue and Finance  
Township of Clark  
County of Union, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

TOWNSHIP OF CLARK,  
IN THE COUNTY OF UNION, NEW JERSEY

\$15,600,000 BONDS CONSISTING OF  
\$15,100,000 GENERAL IMPROVEMENT BONDS AND  
\$500,000 SEWER UTILITY BONDS

(Book-Entry Only)  
(Non-Callable) (Parity Bid)

dated  
March 15, 2017

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Director of Revenue and Finance of the Township of Clark, in the County of Union, New Jersey (the "Township"), in the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, on

March 7, 2017

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Township's \$15,100,000 General Improvement Bonds and \$500,000 Sewer Utility Bonds, each issue dated March 15, 2017 (individually, the "General Improvement Bonds" or the "Sewer Utility Bonds"; collectively, the "Bonds").

The Bonds comprise two issues of bonds payable on March 15 in each year (without the right of prior redemption) as follows:

\$15,100,000 General Improvement Bonds

\$850,000 in each of the years 2018 and 2019,  
\$1,500,000 in the year 2020, and  
\$1,700,000 in each of the years 2021 to 2027, inclusive.

\$500,000 Sewer Utility Bonds

\$100,000 in each of the years 2018 to 2022, inclusive.

The combined maturity schedule for the Bonds is as follows:

| <u>Year</u> | <u>Principal<br/>Amount</u> | <u>Year</u> | <u>Principal<br/>Amount</u> |
|-------------|-----------------------------|-------------|-----------------------------|
| 2018        | \$ 950,000                  | 2023        | \$1,700,000                 |
| 2019        | 950,000                     | 2024        | 1,700,000                   |
| 2020        | 1,600,000                   | 2025        | 1,700,000                   |
| 2021        | 1,800,000                   | 2026        | 1,700,000                   |
| 2022        | 1,800,000                   | 2027        | 1,700,000                   |

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The full Notice of Sale (the "Notice of Sale") and Proposal for Bonds to be made available to interested persons should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity) specified by the successful bidder payable on each March 15 and September 15, commencing September 15, 2017, in each year until maturity. The purchase price specified must not be less than \$15,600,000 nor more than \$15,756,000 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$312,000 to the order of the Township. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Township will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or by contacting the undersigned Director of Revenue and Finance at the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, Telephone No. (732) 388-3600 ext. 3019.

By order of the Township Council of the Township of Clark,  
in the County of Union, New Jersey.

Dated: February 21, 2017

/s/ Terance J. O'Neill  
Director of Revenue and Finance  
Township of Clark  
County of Union, New Jersey

Section 3. The Township Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Union County Local Source, a newspaper of general circulation published in the County of Union and circulating in the Township. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about February 21, 2017 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about March 7, 2017 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Director of Revenue and Finance and the Township Clerk on behalf of the Township, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Township hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Township will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Township's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2016, provide or cause to be provided annual financial information with respect to the Township consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Township and (ii) certain



financial information and operating data consisting of information concerning the Township's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or

- other material events affecting the tax status of the Bonds;
- (7) Modifications to the rights of Bondholders, if material;
  - (8) Bond calls, if material, and tender offers;
  - (9) Defeasances;
  - (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
  - (11) Rating changes;
  - (12) Bankruptcy, insolvency, receivership or similar event of the Township (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township);
  - (13) The consummation of a merger, consolidation, or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive

agreement relating to any such actions, other than pursuant to its terms, if material; and

- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Township to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Township fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Township for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Township reserves the right to terminate its obligation to provide annual financial information

and notice of material events, as set forth above, if and when the Township no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Township from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Township, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Township hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. The Mayor, the Director of Revenue and Finance and the Township Clerk are hereby authorized and directed to execute and deliver such other documents and to take

such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 14. The Director of Revenue and Finance, the Township Clerk, the Bond Counsel, the Auditor and other Township officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the Bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 15. This resolution shall take effect immediately upon its adoption.

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**Resolution 17-43**

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF  
BONDS INTO A SINGLE ISSUE AND PRESCRIBING  
THE DETAILS AND BOND FORM THEREOF FOR  
\$15,100,000 GENERAL IMPROVEMENT BONDS  
DATED MARCH 15, 2017

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances; NOW, THEREFORE,

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

Section 1. There shall be issued at this time \$749,000 of the bonds authorized pursuant to Bond Ordinance No. 07-07 adopted by the Township Council of said Township on April 16, 2007. The bonds are issued to finance the undertaking of recreation improvements consisting of (i) installation of a synthetic turf athletic field, a synthetic surface track and lighting at Arthur L. Johnson High School and (ii) installation of lighting at the Little League Field; and the installation of a new police dispatcher communications system at the Public Safety Building, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 13.63 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$210,000 of the bonds authorized pursuant to Bond Ordinance No. 07-08 adopted by the Township Council of said Township on April 16, 2007. The bonds are issued to finance the undertaking of the 2007 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be

financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$441,000 of the bonds authorized pursuant to Bond Ordinance No. 08-03 adopted by the Township Council of said Township on March 17, 2008, as amended by Bond Ordinance No. 08-07 adopted by the Township Council of said Township on May 5, 2008. The bonds are issued to finance the undertaking of (i) improvement of Orchard Street (entire length); (ii) improvement of parking facilities at Arthur L. Johnson High School and Hehnly Elementary School for joint school and municipal use; and (iii) the 2008 Capital Road Improvement Program; the acquisition of two dump trucks with plows and accessories for the use of the Department of Public Works (the "DPW"); the undertaking of (i) various improvements to municipal facilities, including, but not limited to, installation of new gym floors in the Recreation Wing of the Municipal Building and (ii) various recreation improvements, including, but not limited to, improvement of the track at Arthur L. Johnson High School; and the acquisition of a four-wheel drive police supervisory/emergency vehicle for the use of the Police Department, all in, by and for the Township. The average period of usefulness of the several purposes to be

financed by such bond ordinance is a period of 10.28 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$575,000 of the bonds authorized pursuant to Bond Ordinance No. 09-03 adopted by the Township Council of said Township on March 2, 2009. The bonds are issued to finance the undertaking of various improvements to the Municipal Building to repair water damage in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$80,000 of the bonds authorized pursuant to Bond Ordinance No. 09-05 adopted by the Township Council of said Township on March 2, 2009, as amended by Bond Ordinance No. 09-23 adopted by the Township Council of said Township on November 2, 2009. The bonds are issued to finance the acquisition of a garbage truck and other public works vehicles for the use of the DPW in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$510,000 of the bonds authorized pursuant to Bond Ordinance No. 09-10 adopted by the Township Council of said Township on April



20, 2009. The bonds are issued to finance the undertaking of the 2009 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$935,000 of the bonds authorized pursuant to Bond Ordinance No. 10-14 adopted by the Township Council of said Township on June 21, 2010. The bonds are issued to finance the acquisition of two dump trucks with plows and accessories for the use of the DPW; the undertaking of various improvements to municipal facilities, including, but not limited to, installation of an elevator at the rear of the Public Safety Building, 315 Westfield Avenue, to serve the Municipal Court and the Council Chambers; and the undertaking of the 2010 Capital Road Improvement Program, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.80 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$724,000 of the bonds authorized pursuant to Bond Ordinance No. 11-12 adopted by the Township Council of said Township on May 2, 2011. The bonds are issued to finance the undertaking of the 2011 Capital Road Improvement Program in, by and for the

Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 9. There shall be issued at this time \$196,000 of the bonds authorized pursuant to Bond Ordinance No. 11-13 adopted by the Township Council of said Township on May 2, 2011. The bonds are issued to finance the acquisition of a backhoe and a dump truck with plow for the use of the DPW, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.75 years computed from the date of such bonds.

Section 10. There shall be issued at this time \$130,000 of the bonds authorized pursuant to Bond Ordinance No. 11-22 adopted by the Township Council of said Township on November 21, 2011. The bonds are issued to finance the acquisition of four-wheel drive police utility vehicles for the use of the Police Department in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 11. There shall be issued at this time \$1,170,000 of the bonds authorized pursuant to Bond Ordinance No. 12-08 adopted by the Township Council of said Township on

August 20, 2012. The bonds are issued to finance the undertaking of the 2012 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 12. There shall be issued at this time \$1,086,000 of the bonds authorized pursuant to Bond Ordinance No. 13-08 adopted by the Township Council of said Township on May 20, 2013. The bonds are issued to finance the undertaking of the 2013 Capital Road Improvement Program; the acquisition of (i) a truck with roll on/roll off hoist for the use of the DPW and (ii) an SUV for the use of the Office of Emergency Management; and the acquisition of 9-1-1 communications equipment for the use of the Police Department, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 8.84 years computed from the date of such bonds.

Section 13. There shall be issued at this time \$1,615,000 of the bonds authorized pursuant to Bond Ordinance No. 14-01 adopted by the Township Council of said Township on February 18, 2014. The bonds are issued to finance the acquisition of two new rescue pumper fire engines; and the undertaking of various improvements to municipal facilities,

including, but not limited to, (i) expansion of Firehouse No. 2 (located on Raritan Road) and (ii) installation of generators at various public buildings, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 11.17 years computed from the date of such bonds.

Section 14. There shall be issued at this time \$380,000 of the bonds authorized pursuant to Bond Ordinance No. 14-05 adopted by the Township Council of said Township on April 21, 2014. The bonds are issued to finance the construction of a new entrance road and making of parking improvements at Valley Road School for joint school and municipal use and public safety purposes in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 15. There shall be issued at this time \$305,000 of the bonds authorized pursuant to Bond Ordinance No. 14-15 adopted by the Township Council of said Township on June 16, 2014. The bonds are issued to finance the undertaking of improvements to the intersection of Westfield Avenue and Terminal Avenue in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 16. There shall be issued at this time \$475,000 of the bonds authorized pursuant to Bond Ordinance No. 14-19 adopted by the Township Council of said Township on July 21, 2014. The bonds are issued to fund the municipal contribution to roadway improvements at the intersection of Raritan Road and Central Avenue in connection with the Clark Commons Project in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 17. There shall be issued at this time \$950,000 of the bonds authorized pursuant to Bond Ordinance No. 15-03 adopted by the Township Council of said Township on March 16, 2015. The bonds are issued to finance the undertaking of the 2015 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 18. There shall be issued at this time \$760,000 of the bonds authorized pursuant to Bond Ordinance No. 15-04 adopted by the Township Council of said Township on March 16, 2015. The bonds are issued to finance the acquisition of self-contained breathing apparatus equipment, thermal imaging cameras and turnout gear for the use of the Fire Department; the

acquisition of a three wheel sweeper for the use of the DPW; the acquisition of a dump truck with plow, a pickup truck with plow and lift gate, a mason dump truck with plow and a leaf and branch pickup attachment for a loader for the use of the DPW; and the acquisition of mobile license plate reader system equipment for the use of the Police Department, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 7.55 years computed from the date of such bonds.

Section 19. There shall be issued at this time \$380,000 of the bonds authorized pursuant to Bond Ordinance No. 15-18 adopted by the Township Council of said Township on November 16, 2015. The bonds are issued to finance the installation of generators at the Municipal Building and Firehouse No. 1 (located on Broadway); the acquisition of computer equipment for the use of various Township departments, offices and agencies; and the undertaking of various improvements to municipal facilities, including the acquisition of new additional or replacement equipment and machinery, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 13.76 years computed from the date of such bonds.

Section 20. There shall be issued at this time \$1,850,000 of the bonds authorized pursuant to Bond Ordinance No. 16-06 adopted by the Township Council of said Township on May 2, 2016. The bonds are issued to finance the undertaking of (i) the Downtown Village Zone Sidewalk and Streetscape Improvements Project and (ii) the 2016 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 21. There shall be issued at this time \$1,057,000 of the bonds authorized pursuant to Bond Ordinance No. 16-07 adopted by the Township Council of said Township on June 6, 2016. The bonds are issued to finance the undertaking of the 2016 Capital Road Improvement Program (Phase II), in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed

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Section 22. There shall be issued at this time \$522,000 of the bonds authorized pursuant to Bond Ordinance No. 17-01 adopted by the Township Council of said Township on February 6, 2017. The bonds are issued to finance the construction of a synthetic turf soccer field at Bartell Park in, by and for the Township. The period of usefulness of the

purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 23. The bonds authorized by said twenty-two bond ordinances described in Sections 1 to 22, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$15,100,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said twenty-two bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 10.47 years computed from the date of such bonds. Said issue shall be payable in annual installments on March 15 in each year as follows:

\$850,000 in each of the years 2018 and 2019,



\$1,500,000 in the year 2020, and  
\$1,700,000 in each of the years 2021 to 2027, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such twenty-two bond ordinances.

Section 24. All of said bonds shall be dated March 15, 2017, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each March 15 and September 15, commencing September 15, 2017 (each, an "Interest Payment Date"), in each year until maturity. The bonds shall not be subject to redemption prior to their stated maturities.

Section 25. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond

certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 24 of this resolution, and principal of the bonds will be paid annually on March 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such interest payment date occurs. The Township will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Township determines that continuation of the book-entry system

of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 26. The Director of Revenue and Finance, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Township Council to be hereafter adopted. The Director of Revenue and Finance shall report in writing to the Township Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 27. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Director of Revenue and Finance by manual or facsimile signature and the

corporate seal of said Township shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Township Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 28. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF UNION  
TOWNSHIP OF CLARK  
GENERAL IMPROVEMENT BOND

| <u>INTEREST</u><br><u>RATE PER</u><br><u>ANNUM</u> | <u>MATURITY DATE</u> | <u>DATED DATE</u> | <u>CUSIP</u> |
|----------------------------------------------------|----------------------|-------------------|--------------|
| %                                                  | MARCH 15, 20__       | MARCH 15, 2017    | 181558__     |

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----  
DOLLARS

The Township of Clark, a municipal corporation of the State of New Jersey, located in the County of Union (hereinafter referred to as the "Township"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and

to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each March 15 and September 15, commencing September 15, 2017 (each, an "Interest Payment Date"), of each year until maturity. This Bond is not subject to redemption prior to maturity. The principal hereof is payable at the office of the Director of Revenue and Finance, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to twenty-two bond ordinances adopted by the Township Council of the Township on April 16, 2007 (two ordinances, Ord. Nos. 07-07

and 07-08), March 17, 2008 (Ord. No. 08-03, as amended by Ord. No. 08-07 adopted on May 5, 2008), March 2, 2009 (Ord. Nos. 09-03), March 2, 2009 (Ord. No. 09-05, as amended by 09-23 adopted on November 2, 2009), April 20, 2009 (Ord. No. 09-10), June 21, 2010 (Ord. No. 10-14), May 2, 2011 (two ordinances, Ord. Nos. 11-12 and 11-13), November 21, 2011 (Ord. No. 11-22), August 20, 2012 (Ord. No. 12-08), May 20, 2013 (Ord. No. 13-08), February 18, 2014 (Ord. No. 14-01), April 21, 2014 (Ord. No. 14-05), June 16, 2014 (Ord. No. 14-15), July 21, 2014 (Ord. No. 14-19), March 16, 2015 (two ordinances, Ord. Nos. 15-03 and 15-04), November 16, 2015 (Ord. No. 15-18), May 2, 2016 (Ord. No. 16-06), June 6, 2016 (Ord. No. 16-07) and February 6, 2017 (Ord. No. 17-01) and resolutions adopted by the Township Council of the Township on February 6, 2017.

The Bond Registrar/Paying Agent shall keep at its office the books of the Township for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond

Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Township are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Director of Revenue and Finance by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Township Clerk by



manual or facsimile signature and this Bond to be dated March 15, 2017.

[SEAL]  
signature)

(manual or facsimile

Mayor

ATTEST:

(manual or facsimile signature)  
signature)

(manual or facsimile

Township Clerk

Director of Revenue and

Finance

AUTHENTICATION DATE: MARCH 16, 2017

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated March 15, 2017 of the Township of Clark, in the County of Union, State of New Jersey.

Director of Revenue and Finance,  
as Bond Registrar/Paying Agent

## ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_,  
the \_\_\_\_\_ within \_\_\_\_\_ Bond and \_\_\_\_\_ irrevocably appoints

\_\_\_\_\_,  
attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

\_\_\_\_\_

[End of Form of Bond]

Section 29. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Township upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond

Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Township or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Township shall appoint such registrars, transfer agents, depositories or other agents and make such other

arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Director of Revenue and Finance is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Township Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, the books of the Township for the registration, registration of transfer, exchange and payment of the bonds.

Section 30. The Mayor, the Director of Revenue and Finance and the Township Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 31. This resolution shall take effect immediately upon its adoption.

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**Resolution 17-44**

RESOLUTION PRESCRIBING

THE DETAILS AND BOND FORM THEREOF FOR  
\$500,000 SEWER UTILITY BONDS  
DATED MARCH 15, 2017

WHEREAS, Bond Ordinance No. 16-04 has been duly adopted by the Township Council of the Township of Clark, in the County of Union, New Jersey (the "Township") on March 21, 2016 and it is necessary to provide for the issuance of a portion of the bonds authorized by such bond ordinance; NOW, THEREFORE,

BE IT RESOLVED by the Township Council of the Township, as follows:

Section 1. The bonds authorized by Bond Ordinance No. 16-04 (the "Bond Ordinance") shall be issued as a single issue of bonds, aggregating \$500,000, consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The bonds are being issued to finance the replacement of sanitary sewer lines at Colonial Drive and Lexington Boulevard (and other locations to be determined) in, by and for the Sewer Utility of the Township. The period of usefulness within which the bonds mature,

according to the reasonable life of the purpose to be financed as set forth in the Bond Ordinance, is a period of 40 years computed from the date of such bonds. Said issue shall be payable in annual installments on March 15 in each year as follows:

\$100,000 in each of the years 2018 to 2022, inclusive.

Said bonds shall be designated "Sewer Utility Bonds".

Section 2. All of said bonds shall be dated March 15, 2017, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each March 15 and September 15, commencing September 15, 2017 (each, an "Interest Payment Date"), in each year until maturity. The bonds shall not be subject to redemption prior to their stated maturities.

Section 3. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of

the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 2 of this resolution, and principal of the bonds will be paid annually on March 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such interest payment date occurs. The Township will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Township will discontinue the book-entry system with



DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 4. The Director of Revenue and Finance, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Township Council to be hereafter adopted. The Director of Revenue and Finance shall report in writing to the Township Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 5. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Director of Revenue and Finance by manual or facsimile signature and the corporate seal of said Township shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Township Clerk by manual or facsimile signature. The bonds will

be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 6. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF UNION  
TOWNSHIP OF CLARK  
SEWER UTILITY BOND

INTEREST  
RATE PER  
ANNUM

MATURITY DATE

DATED DATE

CUSIP

%

MARCH 15, 20\_\_

MARCH 15, 2017

181558\_\_

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----  
DOLLARS

The Township of Clark, a municipal corporation of the State of New Jersey, located in the County of Union (hereinafter referred to as the "Township"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and

to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each March 15 and September 15, commencing September 15, 2017 (each, an "Interest Payment Date"), of each year until maturity. This Bond is not subject to redemption prior to maturity. The principal hereof is payable at the office of the Director of Revenue and Finance, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to a bond ordinance adopted by the Township Council of the Township on March 21, 2016 (Ord. No. 16-04) and resolutions

adopted by the Township Council of the Township on February 6, 2017.

The Bond Registrar/Paying Agent shall keep at its office the books of the Township for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Township are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Director of Revenue and Finance by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Township Clerk by manual or facsimile signature and this Bond to be dated March 15, 2017.

[SEAL]  
signature)

(manual or facsimile

Mayor

ATTEST:

(manual or facsimile signature)  
signature)  
Township Clerk

Finance

(manual or facsimile

Director of Revenue and

AUTHENTICATION DATE: March 16, 2017

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the Sewer Utility Bonds dated March 15, 2017 of the Township of Clark, in the County of Union, State of New Jersey.

Director of Revenue and Finance,  
as Bond Registrar/Paying Agent

## ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

the \_\_\_\_\_ within Bond and irrevocably appoints

\_\_\_\_\_, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

\_\_\_\_\_

[End of Form of Bond]



Section 7. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Township upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond

Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Township or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Township shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration,

registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Director of Revenue and Finance is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Township Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, the books of the Township for the registration, registration of transfer, exchange and payment of the bonds.

Section 8. The Mayor, the Director of Revenue and Finance and the Township Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 9. This resolution shall take effect immediately upon its adoption.

(Resolution 2 A, B, & C)

Moved by Councilman O'Connor, seconded by Council President Albanese

Discussion:

John Laezza: Madam President and Members of Council. In 2001 when we came aboard there was eighteen million eight hundred thousand dollars' worth of debt outstanding in the Township of Clark. Of that eighteen million eight hundred thousand, six million was fully funded and twelve million was funded Bonds (Bond Anticipation Notes). For the last sixteen years we've expended an excess of twenty-five million dollars for capital improvements throughout the community, starting with this Municipal Building, starting with the Senior Center and starting with a number of very important projects for the community. Plus, improvements to the major

portion of our seventy miles of roads. During that time period we basically paid off the unfunded notes that we got that we had onboard when we came in and we remain with fifteen million one hundred thousand dollars necessary to fund all the Bond Anticipation Notes that we've had over the years. We're doing this project now because when you do Bond Anticipation Notes you have ten years to pay them back. And if they are not all paid back in that time period you have to permanently fund them. (Tape inaudible – due to coughing) with design for Capital Improvement Program to pay the debt. We designed it so then when the prior permanent bonds are going to be paid off, it would then smooth out that debt service again. Our Bonds that were on the books when we came here will be paid off in 2018. We're doing this Bond proposal now so then from 2019 on your debt service will drop from three million to a million five and then to a million seven out till 2027. So this will be a major improvement in the Debt Service that we have in the Budget but the next two years the Budget is going to be tough, the Debt Service that we have to pay. But that's where we are and I think it's beneficial for the community to do this.

I will be meeting with the Moody Agency to spalls the fiscal capacity of our town to pay this off, fiscal capacity to make it work, I'm looking for a double A rating. I had a meeting today with the consultants we hired to prepare them the preliminary statement, they were quite impressed. They did a good job and I changed it quite a bit when they were here. The Mayor and I will probably be meeting with Moody's and showing them around the community. Showing them how we've changed a lot of things for the last sixteen years and how well the changes are coming forth. We think we have a good story to tell and we think we will get a good rating and a good price on the Bonds. So that's the reason I'm giving you this information so that you know the tactic you are taking tonight is important tonight for the future of the community in future Budgets.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

#### **Resolution 17-45**

**Resolution:** Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2017 NJDOT Municipal Aid Program, project identified as MA-2017-Broadway (Section 2)-00395.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of Clark, formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor, Business Administrator, Township Engineer and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Broadway (Section 2)-00395 NJDOT Municipal Aid Program to the New Jersey Department of Transportation on behalf of the Township of Clark; and

**BE IT FURTHER RESOLVED** that the Mayor and/or Business Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Council on this 6<sup>th</sup> day of February, 2017.

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Moved by Councilman Hund, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-46**

**WHEREAS** P & A Construction Inc. has completed work on the Prescott Turn and Ridge Road Improvements and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Twenty-Eight Thousand, Eighty-Seven Dollars and Sixty-Three Cents (\$28,087.63) including final quantities change order which increases the adjusted contract amount by Twenty-Three Thousand, Eighty-One Dollars and Eighty-Four Cents (\$23,081.84); and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Ordinance 16-06 as evidenced by the Certification of Availability of funds attached; and

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

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by P & A Construction Inc. to be Twenty-Seven Thousand, Three Dollars and Sixteen Cents (\$27,003.16); and

**WHEREAS** P & A Construction Inc. has submitted a Maintenance Bond in the amount of \$27,003.16.

**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 P & A Construction Inc., PO Box 28, Colonia, New Jersey 07067 in the amount of \$28,087.63 including final quantities change order and release of the Performance Guarantee.

Moved by Councilman Mazzarella, seconded by Councilman Toal

Discussion:

Councilman Toal: Questioned the administration if everything is completed on the constructional end of the projects.

John Laezza: Best of our knowledge.

Councilman Mazzarella: Wanted to know if they go on Performance Bond now.

John Laezza: Yes, for a year and then it's a Maintenance Bond.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-47**

**WHEREAS** Black Rock Enterprises, LLC has completed work on the 2015 Capital and 2014 NJDOT Road Improvements and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Thirty-Eight Thousand, Seven Hundred Sixty-Two Dollars and One Cent (\$38,762.01) including final quantities change order which decreases the adjusted contract amount by Twenty-Four Thousand, Six Hundred Sixty-Nine Dollars and Seventy-Seven Cents (\$24,669.77)

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Ordinances 14-15 and 15-03 as evidenced by the Certification of Availability of funds attached; and

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

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Black Rock Enterprises, LLC to be Seventy-Two Thousand, Six Hundred Thirteen Dollars and Seventy-Nine Cents (\$72,613.79); and

**WHEREAS** Black Rock Enterprises, LLC has submitted a Maintenance Bond in the amount of \$72,613.79.

**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 Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, New Jersey 08857 in the amount of \$38,762.01 including final quantities change order and release of the Performance Guarantee.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**PUBLIC COMMENTS:**

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman Barr made a motion to close the public portion of the meeting, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS**

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman Hund

Council President Hund directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

APPROVED



ANGEL ALBANESE

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk





**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ  
March 6, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, Smith, Toal, Albanese  
Absent: O'Connor

Also Present: John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney;  
Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**INTRODUCTION OF PROPOSED ORDINANCE:**

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTER 310  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "STREETS AND SIDEWALKS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 310 of the Code of the Township of Clark entitled "Streets and Sidewalks" is hereby amended and supplemented in the following particulars:

**SECTION 1:**     The title of Chapter 310 is hereby amended to read "Streets, Sidewalks and All Improvements Related Thereto."

**SECTION 2:**     Article I, Chapter 310, Sub-Section 1, "Definitions" is supplemented so as to include the definition of "monitoring wells" as follows:

"A monitoring well is defined as any incursion into the municipal right-of-way for the purpose of obtaining data to identify, monitor or quantify the absence, presence or extent of potential environmental contamination of any kind. Such incursion may be on a short or long term temporary, permanent or semi-permanent basis."

**SECTION 3:** Article II, Chapter 310-2.A is supplemented so as to add in the first paragraph thereof in Line 3 after the word “tunnel” the phrase “monitoring wells.”

**SECTION 4:** Article II, Chapter 310-2.B is supplemented to add after the word “tunnel” the phrase “monitoring wells.”

**SECTION 5:** Article II, Chapter 310-7 is supplemented so as to add in Line 1 after the word “permit” the phrase “except for monitoring well permits”, and in Line 2 after the “permit” the phrase “monitoring well permits shall be commenced and completed within the time designated in the approved permit form.”

**SECTION 6:** Article II, Chapter 310-9, Sub-Sections A1, A2, A3, A4, A5, and A6 are hereby repealed in their entirety and replaced as follows:

Article II, Chapter 310-9.A Permit Application Fees

The following application fees shall apply:

(1) Sidewalk and/or driveway removal, improvement, repair, or alterations fee: \$125.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.

(2) Street opening fee: \$500.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.

(3) Municipal right-of-way opening fee: \$250.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.

(4) Obstruction/encroachment fee: \$100.00, together with a performance guaranty in an amount to be determined by the Township Engineer pursuant to the provisions of Ordinance #195-66.

(5) Inspection fee: All permits: \$75.00.

(6) Re-inspection fee: All permits: \$75.00

(7) Monitoring wells: \$1,000.00, together with such escrow fees as may be established by the Township Engineer pursuant to Ordinance #195-28 and such performance guaranty as may be established by the Township Engineer pursuant to the provisions of Ordinance #195-66.

**SECTION 7:** Article II, Chapter 310-9.B(2)  
Delete the word “abutting” in Line 3 and replace with the phrase “property owners.”

- SECTION 8:** Article II, Chapter 310-9.C(2)  
Delete the word "abutting" in Line 3 and replace with the phrase "property owners."
- SECTION 9:** Article II, Chapter 310-9.D(2)  
Delete the word "abutting" in Line 3 and replace with the phrase "property owners."
- SECTION 10:** Article II, Chapter 310-10 entitled "Construction Standards" is supplemented to provide Sub-Section F as follows: "Monitoring wells shall be constructed and closed in accordance with requirements of the New Jersey Department of Environmental Protection (NJDEP) and as may be required by the New Jersey Department of Environmental Protection and/or in accordance with applicable environmental laws and regulations of NJDEP, or as required by or acceptable to those regulatory agencies exercising appropriate jurisdiction in the work area."
- SECTION 11:** Article II, Chapter 310-11.C is to be amended to insert after the word "backfilling, the phrase "including closure of monitoring wells." The last line shall read "The permittee shall give 72 hours' notice to the Township Engineer before any backfilling or closure of any monitoring wells is commenced."
- SECTION 12:** Article II, Chapter 310-18 is to be supplemented so as to add in Line 1 after the word "curbing" the phrase "underground and above ground utilities..."
- SECTION 13:** Article II, Chapter 310-19 is to be supplemented so as to add after the word "Township" the phrase "its servants, agents and employees..."
- SECTION 14:** **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 15:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved by Councilman Mazzaella, seconded by Councilman Hund

Discussion:

John Laezza: Explained the amendment of the streets and sidewalks section of the ordinance, the definition of monitoring wells set forth by the Department of Environmental Protection and fees for monitoring wells. Unless the homeowner has a problem with underground tanks or if there's gas emanating under their property, if they dig in their property and they find contamination, they then would have to have a monitoring well placed under the rules and regulations.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

Public Hearing March 20<sup>th</sup>

**RESOLUTIONS:**

**Resolution 17-57**

**WHEREAS** Chapter 66, Section 14A 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.

Moved and seconded by the Entire Council

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

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**Resolution 17-58**

**WHEREAS** Chapter 66, Section 14B 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** two proposals were solicited from qualified firms to perform the Professional Services as required by the Code; and

**WHEREAS** the proposal submitted by CGP&H of Cranbury, New Jersey meets the needs and criteria of the Township as determined by the RFP Review Committee.

**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 an agreement with CGP&H for a one-year period in an amount not to exceed \$31,850.00.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Stated that CGP&H have the capabilities to do what is needed.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

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**Resolution 17-59**

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING  
AN EMERGENCY TEMPORARY APPROPRIATION  
IN ACCORDANCE WITH N.J.S.A. 40A:4-20  
CURRENT FUND**

**WHEREAS** an emergent condition has arisen due to the anticipated delay in the adoption of the 2017 Budget, and adequate provision has not been made in the 2017 Temporary Budget for the appropriations specified on the attached page; and

**WHEREAS** the total emergency temporary resolutions adopted in fiscal year 2017 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$8,377,513.00

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made as specified on the attached page in the amount of \$8,377,513.00; and
2. That said emergency temporary appropriations will be provided in the 2017 budget under the headings as specified on the attached page.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Council President Albanese, seconded by Councilman Hund

Council President Albanese directed roll call:

Ayes: Barr, Hund, Mazzarella, Smith, Toal, Albanese

**Resolution 17-60**

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING  
AN EMERGENCY TEMPORARY APPROPRIATION  
IN ACCORDANCE WITH N.J.S.A. 40A:4-20  
SEWER UTILITY**

**WHEREAS** an emergent condition has arisen due to the anticipated delay in the adoption of the 2017 Budget, and adequate provision has not been made in the 2017 Temporary Budget for the appropriations specified on the attached page; and

**WHEREAS** the total emergency temporary resolutions adopted in fiscal year 2017 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,443,972.00

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made:  
Other Expenses \$2,000,000.00; Bond Anticipation Notes \$170,000.00;  
Capital Outlay \$250,000.00; Interest on Notes \$23,972.00; and
2. That said emergency temporary appropriations will be provided in the 2017 budget under the above headings.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

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**Resolution 17-61**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby authorizes and directs the Business Administrator to enter into the Cooperative Pricing System Agreement with the County of Union.

Moved by Councilman Barr, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

**Resolution 17-62**

**WHEREAS** George Sangiuliano of the Sangiuliano Group, LLC previously requested partial release of the Performance Guarantee originally posted for the Stone Hill Village Townhouses in the amount of One Million, One Hundred Twelve Thousand, One Hundred Seventy-Nine Dollars and Fourteen Cents (\$1,112,179.14) to guarantee site work at 960 – 982 Lake Avenue; and

**WHEREAS** Resolution 16-33 authorized a partial release of the Performance Guarantee in accordance with the Township Engineer's recommendation; and

**WHEREAS** Mr. Sangiuliano has subsequently requested the maximum allowable reduction by ordinance which cannot reduce the total Performance Guarantee to less than 30% of the original Performance Guarantee; and

**WHEREAS** the Township Engineer has performed an inspection of all work completed to date and based upon the work completed recommends that the Township reduce the required Performance Bond amount to Two Hundred Ten Thousand, Seventy-Eight Dollars and Twenty-Seven Cents (\$210,078.27) which is sufficient to guarantee full performance and installation of all requisite improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize a partial release of the Performance Guarantee in the abovementioned amount to guarantee the complete installation and construction of all improvements, said remaining Performance Guarantee to be released only upon final completion and approval by the Township Engineer together with posting of the requisite Maintenance Guarantee.

Moved by Councilman Mazzearella, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzearella, Smith, Toal, Albanese

**Resolution 17-63**

**WHEREAS** on February 22, 2017 at 2:00 pm, an 8" diameter sewer main break was discovered at the intersection of Westfield Avenue and Terminal Avenue; and

**WHEREAS** such break caused an inordinate amount of waste material which could affect the public health and welfare of the municipality; and

**WHEREAS** the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem which required the immediate delivery of services.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services





Special Council Meeting March 6, 2017..... 8  
necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

Moved by Councilman Hund, seconded by Councilman Barr

Council President Albanese directed roll call:  
Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

**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.

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Smith

Council President Albanese directed roll call:  
Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Councilman Barr: No comment.  
Councilman Hund: No comment.  
Councilman Mazzarella: No comment.  
Councilman Smith: No comment.  
Councilman Toal: No comment.  
Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman Barr

Council President Albanese directed roll call:  
Aye: Barr, Hund, Mazzarella, Smith, Toal, Albanese

APPROVED

  
\_\_\_\_\_  
ANGEL ALBANESE  
Council President

ATTEST:

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



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**  
**April 3, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**RESOLUTIONS:**

**Resolution 17-70**

**WHEREAS** at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

**WHEREAS** an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to NJSA 40A:4-8; and

**WHEREAS** copies of the budget have been made available to each person requesting one at no charge.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

**MEMORANDUM**

**TO:** Dawn Jenkin, Library Director

**FROM:** Edith L. Merkel, Township Clerk

**DATE:** February 22, 2017

**RE:** 2017 Municipal Budget

Attached please find a copy of the 2017 Municipal Budget of the Township of Clark as Introduced and Approved by the Governing Body at a Regular Council meeting held February 21, 2017, 315 Westfield Avenue, Clark, New Jersey at 7:30 p.m.

A hearing on the budget and tax resolution will be held at the Municipal Building, 430 Westfield Avenue on Monday, April 3, 2017 at 7:30 p.m. at which time and place objections to the Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

Additional copies are available in the office of the Township Clerk, Room 28 of the Municipal Building, 430 Westfield Avenue and can also be viewed on the Township website at [www.ourclark.com](http://www.ourclark.com)

Upon receipt of the Budget please sign and date as indicated below. Return this memo as attestation that the delivery was made. (Originally signed receipt is filed in the Municipal Clerk's office)

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Council President Albanese directed roll call:  
Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-71****Adoption of the Municipal Budget of the Township of Clark for Calendar Year 2017**

**BE IT RESOLVED** by the Township of Clark, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

|                        |                                            |
|------------------------|--------------------------------------------|
| <u>\$16,853,439.00</u> | (Item 2 below) for municipal purposes, and |
| <u>\$ 872,388.00</u>   | Minimum Library Levy                       |

**SUMMARY OF REVENUES**

|                                                                              |                         |
|------------------------------------------------------------------------------|-------------------------|
| General Revenues                                                             |                         |
| Surplus Anticipated                                                          | \$ 1,100,000.00         |
| Miscellaneous Revenues Anticipated                                           | \$ 3,260,866.26         |
| Receipts from Delinquent Taxes                                               | \$ 430,000.00           |
| AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11) | \$ <u>16,853,439.00</u> |

AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY \$ 872,388.00

Total Revenues

\$ 22,516,693.26

#### SUMMARY OF APPROPRIATIONS

General Appropriations:

Within "CAPS"

Operations Including Contingent \$14,794,025.00

Deferred Charges and Statutory Expenditures – Municipal \$ 2,128,245.40

Excluded from "CAPS"

Operations – Total Operations Excluded from "CAPS" \$ 1,713,768.26

Capital Improvements \$ 100,000.00

Municipal Debt Service \$ 2,239,337.00

Deferred Charges – Municipal \$ 541,317.60

Reserve for Uncollected Taxes (Include Other Reserves, if Any) \$ 1,000,000.00

Total Appropriations

\$22,516,693.26

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 3<sup>rd</sup> day of April, 2017. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2017 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Council President Albanese opened the Public Hearing on the Budget

Seeing no one coming forward Councilman Mazzarella made a motion to close the Public Hearing on the Budget, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

A motion to adopt the resolution made by Councilman O'Connor, seconded by Council President Albanese

Discussion: None

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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#### Resolution 17-72

**RESOLUTION OF THE GOVERNING BODY  
OF THE TOWNSHIP OF CLARK, UNION COUNTY, NEW JERSEY,  
ESTABLISHING A DEDICATED TRUST BY RIDER  
FOR MUNICIPAL PUBLIC DEFENDER FEES  
P.L. 1997, CHAPTER 256**

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

**WHEREAS** N.J.A.C. 5:30-15 permits municipalities to receive amounts for costs incurred for Municipal Public Defender Fees; and

**WHEREAS** N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

**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 hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Municipal Public Defender Fees created in accordance with the provision of N.J.A.C. 5:30-15 and N.J.S.A. 40A:4-39; and
2. The Municipal Clerk of the Township of Clark is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Council President Albanese directed roll call;  
Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-73**

**RESOLUTION OF INTENT TO APPROPRIATE FUNDS OR BOND TO FUND FOR SHORTFALL IN THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM**

**WHEREAS** Clark Township has submitted to the Court of Competent Jurisdiction for substantive certification its adopted Housing Element and Fair Share Plan; and

**WHEREAS** the plan submitted allocates funds for:

1. Housing Rehabilitation Program;
2. Market to Affordable Program; and
3. Affordability Assistance Program

**WHEREAS** Clark Township anticipates that funding will come from the following sources to satisfy these obligations:

1. Development Fee Ordinance;
2. In-lieu of payments; and
3. Interest

**WHEREAS** in the event that the above funding sources prove inadequate to complete the affordable housing programs included in Clark Housing Element and Fair Share Plan, Clark Township shall provide sufficient funding to address any shortfalls.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Clark Township, Union County, State of New Jersey, that the Township Council does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that, upon written notification by COAH or the Court of Competent Jurisdiction after a finding that inadequate funding exists, to complete the affordable housing programs included in Clark Township's certified Housing Element and Fair Share Plan, Clark Township agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH or the Court of Competent Jurisdiction; and

**BE IT FURTHER RESOLVED** that Clark Township may repay debt through future collections of development fees, as such funds become available.

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: Explained to the Council what happens during the process of Affordable Housing.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzaella, O'Connor, Smith, Toal, Albanese

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**Resolution 17-74**

**WHEREAS** Clark UNICO has requested a reduction of the license fee for mobile food vendors (Township Code, Ch. 170) for the October feast; and

**WHEREAS** the Mayor has notified the Health Officer and recommends to Council that a reduction from \$275.00 to \$175.00 be granted due to the benefit UNICO provides to Clark organizations and programs and the charitable nature of the event.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby grants the license fee reduction as hereinabove stated.

Moved by Councilman Smith, seconded by Councilman Barr

Discussion:

Mayor Bonaccorso: Explained to Council the reason for adjusting the license fee for food vendors participating in the UNICO Feast. Thanked Council for their consideration.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzaella, O'Connor, Smith, Toal, Albanese

**Resolution 17-75**

**WHEREAS** the Governing Body of the Township of Clark as the Clark Swimming Pool Utility (the Utility) adopted Resolution 17-50 setting the 2017 Municipal Swimming Pool rates and fees on February 21, 2017; and

**WHEREAS** the Pool Advisory Board determined that there was an omission in the Guest Fees section of the resolution and made a recommendation to the Utility to amend the resolution.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body as the Clark Swimming Pool Utility that Resolution 17-50 be and is hereby amended to re-set the Guest Fees with all other rates and fees remaining unchanged:

**FEES - ALL MEMBERS**

**GUEST FEES:**

|                       |         |
|-----------------------|---------|
| WEEKDAYS (All ages)   | \$ 9.00 |
| HOLIDAYS AND WEEKENDS |         |
| Children (13 & under) | \$ 9.00 |
| Adults (14 & over)    | \$12.00 |

Moved by Councilman Smith, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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**Resolution 17-76**

**RESOLUTION APPROVING THE CERTIFICATION LIST OF VOLUNTEER MEMBERS OF THE TOWNSHIP OF CLARK VOLUNTEER EMERGENCY SQUAD QUALIFYING FOR CREDIT UNDER THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) FOR 2016**

**WHEREAS** the Township of Clark adopted Ordinance No. 99-15 which created the Length of Service Awards Program (LOSAP); and

**WHEREAS** N.J.S.A. 40A:14-191 requires that the Township of Clark Volunteer Emergency Squad furnish the Township Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby approves the list of the volunteer members of the Township of Clark Emergency Squad certified by the Squad President for the year 2016, a copy of which list is attached hereto; and



**BE IT FURTHER RESOLVED** that a copy of this list has been posted for at least thirty (30) days in the Emergency Squad Building; and

**BE IT FURTHER RESOLVED** that after the thirty (30) day posting period the Township Treasurer will issue a check to cover volunteers on the attached list to Lincoln Financial.

(List filed in the Municipal Clerk's office)

Moved be Councilman O'Connor, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**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.

Council President Albanese opened the public portion of the meeting

Carol Marchione, 302 New York Ave.:

- Discussion regarding handicapped parking at Twin Boro Physical Therapy
- Mayor will follow-up
- Mr. Triarsi offered advice

Delia Collins, 72 Georgia St.:

- Questioned what is permitted and not permitted on TV36 and the Clark Facebook page
- Mayor and Business Administrator stated TV36 is for a non-profit organization that benefits the town
- Mayor explained Clark's Facebook page is to get information out to the citizens pertaining to the township government

Seeing no one else coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Made a statement regarding the Budget.

Councilman Barr: Talked about the Memorial Day Parade.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.



Councilman O'Connor: Thanked the Mayor for his comments on the Budget and thanked Business Administrator John Laezza for all of his hard work keeping the town fiscally safe and ensuring that our Department Heads stay within their Budgets and be thoughtful when they submit their Budgets.

Councilman Smith: No comment.

Councilman Toal: Asked the TAP to do a story on a brief safety concern regarding the Madison Hill Road Bridge construction traffic patterns.

Council President Albanese: Agreed with Councilman O'Connor's comments regarding the budget. Announced that a new Library Director has been hired. Her name is Megan Kociolek, she's from Woodbridge. She will be starting on April 17<sup>th</sup>.

John Laezza: No comments.

Attorney Triarsi: No comments.

Township Clerk: No comments.

Police Chief Matos: No comments.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

APPROVED



ANGEL ALBANESE  
Council President

ATTEST:



EDITH L. MERKEL, RMC  
Township Clerk



**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ**  
**May 1, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos; Howard Lesnik

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**PRESENTATION:** Kevin O'Brien, Township Planner – Housing Element and Fair Share Plan

Kevin O'Brien: Gave a presentation as to the background and procedure involved in developing the Housing Element and Fair Share Plan as part of the Master Plan Update for 2017. He believes that this plan meets all the criteria negotiated with the court. It will be presented to the court on June 29, 2017 for final approval. (Details of Presentation attached)

John Laezza: Stated that one of the other preferences that was bypassed in Mr. O'Brien's documentation is that we also give preference to 50% of the affordable units to go to Clark residents if they qualify.

Mayor Bonaccorso: Thanked Mr. O'Brien for his presentation tonight and also for presenting it at the Planning Board Meeting. The Mayor also gave his synopsis of what Mr. O'Brien presented.

Councilman Toal: Reiterated that the laws have to be followed regarding this House Element and Fair Share Plan.

Councilman Mazzarella: Thanked the Mayor, the Business Administrator, our professionals and all the staff that worked so hard on putting this plan together.

Council President Albanese: Thanked all the professionals for their hard work. And also thanked Mr. O'Brien for his presentation this evening.

Kevin O'Brien: Thanked Council and the Mayor for their leadership and guidance.

**RESOLUTIONS:**

**Resolution 17-87**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk to execute a Developer's Agreement with Clark Commercial Center, LLC, having its principal office located at 14 Cliffwood Avenue, Suite 200, Matawan, New Jersey 07747 for a Retail Development on the tract of land identified as Block 60, Lots 11 and 12, situated at 301 and 315 Central Avenue, Clark, New Jersey 07066.

Moved by Councilman O'Connor, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**AFFORDABLE HOUSING RESOLUTIONS:**

**Resolution 17-88**

**Resolution Endorsing the Housing Element and Fair Share Plan of the  
Township of Clark, Union County, New Jersey**

**WHEREAS**, the Planning Board of the Township of Clark, Union County, State of New Jersey, adopted a revised Housing Element and Fair Share Plan of the Township's Master Plan dated April 6, 2017; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element and Fair Share Plan is attached pursuant to N.J.S.A. 40:55D-28; and

**WHEREAS**, the Planning Board adopted the Housing Element and Fair Share Plan at its duly noticed public hearing on April 6, 2017; and

**WHEREAS**, the Governing Body of the Township of Clark, in consultation with its legal counsel and planning consultant, has reviewed the above-referenced plan and believes that said Housing Element and Fair Share Plan is in the best interest of the Township of Clark and consistent with the goal of meeting its constitutional obligation to provide its fair share of affordable housing of low and moderate income persons.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark, Union County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan dated, April 6, 2017 as adopted by the Clark Township Planning Board; and

**BE IT FURTHER RESOLVED** that the Township of Clark Master Plan Map be revised to reflect the above adoption of the Housing Element and Fair Share Plan; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Township of Clark, directs that a certified copy of this Resolution be provided to the Township Attorney, Planning Consultant, the Honorable Karen Cassidy, Assignment Judge, Superior Court of New Jersey, Union County, and Special Master, Elizabeth McKenzie together with all other parties in interest as may appear on the service list filed IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF CLARK, A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY Docket No: UNN-L-002441-15

Moved by Councilman Mazzearella, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzearella, O'Connor, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-89**

**RESOLUTION**

**ADOPTING THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN FOR  
THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY**

**WHEREAS**, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, *et seq.*), the Township of Clark is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Township of Clark are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Township of Clark.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Township of Clark, County of Union, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Marketing Plan**

All affordable housing units in the Township of Clark shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.

This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Township's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Clark. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).

The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing

units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Clark is in Housing Region 2, consisting of Essex, Morris, Union and Warren Counties.

The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.

The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, with the advertisement subject to the review and approval of the Administrative Agent and paid for by the owner/developer/landlord.

Advertisements will be published in the following newspaper covering the entire Housing Region 2: The Star Ledger

Advertisements will be published in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Union County and the other two of which shall be circulated primarily outside of Union County but within the housing region. In addition, information should be posted in the publications, Tap into Clark, Tap into Cranford, and Tap into Westfield.

Advertisements will be broadcast on the following regional cable television station: TV 36 Clark and TV 35 Cranford.

Advertisements will be placed on the following websites: Town of Clark Website <http://www.ourclark.com/>, NJ Housing Resource Center at <http://www.njhrc.gov/>.

The advertisement shall include a description of the:

1. Street address(es) of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Numbers of bedrooms in units (bedroom mix);
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Application fees, if any;
8. Number of units currently available; and
9. Anticipated dates of availability.

The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Essex, Morris, Union and Warren Counties that will aid in Clark's affirmative marketing program. The list shall include as many contacts that will reach out to groups that are least likely to apply for housing within the region. Information shall be sent quarterly to every entity on the Township's affirmative marketing list: Please see Appendix I at the end of this Resolution for a list of all current community contacts, including reaching those least likely to apply, major employers, institutions, public entities, etc.



### **Preliminary Applications**

Locations of applications, brochures, and flyers to affirmatively market the program are listed in Appendix II. Preliminary applications or links to online preliminary applications shall be provided by the Administrative Agent, the Developer, and the Municipal Housing Liaison to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call, and mail them a confirmation and details. If applicant prefers completing a paper copy themselves, a paper copy will be sent by mail to the prospective applicant.

### **Random Selection**

Whenever necessary, a random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.

### **Administration of Affirmative Marketing Plan**

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, et seq.

Whenever appropriate, the Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law. The Administrative Agent shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a new development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all affordable housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Township-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Clark that is subject to NJAC 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Township's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 2, included at the end of this document as Appendix III.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq.

I hereby certify that this is a true copy of a resolution duly adopted by the Governing Body of the Township of Clark at a Council meeting held on May 1, 2017.

Moved by Councilman Barr, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**INTRODUCTION OF ORDINANCES SET FORTH IN THE HOUSING ELEMENT AND FAIR SHARE PLAN:**

**AN ORDINANCE AMENDING CHAPTER 66 OF  
THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED AFFORDABLE HOUSING**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 66, entitled "Affordable Housing" of the Code of the Township of Clark is hereby amended in the following particulars:

**SECTION 1: Chapter 66 is deleted in its entirety and replaced as follows:**

**§ 66-1. Affordable housing obligation.**

- A. This chapter is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This chapter shall apply except where inconsistent with applicable law.
- B. The Clark Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:5513-1 et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Clark Township shall address its fair share for low- and moderate-income housing as determined by the a Court of Competent Jurisdiction and documented in the Housing Element.
- C. This chapter implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1 et.seq., as may be amended and supplemented.
- D. The Township of Clark shall file monitoring reports as may be directed by a Court of Competent Jurisdiction regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with the Union County Superior Court and shall be available to the public at the Clark Township Municipal Building, Municipal Clerk's Office, 430 Westfield Avenue, Clark, New Jersey.
- E. The following terms, when used in this chapter, shall have the meanings given in this section:

**ACCESSORY APARTMENT** A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

**ACT** The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

**ADAPTABLE** - Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

**ADMINISTRATIVE AGENT** - The entity responsible for the administration of affordable units in accordance with this chapter, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

**AFFIRMATIVE MARKETING** - A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

**AFFORDABILITY AVERAGE** - The average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

**AFFORDABLE** - A sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

**AFFORDABLE DEVELOPMENT** - A housing development all or a portion of which consists of restricted units.

**AFFORDABLE HOUSING DEVELOPMENT** - A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

**AFFORDABLE HOUSING PROGRAM(S)** - Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE UNIT** - A housing unit proposed or created pursuant to the Act, and approved for crediting by the Court, and/or funded through an affordable housing trust fund.

**AGENCY** - The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

**AGE-RESTRICTED UNIT** - A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

- A. All the residents of the development where the unit is situated are 62 years or older;
- B. At least 80% of the units are occupied by one person that is 55 years or older; or
- C. The development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

**ASSISTED LIVING RESIDENCE** - A facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

**CERTIFIED HOUSEHOLD** - A household that has been certified by an administrative agent as a low-income household or moderate-income household.

**A COURT OF COMPETENT JURISDICTION** - The approving authority, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

**DCA** - The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT** - A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes components of a building as provided in the definition of "major system" below.'

**DEVELOPER** - Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any use or change in the use of any building or other structure, or of 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, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**INCLUSIONARY DEVELOPMENT** - A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

**LOW-INCOME HOUSEHOLD** - A household with a total gross annual household income equal to 50% or less of the median household income.

**LOW-INCOME UNIT** - A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM** - The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

**MARKET-RATE UNITS** - Housing not restricted to low- and moderate-income households that may sell or rent at any price.

**MEDIAN INCOME** - The median income by household size for the applicable county.

**MODERATE-INCOME HOUSEHOLD** - A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

**MODERATE-INCOME UNIT** - A restricted unit that is affordable to a moderate-income household.

**NONEXEMPT SALE** - Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

**RANDOM SELECTION PROCESS** - A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT** - The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted Regional Income Limits published annually.

REHABILITATION - The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT - The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT - A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UIETORP or MONT.

UHAC - The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

VERY-LOW-INCOME HOUSEHOLD - A household with a total gross annual household income equal to 30% or less of the median household income.

VERY-LOW-INCOME UNIT - A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION - Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

### **§ 66-3. Affordable housing programs.**

The Township of Clark has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

#### **A. A rehabilitation program.**

- (1) The Township of Clark's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28, and the Rehabilitation Subcode, N.J.A.C. 5:23-6. The Program is also guided by N.J.A.C. 5:93-5.2 and is subject to all applicable laws, regulations, ordinances and codes of the New Jersey Department of Community Affairs (DCA) and the Township of Clark. The Township program may include units rehabilitated under the Union County Home Improvement Program.
- (2) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
- (3) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien, and for renter-occupied units the control period will be enforced with a deed restriction.
- (4) The Township of Clark shall dedicate an average of at least \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum average hard cost of rehabilitation for each unit.
- (5) The Township of Clark shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Clark.
- (6) The Township of Clark shall designate, subject to the approval of a Court of Competent Jurisdiction, one or more administrative agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93-5.2. The administrative agent(s) shall provide a

rehabilitation manual for the owner-occupancy rehabilitation program and for the rental-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of a Court of Competent Jurisdiction. The rehabilitation manual shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).

- (7) Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to UHAC.
  - (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
  - (c) Rents in rehabilitated units may increase annually which will be updated regularly, either by DCA, or in its absence, via the formula approved by the Court of Jurisdiction and attached as an Appendix to the Township's Housing Rehabilitation Policies and Procedures Manual.
  - (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

B. A market-to-affordable program.

- (1) A market-to-affordable program may be established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of Subsection B(2)(c) below, the market-to-affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units)
- (2) The following provisions shall apply to market-to-affordable programs:
  - (a) At the time they are offered for sale or rental, eligible units may be new, preowned or vacant.
  - (b) The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - (c) The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
  - (d) The maximum number of creditable market-to-affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10% of the fair share obligation, whichever is greater. (Additional units may be approved by a Court of Competent Jurisdiction if the municipality demonstrates the successful completion of its initial market-to-affordable program.)

(3) The units shall comply with UHAC with the following exceptions:

- (a) Bedroom distribution [N.J.A.C. 5:80-26.3(b) and (c)];
- (b) Low/moderate income split [N.J.A.C. 5:80-26.3(a)]; and
- (c) Affordability average [N.J.A.C. 5:80-26.3(d) and (e)]; however:

[1] The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60% of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44% of median income; and

[2] The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70% of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40% of median income.

#### § 66-4. New construction.

The following general guidelines apply to all newly constructed developments that contain very low, low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

##### A. Low/moderate split and bedroom distribution of affordable housing units:

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very low income units (affordable to a household earning 30% or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
  - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
  - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

**B. Accessibility requirements:**

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - (a) An adaptable toilet and bathing facility on the first floor;
  - (b) An adaptable kitchen on the first floor;
  - (c) An interior accessible route of travel on the first floor;
  - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
  - (e) If not all of the foregoing requirements in (a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs (a) through (d) directly above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit;
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township of Clark has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
    - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - [2] To this end, the builder of restricted units shall deposit funds within the Township of Clark's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
    - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Township of Clark for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - [4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Code Official of the Township of Clark.
    - [5] Once the Construction Code Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Clark's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.



- C. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 Design.
- (1) In inclusionary developments, to the extent possible, very low, low and moderate income units shall be integrated with the market units.
  - (2) In inclusionary developments, very low, low, and moderate income units shall have access to all of the same common elements and facilities as the market units.
- D. Maximum rents and sales prices.
- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH. If COAH is not functioning, Clark will utilize the procedures approved by the Court and included in the Home Improvement Program Policies and Procedures Manual as Appendix B, and entitled "Current Income Limits and Rental Increase Procedures."
  - (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
  - (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
    - (a) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of regional median income.
  - (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
  - (5) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
    - (a) A studio shall be affordable to a one-person household;
    - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
    - (c) A two-bedroom unit shall be affordable to a three-person household;
    - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
    - (e) A four-bedroom unit shall be affordable to a six-person household.
  - (6) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:

- (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (11) Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§ 66-5. Affirmative marketing requirements.**

- A. The Township of Clark shall adopt by resolution an affirmative marketing plan, subject to approval of a Court of Competent Jurisdiction, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 and covers the period of deed restriction. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 2 comprised of Essex, Morris, Union and Warren counties.

- C. The administrative agent designated by the Township of Clark shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the municipality.
- D. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- E. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- F. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Clark.

**§ 66-6. Occupancy standards.**

- A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
  - (1) Provide an occupant for each bedroom; and
  - (2) Provide children of different sex with separate bedrooms; and
  - (3) Prevent more than two persons from occupying a single bedroom; and
  - (4) Provide separate bedrooms for parents and children.
- B. Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

**§ 66-7. Control periods for restricted ownership units and enforcement mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter until the Township of Clark elects to release the unit from such requirements; however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- D. At the time of the first sale of the unit, the purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this chapter, an amount equal to the difference between the unit's nonrestricted fair market value and its

restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

- E. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Code Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 66-8. Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, including:

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

**§ 66-9. Buyer income eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income, and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- C. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

- D. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

**§ 66-10. Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

**§ 66-11. Control periods for restricted rental units.**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter until the Township of Clark elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1 et seq., as may be amended and supplemented, for at least 30 years.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Union. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this chapter, despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure.

**§ 66-12. Price restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.

- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.

**§ 66-13. Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

**§ 66-14. Administration.**

- A. The position of Municipal Housing Liaison (MHL) for the Township of Clark is established by this chapter. The Township Council of the Township of Clark shall make the actual appointment of the MHL by means of a resolution.

- (1) The MHL must be either a full-time or part-time employee of the Township of Clark.
  - (2) The person appointed as the MHL must be reported to a Court of Competent Jurisdiction for approval.
  - (3) The MHL must meet all requirements for qualifications, including initial and periodic training.
  - (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Clark, including the following responsibilities which may not be contracted out to the administrative agent:
    - (a) Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
    - (b) The implementation of the Affirmative Marketing Plan and affordability controls;
    - (c) When applicable, supervising any contracting administrative agent;
    - (d) Monitoring the status of all restricted units in the Township of Clark's Fair Share Plan;
    - (e) Compiling, verifying and submitting annual reports as required by a Court of Competent Jurisdiction;
    - (f) Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
    - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered.
- B. The Township of Clark shall designate by resolution of the Township Council, subject to the approval of a Court of Competent Jurisdiction, one or more administrative agents to administer newly constructed affordable units in accordance with UHAC.
- C. An Operating Manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of a Court of Competent Jurisdiction. The Operating Manuals shall be available for public inspection in the office of the Municipal Clerk and in the office(s) of the administrative agent(s).
- D. Duties and responsibilities.
- (1) The administrative agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
    - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH or the Affordable Housing Professionals of New Jersey (AHPNJ);
    - (b) Affirmative marketing;
    - (c) Household certification;
    - (d) Affordability controls;
    - (e) Records retention;

- (f) Resale and re-rental;
  - (g) Processing requests from unit owners; and
  - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
- (2) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**§ 66-15. Enforcement of affordable housing regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - (a) A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.
    - (b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Clark Affordable Housing Trust Fund of the gross amount of rent illegally collected.
    - (c) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  - (2) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The



violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriffs sale.

- D. The proceeds of the Sheriffs sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriffs sale. In the event that the proceeds from the Sheriffs sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriffs sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriffs sale shall not be entitled to any right of redemption.
- F. If there are no bidders at the Sheriffs sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- G. Failure of the low- and moderate-income unit to be either sold at the Sheriffs sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- H. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

#### **§ 66-16. Appeals.**

Appeals from all decisions of an administrative agent designated pursuant to this chapter shall be filed in writing with a Court of Competent Jurisdiction.

**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.

Motion to introduce made by Councilman Mazzarella, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Public Hearing May 15<sup>th</sup>

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**AN ORDINANCE AMENDING CHAPTER 195, ENTITLED LAND USE AND DEVELOPMENT, ARTICLE XIX, AFFORDABLE HOUSING DEVELOPMENT FEES OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 195, entitled "Land Use and Development" Article XIX entitled "Development Fees Pursuant to COAH Rules" of the Code of the Township of Clark is hereby amended in the following particulars:

**SECTION 1:**      **Chapter 195 Land Use and Development, Article XIX previously entitled Development Fees Pursuant to COAH Rules is deleted in its entirety and replaced as follows:**

**ARTICLE XIX**

**AFFORDABLE HOUSING DEVELOPMENT FEES**

•      **Section 195-98 - Findings and purposes**

a. The New Jersey Supreme Court, in Holmdel Builder's Ass'n v. Holmdel Twp, 121 N.J. 550 (1990), determined that mandatory development fees are both statutorily and constitutionally permissible. The Court further anticipated that the Council on Affordable Housing (COAH) would promulgate appropriate development fee rules specifying, among other things, the standards for these development fees. The purpose of this section is to provide such rules pursuant to N.J.A.C. 5:94, et seq.

b. The Township Council finds and declares that the creation and preservation of affordable housing in the Township serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working

cooperatively with public bodies at all levels and with the private sector. The purpose of this Section is to create in the Township of Clark a trust fund from payment of development fees to assist in the marshaling of public and private monies dedicated to affordable housing projects and programs.

- **Section 195-99 - Definitions**

- a. Affordable Housing. Any housing unit with an acquisition price or rent level not exceeding the maximum resale or rent level for low and moderate income housing as set forth in N.J.A.C. 5:94, et seq.
- b. Development Fees. Money paid by an individual, person, partnership, association, company, or corporation for the improvement of property as permitted in N.J.A.C. 5:94, et seq.
- c. Equalized Assessed Value. The value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the Township is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.
- d. Substantive Certification. A determination by any court of competent jurisdiction approving Clark Township's Housing Element and Fair Share Plan in accordance with the provisions of the Fair Housing Act and the rules and criteria as set forth therein. A grant of "substantive certification" shall be valid for a period of ten years in accordance with the terms and conditions contained therein.

- **Section 195-100 - Development fee schedule**

- a. Residential Development.

- 1) Residential development fees shall be one and one half percent (1.5%) of the equalized assessed value for residential development which is not exempt from the provisions of this Article as set forth below, provided no increase in density is permitted.
- 2) If a "d" variance is granted by the Clark Township Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70d(5), the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of one and one half percent (1.5%).

However, if the zoning on a site has changed during the two (2) year period preceding the filing of the "d" variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) years preceding the filing with the Clark Township Zoning Board of Adjustment of the "d" variance application.

b. Nonresidential Development.

1) Nonresidential development fees shall be two and one half percent (2.5%) of the equalized assessed value for nonresidential development within the CG, CI, CN, CO, COH, LCI, districts, which is not exempt from the provisions of this subsection as set forth in this article.

2) If a "d" variance is granted by the Clark Township Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area ratio (FAR) realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of two and one half percent (2.5%). However, if the zoning on a site has changed during the two (2) year period preceding the filing of the "d" variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) years preceding the filing with the Clark Township Zoning Board of Adjustment of the "d" variance application.

c. Not built required housing

1) The development fee for each unit of required but not built affordable housing shall be fifty thousand dollars (\$50,000) per unit.

d. Total payment.

1). The total amount of payment to the Township shall be the largest amount of sections a, b or c above.

• **Section 195-101 - Eligible exactions, ineligible exactions and exemptions**

a. Except as provided in Subsection 3 (a) (2) above, developers of low and moderate income units shall be exempt from development fees.

b. Development fees may only be collected for any residential structure which requires the installation of a new foundation (excluding foundations required for an addition to or

renovation of an existing residential structure or a foundation required for an accessory structure to an existing residential structure).

c. All forms of new nonresidential construction shall be subject to development fees; provided, however, that development fees may only be collected for improvements which add useable or rentable footage to an existing non-residential structure. In the event that a development fee is collected for a nonresidential structure and thereafter usable or rentable footage is obtained through modification of the said structure, a development fee may be collected for the additional useable or rentable footage based upon the increase in the equalized assessed value of the improved structure.

d. Developments that have received preliminary or final approval prior to the adoption and final publication of this Ordinance shall be exempt from development fees unless the developer seeks a substantial change in the approval.

e. The Township exempts the following types of development from imposition of development fees:

- 1) Development by the Township or any of its instrumentalities;
- 2) development by charitable or not-for-profit entities formed and legally established in accordance with the laws of the State of New Jersey; and

• **Section 195-102 - Collection of development fees**

The Township shall collect fifty percent (50%) of the fee on any specific development prior to and as a condition of the issuance of the building permit therefore. The remaining portion shall be collected prior to and as a condition of the issuance of the certificate of occupancy. Once the final equalized assessed value of a particular development has been determined by the Tax Assessor, and such final equalized assessed value is greater than the estimated equalized assessed value, the developer shall, within ten (10) business days from receipt of notification from the Township, pay to the Township the difference between the development fees required to be paid by the developer once such final equalized assessed value has been determined and the estimated development fees actually paid by the developer. The failure of the developer to make timely payments of the aforesaid deficiency shall entitle the Township to file, without notice to the developer, a lien against the subject development. In the event that Township shall file such lien, the Township may add to the aforesaid deficiency amount reasonable attorney fees to file and discharge such lien, together with any and all costs incurred to file and discharge said lien. In the event that the estimated equalized assessed value proves to have been too high, the

Township shall promptly refund the difference between the estimated development fees actually paid by the developer and the development fees required to be paid by the developer once such final equalized assessed value has been determined.

- **Section 195-103 - Contested fees**

Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Chief Financial Officer of the Township. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

- **Section 195-104 - Housing trust fund**

All development fees shall be deposited with the Chief Financial Officer of the Township in a separate designated interest-bearing housing trust fund. The development fees placed in the housing trust fund shall be deemed "dedicated revenues" as such term is defined in the N.J.S.A. 40A:4-36.

**Section 195-105 - Use of money**

a. The Township shall use revenues collected from development fees for any activity approved by any court of competent jurisdiction for addressing the Township's fair share obligation. Such activities include, but are not limited to, rehabilitation, new construction, regional contribution agreements, purchase of new land for low and moderate income housing, improvement of land to be used for low and moderate income housing, extension and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units to be more affordable and administration of the implementation of the Housing Element and Fair Share Plan. The expenditure of all money shall conform to a spending plan approved by any court of competent jurisdiction.

b. Funds shall not be expended to reimburse the Township for past housing activities.

c. After subtracting development fees collected to finance a regional contribution agreement, a rehabilitation program or a new construction project that are necessary to address the municipality's affordable housing obligation, at least thirty percent (30%) of the balance remaining shall be used to provide affordability assistance to low and moderate income households in affordable units included in a municipal Fair Share Plan. One-third of the

affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.

- 1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
  - 2) Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low income units in a municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less than median income. The use of development fees in this manner shall entitle a municipality to bonus credits pursuant to N.J.A.C. 5:94-4.22.
  - 3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. No more than twenty percent (20%) of the revenues collected from development fees shall be expended on administration, including, but not limited to, salaries and benefits for Township Employees or consultant fees necessary to develop or implement a rehabilitation program, a new construction program, a regional contribution agreement, a Housing Element and Fair Share Plan, and an affirmative marketing program. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fees shall not be used to defray the costs of existing staff.

- **Section 195-106 - Spending plans**

The Township shall submit to a court of competent jurisdiction a spending plan for the development fees collected by it prior to the expiration of its substantive certification period. Plans to spend development fees shall consist of the following information;

- a. a projection of revenues anticipated from imposing fees on development, based on historic activity;
- b. a description of the administrative mechanism that the Township will use to collect and distribute revenues;
- c. a description of the anticipated use of all development fees;
- d. a schedule for the creation or rehabilitation of housing units;

- e. in the event of the Township envisions being responsible for public sector or nonprofit construction of housing, a pro forma statement of the anticipated costs and revenues associated with the development;
- f. the manner through which the Township will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- g. a description of the funds anticipated; and
- h. a schedule for spending.

• **Section 195-107 - Ongoing collection of development fees**

The ability for Clark Township to impose, collect and expend development fees shall expire with the expiration of its substantive certification unless the Township has filed a revised and adopted Housing Element and Fair Share Plan, has petitioned for substantive certification for the succeeding round, and has received approval from any court of competent jurisdiction of a revised development fee ordinance prior to the expiration. If Clark Township fails to act before the expiration of its substantive certification, the Township may only resume the imposition and collection of development fees by filing a revised and adopted Housing Element and Fair Share Plan, petitioning for substantive certification for the succeeding round and after receiving approval from any court of competent jurisdiction of a revised development fee ordinance. Clark Township shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification, nor shall Clark Township retroactively impose a development fee on such a development. Clark Township shall not expend development fees after the expiration of its substantive certification.

**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.

Motion to introduce made by Councilman O'Connor, seconded by Council President Albanese

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Public Hearing May 15<sup>th</sup>



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**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED  
LAND USE AND DEVELOPMENT, ARTICLE XXIII, DISTRICT REGULATIONS,  
OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 195, entitled "Land Use and Development" Article XXIII entitled "District Regulations" of the Code of the Township of Clark is hereby amended and supplemented in the following particulars:

**SECTION 1:     Section 195-130   R-SH Age-Restricted/Senior Housing Overlay  
District is deleted and replaced as follows:**

**§ 195-130   R-SH Age-Restricted/Senior Housing District.**

**A. Purpose of district.** The purpose of the Age-Restricted/Senior Housing District is to permit construction of an age-restricted multifamily residential development with a twenty-percent affordable housing set-aside in accordance with the Township's adopted Housing Element and Fair Share plan, the requirements of a Court of Competent Jurisdiction and the terms and conditions of the Township's substantive certification.

**B. Permitted uses:** age-restricted multifamily residential development containing a twenty-percent set-aside for low- and moderate-income households ages 55 years and older. The development may be constructed as multifamily dwellings, multiple-group dwellings, or garden apartments, townhouses or a townhouse/flat combination.

**C. Development standards:**

- (1)     Minimum tract area:** 10 acres.
- (2)     Minimum frontage:** a minimum of 250 feet on a paved public street.
- (3)     Density.** The maximum density shall be 32 units per acre for multifamily dwellings, multiple-group dwellings, or garden apartments, and 15 units per acre of gross site area for townhouses and townhouse/apartment/flat combinations.
- (4)     Low- and moderate-income housing requirements.** A minimum of 20% of the total age-restricted dwelling units shall be affordable to low- and moderate-income households aged 55 years or older in accordance with the standards and requirements specified in § 195-129D, but excluding § 195-129D(2)(c) and (d).

- (5) **Building height.** Maximum building height shall be 45 feet and four stories.
- (6) **Design standards.** All development shall incorporate the following design standards. Waivers from these standards may be granted by the Board pursuant to N.J.S.A. 40:55D-51b.
- (a) **Building design.** The objectives of the building design standards are to provide overall high-quality building with special emphasis on methods that reduce the visual impact of large buildings. The exterior appearances of buildings shall complement the character of existing development in the surrounding area.
- (b) **Specific design features that reduce the visual impact of large buildings shall be used. These include but are not limited to:**
- [1] Elements that draw focus, introduce scale and provide three-dimensional effects.
  - [2] Variations and articulation to overall building facades by changing the facade plane.
  - [3] Use of subdued wall coloration, patterning, texture and reveals.
  - [4] Extensive use of landscaping to shield and break up building planes.
- (c) **Building mass.** Solid and unarticulated buildings are not permitted. The mass, scale and visual impact of buildings shall be reduced by staggered building walls. The staggered building walls shall incorporate a setback or bump-out that, in the opinion of the Board, provides an equivalent reduction in the mass, scale and visual impact of the buildings.
- (d) **Architectural interest.** To provide architectural interest, create a three-dimensional effect and further reduce the visual scale and impact of a building, the following techniques shall also be used:
- [1] Variations in building treatment shall be liberally used and shall include painted panels, awnings or canopies, wall openings, wall texture changes, changes in building height and variations in rooflines.
  - [2] Building entries and building corners shall be readily identifiable through the use of canopies, marquees, architectural treatment and the use of different materials.
  - [3] Extensive use of small-scale elements, such as planter walls and hedges, shall be provided particularly around building entrances.
  - [4] Landscaping shall be employed to further reduce the visual impact of building mass.
- (e) **Materials.**
- [1] The front and two side elevations of all buildings and structures shall be constructed of brick, architectural block, architectural precast concrete or tilt-up construction using

similar materials of equally high quality and aesthetics. Utility standard concrete panels or masonry units may be used on rear elevations if the rear elevations are not visible from any public right-of-way after berming, fencing or landscaping treatment.

[2] Rooflines and parapets shall be designed to minimize the visual impact of rooftop-mounted equipment, such as vents and stacks, from public rights-of-way.

**(f) Pedestrian circulation.**

[1] On-site concrete or brick sidewalks, or such other material acceptable to the Board, shall be provided to create a continuous pedestrian network and to connect with existing sidewalks and neighborhoods.

[2] Vehicular and pedestrian circulation patterns shall be separated. A landscaped buffer shall provide a separation between pedestrian and vehicular ways.

[3] Pedestrian crossings shall be indicated by such techniques as changed pavement materials or texture, signals, signage, or painted stripes, as determined by the Board.

[4] Secure and convenient pedestrian walkway access shall be provided between parking lots, sidewalks and primary entrances to buildings. Sidewalks shall be barrier-free, a minimum of 5 feet in width and shall be set back a minimum of 5 feet from all buildings.

**(7) Setbacks.** The following setback standards shall apply:

**(a) Buildings:**

[1] Front yard: 45 feet or the height of the principal building, whichever is greater.

[2] Side yard: 40 feet.

[3] Rear yard: 40 feet.

**(b) Accessory building:**

[1] Front yard: 50 feet.

[2] Side yard: 25 feet.

[3] Rear yard: 25 feet.

**(8) Building coverage.** Buildings and accessory structures shall cover not more than 40% of the lot or parcel area. Accessory structures devoted to parking shall count towards total lot coverage.

**(9) Total lot coverage.** Not more than 70% of the lot or parcel area shall be covered by a combination of buildings, accessory structures, parking areas, driveways, and other impervious surfaces.

**(10) Minimum open space.** Not less than 30% of the parcel area shall be open space as defined in § 195-111.

**(11) Parking.** Off-street parking shall be provided in accordance with the Residential Site Improvement Standards, but in no event shall the parking ratio for one- and two-bedroom

units be greater than 1.5 spaces per unit. No off-street parking shall be located less than 25 feet from any property line. A carport and adjacent driveway space shall be counted as two spaces; designated stacked parking spaces shall also be counted as two spaces. Parking spaces may be located at grade in the building footprint (garage), without limitation.

**(12) Landscaped areas, buffer areas, and recreation facilities.** All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and be arranged such that appropriate active and passive recreation opportunities will be provided on site for the residents of the development (e.g., walking paths, benches, gazebos, or ponds or water features); a suitable landscaped buffer strip of at least 25 feet in width shall be provided to the property boundaries to form a visual screen.

**(13) Parking lot setback and landscaping.** Parking areas shall be attractively landscaped in accordance with the following standards:

(a) Parking lots shall be set back a minimum of 25 feet from the right-of-way of a public street. The setback area shall be landscaped with shade trees and shrubs adaptable to the location and able to provide low-level screening of the view of the parking lot; at least one shade tree for each 40 feet of frontage shall be provided.

(b) In addition to landscaping required along public streets, the interior of the parking lot shall be landscaped with at least one tree for every 20 parking spaces, which shall be planted in suitably prepared and protected landscaping islands.

(c) No more than 20% of the required parking shall be provided between the building line and the public right-of-way.

**(14) Townhouse and townhouse/apartment combination building spacing.** The minimum spacing between buildings shall be 50 feet between front and front/back, 35 feet front/back to side and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 15 feet from primary buildings, unless a garage is attached.

**SECTION 2:      Section 195-131   DTV Downtown Village District is  
deleted and replaced as follows:**

**§ 195-131   DTV Downtown Village District.**

**A. Purpose of the district.**

**(1)** The downtown of any community should be a mixed use center with many diverse retail shops and restaurants where the community can gather on nights and weekends. The Downtown Village District has been created in that area along Westfield Avenue between Washington Street and Broadway, from Denman Avenue and Benjamin Street to the Rahway border. The purpose of the DTV Downtown Village District is to permit construction of an multifamily residential development with a fifteen percent affordable housing set-aside in accordance with the Township's adopted Housing Element and Fair Share plan. The DTV Zone District is intended to encourage retail sales and personal services oriented to pedestrian shopping on the ground floor and other commercial activity and residential use on the upper floors.

**(2)** Authentic period (Colonial, Federal or Victorian) reproductions are encouraged to complement the established character of more recently constructed buildings. In any case, as a minimum, in order to assure compatibility of new building construction or alterations of existing buildings, the building design standards in this section shall be adhered to, except that the Planning Board may grant waivers of specific requirements on a showing by the developer of unavoidable hardship.

**(3)** Exterior walls shall be finished with face brick, integrally colored masonry units (not panels), or wood clapboards, cedar shingles or vertical boards. All exterior walls of buildings shall be finished with the same materials or combinations of materials. Exceptions require Board of Adjustment or Planning Board approval.

**(4)** Visible sections of roof areas shall be cedar shingle or textured asphalt shingle, in dark colors. Mansard roofs, when provided, shall be full canopies of textured asphalt shingle, or fiberglass in dark colors.

**(5)** All design features applied to building exteriors shall be functional, rather than superimposed for decorative purposes only, unless part of authentic period architecture. Shutters, when provided, shall be designed to fit the windows to which they are attached.

**(6)** No rooftop mechanical structures shall be permitted in the DTV Zone without Planning Board or Board of Adjustment approval. All mechanicals shall be adequately screened so as to conceal them.

(7) All development applications containing proposed new buildings and structures or alterations or modifications to existing structures shall conform to the Building site design standards set forth in Section 195-182 of the Land Use and Development Ordinance.

**B. Principal uses and structures.** The following principal uses and structures shall be permitted in the DTV Zone District:

(1) Business establishments devoted primarily to the retail sales of goods and personal services on the premises. Retail establishments that serve local needs may include the sale of baked goods, office supplies, flowers and the dispensing of pharmaceutical products;

(2) Taverns and restaurants and food establishments intended for food consumption on the premises or for takeout of food;

(3) Outdoor dining;

(4) Personal and consumer service establishments, such as hair salons;

(5) Banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans. Such business must be conducted on the premises and must be the principal activity of the use on the premises;

(6) Business, administrative and professional offices or other business establishments providing the following services:

(a) Finance, insurance or real estate sales or services;

(b) Business or professional services;

(c) Health services;

(d) Social services;

(e) Consulting services;

(f) Private clubs and service organizations;

(7) Museums, art galleries and indoor motion-picture theaters and theaters for conducting live entertainment or cultural performances; music and dance studios;

(8) Child care centers;

- (9) Governmental buildings and municipal parking facilities;
- (10) Public parks and playgrounds;
- (11) Residential dwelling units limited to the second, third and fourth floors;
- (12) Commercial parking lots.

**C. Accessory uses and structures.** The following accessory uses and structures shall be permitted in the DTV Zone District:

- (1) Parking and parking facilities as regulated in Article **XXIV**.
- (2) Signs, pursuant to the provisions of Article **XXV**, for the uses for which signs are permitted.
- (3) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

**D. Conditional uses and structures.** The following conditional uses and structures shall be permitted in the DTV District only if they comply with the appropriate regulations for such uses or structures in Article **XXVIII**:

- (1) Nonprofit chartered membership organizations;
- (2) Residential-type public utility facilities; and
- (3) Certain telecommunications antennas as set forth in Article **XXVI**.

**E. Prohibited uses and structures.** Any use or structure, other than those uses or structures permitted in Subsections **B**, **C** and **D** above, are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

- (1) Any business conducted outside the confines of a building, except those temporary activities permitted by special permission from the Township Mayor and Council or allowed elsewhere in the Ordinance;
- (2) Gasoline filling stations, gasoline service stations, public garages, automobile body repair or painting shops;
- (3) Lumberyards or building material yards;

- (4) Sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid-fuel engines;
- (5) Dry-cleaning establishments where the dry cleaning is done on the premises;
- (6) Warehouses or businesses which do not sell directly to the general public;
- (7) Public or private schools;
- (8) Funeral services, undertakers, crematories and morticians;
- (9) Residential use of any kind, other than those uses as permitted in Subsection **B(10)** above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;
- (11) All aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by permit. Aboveground or basement storage of up to 530 gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
- (12) Any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community; and
- (13) Private commercial parking lots as a principal use.

**F. Area, yard and building dimensions.** In any DTV District, the following dimensional requirements shall be applied, unless otherwise excepted:

- (1) Minimum lot dimensions:
  - (a) Lot area: 7,500 square feet.
  - (b) Lot frontage: 75 feet.
- (2) Minimum yards.
  - (a) Front yard. There shall be a minimum front yard of 15 feet, except that when abutting a residential district, the front yard requirement of such



residential district shall apply to the abutting yard. No parking service shall be located closer than five feet to any street line.

**(b) Side yard.** There are no minimum single side yard requirements, except that when abutting a residential district, the side yard requirement of such residential district shall apply to the abutting yard. The total of both side yards should be a minimum of 20 feet.

**(c) Rear yard:** 20 feet for principal structures; five feet for accessory structures.

**(3) Maximum building dimensions:**

**(a) Height:** 45 feet and 4 stories.

**(b) Building coverage:** 80%.

**(c) Impervious cover:** 90%.

**(d) Floor area ratio:** 3.0.

**(e) Density:** 32 units per acre.

**(4) Open space.** There shall be a minimum of 10% open space.

**G. Streetscape standards.** Private development within the DTV District shall include street improvements to enhance the downtown streetscape. Required streetscape improvements will include a specific architectural and site design theme similar to the streetscape improvements undertaken by the Township of Clark within this area during the period 2000 through 2001. Site improvements will include benches, trash receptacles, area lighting, street trees, brick pavers and planters. These improvements shall be consistent with plans and specifications on file with the Township Engineer. Architectural details and standards not included therein will be developed and adopted by the Township Engineer to encourage a unity among the diverse uses and structures that make up this village neighborhood. Building architectural features will involve facade and large window treatments, cornice lines that are visually connective with neighboring buildings, finishes and rooflines.

**H. Integrated shopping units.**

**(1)** Nothing in this section shall be construed to prevent the construction or erection of a series or row of attached stores, shops or offices on a single piece of property, or a composite of lots under one ownership, where such a grouping forms an integrated limited shopping unit. Such unit shall be constructed or erected in accordance with a plot plan and shall meet any applicable dimensional requirements set forth in this section for the DTV District. Each such integrated shopping unit shall consist of a group of individual shops or offices and shall

have a uniform architectural design and appearance. Such design shall be consistent with the goals and objectives of the zone.

(2) Signs shall be in accordance with the provisions of Article **XXV**. In addition, such shopping unit is permitted one sign stating the name or designation of such shopping unit or listing the names or designations of stores, shops or offices therein. Such sign shall be no greater in area than 48 square feet and shall be no higher than the height of the principal building. Any illumination of such sign shall be non-flashing, uncolored and confined to the face of such sign.

**I. Screening of commercial uses.** Any lot used for commercial purposes which abuts any permitted dwellings, public buildings or institutional premises in the DTV District or other district along any lot line, except a front lot line or side street line, shall be screened along such lot line. Such screen shall be a solid wall or a solid fence not less than four feet in height, together with a three-foot planting strip along the outside face of such wall or fence, planted in shrubs or evergreens. In lieu of such wall, fence and planting strip, a compact evergreen hedge of not less than three feet in height at the time of planting may be used. Such wall, fence, planting or hedge shall be maintained in good condition, and no advertising shall be placed thereon. Such screening shall be indicated on the site plan.

**SECTION 3:      Section 195-140.2 R-B - 16 Multiple-Family Residential District is added as new district and citation as follows:**

**§ 195-140.2 R-B - 16 Multiple-Family Residential District.**

**A. Purpose of district.** The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside of units within such developments affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.<sup>[1]</sup>

**B. Permitted uses.** The permitted uses are townhouses and garden apartments.

**C. Development standards.**

(1) Definition of uses. Garden apartments include multiple dwellings arranged in flats, up to 40 feet in height. Townhouses comprise single-family dwellings

attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.

**(2) Density.** The maximum density shall be sixteen (16) units per acre of site area.

**(3) Lower-income housing requirements.** A minimum of 20% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low and moderate income, under the lower-income housing requirements specified in Subsection **D** below.

**(4) Building requirements, garden apartments.** Maximum building height shall be 40 feet, and maximum building length shall be 120 feet.

**(5) Building requirements, townhouses.** Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.

**(6) Setbacks and spacing, garden apartments.** The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.

**(7) Setbacks and spacing, townhouses.** The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.

**(8) Landscaped areas, buffer areas, and recreation facilities.** All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.

**(9) Parking areas and access drives.** A minimum of two parking spaces shall be provided for each dwelling unit. For townhouses, one of these spaces shall be provided within the unit or in a garage, except that this requirement shall not

apply to lower-income units. All off-street parking areas shall be surfaced in accordance with Township standards. No off-street parking shall be located within front yards or within less than 10 feet from side and rear property lines.

**(10)** Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:

**(a)** Maximum impervious cover: 80%.

**(b)** There shall be a minimum of 20% open space.

#### **D. Lower-income housing requirements.**

**(1)** Purpose. The purpose of this section is to establish criteria for the development of land to comply with the provisions of the New Jersey Supreme Court decision commonly referred to as "Mt. Laurel II." The regulations and controls contained in this section shall be interpreted to assure the construction of lower-income housing which meets the standards and guidelines set forth in Mt. Laurel II.

**(2)** Number and type of lower-income dwelling units required.

**(a)** Garden apartment and townhouse developments shall be required to provide 20% of all dwelling units to be affordable for lower-income households.

**(b)** At least 1/2 of all lower-income units shall meet HUD Section 8 eligibility requirements for very low income and 1/2 shall meet HUD eligibility requirements for lower income (Mt. Laurel II Moderate Income). There shall be a range of affordability within the maximum income limits as required by all applicable regulations.

**(c)** The developer shall agree not to impose age restrictions upon the occupants of any low- and moderate-income unit.

**(d)** Unit size distribution shall be as follows, divided evenly between low and moderate income:

**[1]** At a minimum, 35% of all low- and moderate-income units shall be two-bedroom units;

**[2]** At a minimum, 15% of all low- and moderate-income units shall be three-bedroom units; and

**[3]** No more than 20% of all low- and moderate-income units may be efficiency units.

**(e)** The lower-income units shall be architecturally similar to the market rate units and shall be generally distributed among the market rate units rather than isolated.

**(3) Pricing of low and moderate income units.**

**(a)** The average price of low and moderate income units within an inclusionary development shall be, as best as practicable, affordable to households at 57.5% of median income as contained in NJAC 5:92-12.4.

**(b)** For purchased housing, as best as practicable, the following distribution of prices shall be used for every 20 low and moderate income units:

| <b>Proposed Pricing Stratification</b> |                          |
|----------------------------------------|--------------------------|
| Low                                    | 1 at 40% through 42.5%   |
|                                        | 3 at 42.6% through 47.5% |
|                                        | 6 at 47.6% through 50%   |
| Moderate                               | 1 at 50.1% through 57.5% |
|                                        | 1 at 57.6% through 64.5% |
|                                        | 1 at 64.6% through 68.5% |
|                                        | 1 at 68.6% through 72.5% |
|                                        | 2 at 72.6% through 77.5% |
|                                        | 4 at 77.6% through 80%   |

**(c)** For initial occupancy, priority shall be given to households that fall within the median income categories delineated in the preceding subsection.

**(d)** In computing affordability and eligibility, not more than 30% of the family income may be used for rental housing and 28% for sales housing, as follows:

Rental units: rent, excluding utilities. Maximum rent shall be calculated as a percentage of the uncapped Section 8 income limits.

Sales: Principal and interest

Units:

Insurance

Taxes

Condominium or homeowners' association fees

Condominium or homeowners' association fees shall be consistent with N.J.A.C. 5:92-12.12(a), which is as follows:

5:92-12.12 Initial pricing

(a) Municipalities shall require that the initial price of a low and moderate income owner-occupied single family housing unit be established so that after a downpayment of 10%, the monthly principal, interest, taxes, insurance and condominium fees do not exceed 28% of an eligible gross monthly income. Municipalities shall, by ordinance, require that master deeds of inclusionary development regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at a specific percentage of those paid by market purchasers. Once established within the master deed, the percentage shall not be amended without prior approval from a Court of Competent Jurisdiction.

(e) The following criteria shall be considered in determining rents and sale prices:

- [1] Efficiency units shall be affordable to one-person households.
- [2] One-bedroom units shall be affordable to two-person households.
- [3] Two-bedroom units shall be affordable to three-person households.
- [4] Three-bedroom units shall be affordable to five-person households.

**(4) Subsidies.** Government subsidies may be used at the discretion of the applicant to fulfill the requirements of this section. The lack of the subsidies shall in no way alter or diminish the lower-income requirements of this section.

**(5) Phasing of construction.**

(a) Within inclusionary developments, low- and moderate-income housing units shall be built in accordance with the following schedule:

| Minimum Percentage of Low- and Moderate-Income Units Completed | Percentage of Market Housing Units Completed |
|----------------------------------------------------------------|----------------------------------------------|
| 0%                                                             | 25%                                          |
| 10%                                                            | 25%, plus 1 unit                             |
| 50%                                                            | 50%                                          |
| 75%                                                            | 75%                                          |

| <b>Minimum Percentage of Low- and Moderate-Income Units Completed</b> | <b>Percentage of Market Housing Units Completed</b> |
|-----------------------------------------------------------------------|-----------------------------------------------------|
| 100%                                                                  | 90%                                                 |
| 100%                                                                  | 100%                                                |

(b) Any development for which a subdivision or site plan has been approved shall be considered a single development for purposes of this section, regardless of whether parts or sections are sold or otherwise disposed of to persons of legal entities other than the one which received approval. All such approvals and conditions of approvals shall run with the land. Any tracts or parcels sold shall include documentation, satisfactory to the Township Attorney, setting forth the requirements for low- and moderate-income housing units.

**(6) Administration of low and moderate income housing.**

(a) The governing body is hereby designated the Affordable Housing Board of the Township to administer or to provide for and supervise the administration of low and moderate income housing units hereunder and to assure that such units are made available and remain affordable to low- and moderate-income households for a period of not less than 30 years.

(b) The Township Administrator is hereby designated to carry out such administrative responsibilities within the Township as may be determined by the Affordable Housing Board.

(c) Appropriate outside agencies such as the Affordable Housing Management Service of the New Jersey Department of Community Affairs may be utilized for such administrative responsibilities as designated by the Affordable Housing Board of the Township.

(d) The cost of such administration by outside agencies shall be met, to a reasonable extent, by the developers of the housing projects including low- and moderate-income units.

**(7) Resale and rental of lower-income housing.**

**(a)** All lower-income dwelling units shall be required to have covenants running with the land to control the resale price of for-sale units or to employ other legal mechanisms which shall be approved by the Township Attorney and will, in his opinion, ensure that such housing will remain permanently affordable to persons of lower income for a period of at least 30 years.

**(b)** Selection procedures and an appropriate administration mechanism for assuring that low- and moderate-income housing units remain affordable to low- and moderate-income households shall be directed and administered by the Affordable Housing Board or an agency designated by it.

**(c)** The price of an owner-occupied housing unit and the rents of affordable housing units may increase annually based on the percentage increase in median income for each housing region as determined from the uncapped Section 8 income limits, published by HUD, or other recognized standards.

**(d)** Persons wishing to sell affordable units shall notify the Affordable Housing Board or an agency designated by it of the intent to sell. The seller may apply for permission to offer the unit to a non-income-eligible household at the maximum price permitted. The seller shall document efforts to sell the unit to an income-eligible household as part of this application. If the request is granted, the seller may offer low-income housing units to moderate-income households and moderate-income housing units to households earning in excess of 80% of the median. In no case shall the seller be permitted to receive more than the maximum price permitted. In no case shall a sale pursuant to this section eliminate the resale controls on the unit or permit any subsequent seller to convey the unit except in full compliance with the terms of N.J.A.C. 5:92-12.

**(e)** Property owners of single-family, owner-occupied housing may apply to the Affordable Housing Board or an agency designated by it for permission to increase the maximum price for eligible capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household. In no event shall the maximum price of an improved housing unit exceed the limits of affordability for the larger household. Property owners shall apply to the Affordable Housing Board or an agency designated by it if an increase in the maximum sales price is sought.



(f) A judgment of the foreclosure or a deed in lieu of foreclosure by a financial institution regulated by state and/or federal law shall extinguish controls on affordable housing units, provided there is compliance with N.J.A.C. 5:92-10. Notice of foreclosure shall allow the Township, through the Affordable Housing Board, to purchase the affordable housing unit at the maximum permitted sale price.

(g) In the event of a foreclosure sale, the owner of the affordable housing unit shall be personally obligated to pay to the Township, through the Affordable Housing Board, any surplus funds, but only to the extent that such surplus funds exceed the difference between the maximum price permitted at the time of foreclosure and the amount necessary to redeem the debt to the financial institution, including costs of foreclosure.

**(8) Affirmative marketing.**

(a) No low- and moderate-income housing units are presently under construction or are as yet planned by the respective property owners. However, at such time as these units are constructed, Affirmative Marketing will be conducted by the Township through a Housing Officer or an appropriate agency to be appointed by the governing body. Such marketing will include the following:

[1] Legal advertisements and also announcements suitable for newspaper articles will be prepared for local newspapers and those covering Union, Essex, Morris, and Sussex Counties, prescribing the available low- and moderate-income housing and procedures for application and inviting such applications.

[2] **Permitted newspapers.** The newspapers for such advertisements and announcements include the following:

[a] Union County Local Source

[b] Star Ledger.

[c] TAP into Clark

All of the above, are considered the official newspapers of the Township.

[3] In addition, announcements of such housing will be posted in the Municipal Building, the post office, and other appropriate public locations. Local church groups will be contacted announcing the availability of such units, and an announcement will be made on community-access cable television.

**[a]** Announcements will also be distributed to the County Planning Board and Housing Authority, local service organizations, the Welfare Director, and other appropriate local and areawide groups.

**[b]** As provided in the rezoning ordinance, 50% of the units shall be made available on a priority basis to income-eligible households that reside in the municipality or work in the municipality and reside elsewhere, for a period not to exceed 15 business days from the time such units are listed for sale or resale or made available for rent. No more than 50% of the units shall be made available on a priority basis to income-eligible households that reside in the municipality or work in the municipality and reside elsewhere.

**[c]** Screening of occupants will be the responsibility of the Township Municipal Liaison or Administrative Agency designated by the governing body, who will work in conjunction with the project's developers. Such developers will be required to pay the reasonable costs of advertisements and will be required to cooperate with the Township in preparing the required announcements and advertisements.

**[d]** The marketing program will commence at least 90 days before the issuance of either temporary or permanent certificates of occupancy and shall continue until all low- and moderate-income housing units are under contract of sale and/or lease.

**(9) Waiver of fees.** Notwithstanding any ordinance requirement of the Township, the applicable approving agency shall waive the following fees for every unit designated as lower-income housing:

- [1]** Subdivision and site plan application fees.
- [2]** Building permit fees, except state and third-party fees.
- [3]** Certificate of occupancy fees.

**SECTION 4:      Section 195-140.3   R-B - 20 Multiple-Family Residential District is added as new district and citation as follows:**

**§ 195-140.3   R-B - 20 Multiple-Family Residential District.**

**A. Purpose of district.** The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required

set-aside of units within such developments affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.<sup>[1]</sup>

**B. Permitted uses.** The permitted uses are townhouses and garden apartments.

**C. Development standards.**

(1) Definition of uses. Garden apartments include multiple dwellings arranged in flats, up to 45 feet in height. Townhouses comprise single-family dwellings attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.

(2) Density. The maximum density shall be twenty (20) units per acre of site area.

(3) Lower-income housing requirements. A minimum of 20% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low and moderate income, under the lower-income housing requirements specified in Subsection **D** below.

(4) Building requirements, garden apartments. Maximum building height shall be 45 feet, and maximum building length shall be 120 feet.

(5) Building requirements, townhouses. Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.

(6) Setbacks and spacing, garden apartments. The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.

(7) Setbacks and spacing, townhouses. The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.

(8) Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.

(9) Parking areas and access drives. A minimum of two parking spaces shall be provided for each dwelling unit. For townhouses, one of these spaces shall be provided within the unit or in a garage, except that this requirement shall not apply to lower-income units. All off-street parking areas shall be surfaced in accordance with Township standards. No off-street parking shall be located within front yards or within less than 10 feet from side and rear property lines.

(10) Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:

(a) Maximum impervious cover: 80%.

(b) There shall be a minimum of 20% open space.

#### **D. Lower-income housing requirements.**

(1) Purpose. The purpose of this section is to establish criteria for the development of land to comply with the provisions of the New Jersey Supreme Court decision commonly referred to as "Mt. Laurel II." The regulations and controls contained in this section shall be interpreted to assure the construction of lower-income housing which meets the standards and guidelines set forth in Mt. Laurel II.

(2) Number and type of lower-income dwelling units required.

(a) Garden apartment and townhouse developments shall be required to provide 20% of all dwelling units to be affordable for lower-income households.

(b) At least 1/2 of all lower-income units shall meet HUD Section 8 eligibility requirements for very low income and 1/2 shall meet HUD eligibility requirements for lower income (Mt. Laurel II Moderate Income). There shall be a range of affordability within the maximum income limits as required by all applicable regulations.

(c) The developer shall agree not to impose age restrictions upon the occupants of any low- and moderate-income unit.

(d) Unit size distribution shall be as follows, divided evenly between low and moderate income:

[1] At a minimum, 35% of all low- and moderate-income units shall be two-bedroom units;

[2] At a minimum, 15% of all low- and moderate-income units shall be three-bedroom units; and

[3] No more than 20% of all low- and moderate-income units may be efficiency units.

(e) The lower-income units shall be architecturally similar to the market rate units and shall be generally distributed among the market rate units rather than isolated.

(3) Pricing of low and moderate income units.

(a) The average price of low and moderate income units within an inclusionary development shall be, as best as practicable, affordable to households at 57.5% of median income as contained in NJAC 5:92-12.4

(b) For purchased housing, as best as practicable, the following distribution of prices shall be used for every 20 low and moderate income units:

|          | <b>Proposed Pricing Stratification</b> |
|----------|----------------------------------------|
| Low      | 1 at 40% through 42.5%                 |
|          | 3 at 42.6% through 47.5%               |
|          | 6 at 47.6% through 50%                 |
| Moderate | 1 at 50.1% through 57.5%               |
|          | 1 at 57.6% through 64.5%               |
|          | 1 at 64.6% through 68.5%               |
|          | 1 at 68.6% through 72.5%               |
|          | 2 at 72.6% through 77.5%               |
|          | 4 at 77.6% through 80%                 |

(c) For initial occupancy, priority shall be given to households that fall within the median income categories delineated in the preceding subsection.

(d) In computing affordability and eligibility, not more than 30% of the family income may be used for rental housing and 28% for sales housing, as follows:

Rental units: rent, excluding utilities. Maximum rent shall be calculated as a percentage of the uncapped Section 8 income limits.

Sales Principal and interest  
Units:

Insurance

Taxes

Condominium or homeowners' association fees

Condominium or homeowners' association fees shall be consistent with N.J.A.C. 5:92-12.12(a), which is as follows:

"5:92-12.12 Initial pricing

- (a) Municipalities shall require that the initial price of a low and moderate income owner-occupied single family housing unit be established so that after a downpayment of 10%, the monthly principal, interest, taxes, insurance and condominium fees do not exceed 28% of an eligible gross monthly income. Municipalities shall, by ordinance, require that master deeds of inclusionary development regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at a specific percentage of those paid by market purchasers. Once established within the master deed, the percentage shall not be amended without prior approval from a Court of Competent Jurisdiction.

(e) The following criteria shall be considered in determining rents and sale prices:

- [1] Efficiency units shall be affordable to one-person households.
- [2] One-bedroom units shall be affordable to two-person households.
- [3] Two-bedroom units shall be affordable to three-person households.
- [4] Three-bedroom units shall be affordable to five-person households.

**(5) Subsidies.** Government subsidies may be used at the discretion of the applicant to fulfill the requirements of this section. The lack of the subsidies shall in no way alter or diminish the lower-income requirements of this section.

**(6) Phasing of construction.**

(a) Within inclusionary developments, low- and moderate-income housing units shall be built in accordance with the following schedule:

| <b>Minimum Percentage of Low- and Moderate-Income Units Completed</b> | <b>Percentage of Market Housing Units Completed</b> |
|-----------------------------------------------------------------------|-----------------------------------------------------|
| 0%                                                                    | 25%                                                 |
| 10%                                                                   | 25%, plus 1 unit                                    |
| 50%                                                                   | 50%                                                 |
| 75%                                                                   | 75%                                                 |
| 100%                                                                  | 90%                                                 |
| 100%                                                                  | 100%                                                |

(b) Any development for which a subdivision or site plan has been approved shall be considered a single development for purposes of this section, regardless of whether parts or sections are sold or otherwise disposed of to persons of legal entities other than the one which received approval. All such approvals and conditions of approvals shall run with the land. Any tracts or parcels sold shall include documentation, satisfactory to the Township Attorney, setting forth the requirements for low and moderate income housing units.

**(7) Administration of low and moderate income housing.**

(a) The governing body is hereby designated the Affordable Housing Board of the Township to administer or to provide for and supervise the administration of low and moderate income housing units hereunder and to assure that such units are made available and remain affordable to low and moderate income households for a period of not less than 30 years.

(b) The Township Administrator is hereby designated to carry out such administrative responsibilities within the Township as may be determined by the Affordable Housing Board.

(c) Appropriate outside agencies such as the Affordable Housing Management Service of the New Jersey Department of Community Affairs may be utilized for such administrative responsibilities as designated by the Affordable Housing Board of the Township.

(d) The cost of such administration by outside agencies shall be met, to a reasonable extent, by the developers of the housing projects including low and moderate income units.

**(8) Resale and rental of lower-income housing.**

**(a)** All lower-income dwelling units shall be required to have covenants running with the land to control the resale price of for-sale units or to employ other legal mechanisms which shall be approved by the Township Attorney and will, in his opinion, ensure that such housing will remain permanently affordable to persons of lower income for a period of at least 30 years.

**(b)** Selection procedures and an appropriate administration mechanism for assuring that low- and moderate-income housing units remain affordable to low- and moderate-income households shall be directed and administered by the Affordable Housing Board or an agency designated by it.

**(c)** The price of an owner-occupied housing unit and the rents of affordable housing units may increase annually based on the percentage increase in median income for each housing region as determined from the uncapped Section 8 income limits, published by HUD, or other recognized standards.

**(d)** Persons wishing to sell affordable units shall notify the Affordable Housing Board or an agency designated by it of the intent to sell. The seller may apply for permission to offer the unit to a non-income-eligible household at the maximum price permitted. The seller shall document efforts to sell the unit to an income-eligible household as part of this application. If the request is granted, the seller may offer low-income housing units to moderate-income households and moderate-income housing units to households earning in excess of 80% of the median. In no case shall the seller be permitted to receive more than the maximum price permitted. In no case shall a sale pursuant to this section eliminate the resale controls on the unit or permit any subsequent seller to convey the unit except in full compliance with the terms of N.J.A.C. 5:92-12.

**(e)** Property owners of single-family, owner-occupied housing may apply to the Affordable Housing Board or an agency designated by it for permission to increase the maximum price for eligible capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household. In no event shall the maximum price of an improved housing unit exceed the limits of affordability for the larger household. Property owners shall apply to the Affordable Housing Board or an agency designated by it if an increase in the maximum sales price is sought.

**(f)** A judgment of the foreclosure or a deed in lieu of foreclosure by a financial



institution regulated by state and/or federal law shall extinguish controls on affordable housing units, provided there is compliance with N.J.A.C. 5:92-10. Notice of foreclosure shall allow the Township, through the Affordable Housing Board, to purchase the affordable housing unit at the maximum permitted sale price.

**(g)** In the event of a foreclosure sale, the owner of the affordable housing unit shall be personally obligated to pay to the Township, through the Affordable Housing Board, any surplus funds, but only to the extent that such surplus funds exceed the difference between the maximum price permitted at the time of foreclosure and the amount necessary to redeem the debt to the financial institution, including costs of foreclosure.

**(9) Affirmative marketing.**

**(a)** No low- and moderate-income housing units are presently under construction or are as yet planned by the respective property owners. However, at such time as these units are constructed, Affirmative Marketing will be conducted by the Township through a Housing Officer or an appropriate agency to be appointed by the governing body. Such marketing will include the following:

**[1]** Legal advertisements and also announcements suitable for newspaper articles will be prepared for local newspapers and those covering Union, Essex, Morris, and Warren Counties, prescribing the available low- and moderate-income housing and procedures for application and inviting such applications.

**[2]** Permitted newspapers. The newspapers for such advertisements and announcements include the following:

**[a]** Union County Local Source

**[b]** Star Ledger.

**[c]** TAP into Clark

All of the above are considered the official newspaper of the Township.

**[3]** In addition, announcements of such housing will be posted in the Municipal Building, the post office, and other appropriate public locations. Local church groups will be contacted announcing the availability of such units, and an announcement will be made on community-access cable television.

**[a]** Announcements will also be distributed to the County Planning

Board and Housing Authority, local service organizations, the Welfare Director, and other appropriate local and areawide groups.

**[b]** As provided in the rezoning ordinance, 50% of the units shall be made available on a priority basis to income-eligible households that reside in the municipality or work in the municipality and reside elsewhere, for a period not to exceed 15 business days from the time such units are listed for sale or resale or made available for rent. No more than 50% of the units shall be made available on a priority basis to income-eligible households that reside in the municipality or work in the municipality and reside elsewhere.

**[c]** Screening of occupants will be the responsibility of the Township Housing Officer or appropriate agency designated by the governing body, who will work in conjunction with the project's developers. Such developers will be required to pay the reasonable costs of advertisements and will be required to cooperate with the Township in preparing the required announcements and advertisements.

**[d]** The marketing program will commence at least 90 days before the issuance of either temporary or permanent certificates of occupancy and shall continue until all low- and moderate-income housing units are under contract of sale and/or lease.

**(10) Waiver of fees.** Notwithstanding any ordinance requirement of the Township, the applicable approving agency shall waive the following fees for every unit designated as lower-income housing:

- [1]** Subdivision and site plan application fees.
- [2]** Building permit fees, except state and third-party fees.
- [3]** Certificate of occupancy fees.

**SECTION 5:**     **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 6:**     **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Motion to introduce made by Councilman Mazzarella, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Public Hearing May 15<sup>th</sup>

**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.

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman O'Connor close the public portion of the meeting, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzearella, O'Connor, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Mentioned if anyone has questions regarding the Housing Element and Fair Share Plan to call him or Mr. Laezza or any of the members of Council. The Mayor stated he will be reporting back to the community as he hears what the settlements are in other communities just for an FYI. Thanked everyone for their support and to the professionals for their expertise.

Councilman Barr: No comment.

Councilman Hund: Thanked everyone that was a part of this two-year process.

Councilman Mazzearella: No comment.

Councilman O'Connor: Echoed the comments of the Mayor and the Council that have already spoken. Thanked everyone that was involved in the process.

Councilman Smith: Thanked Mr. O'Brien for outlining the Fair Share Affordable Housing and putting it in layman's terms. And also thanked the other professional who were involved.

Councilman Toal: No comment.

Council President Albanese: Is very appreciative that the meetings are televised to get as much information out to the residents.

John Laezza: Mentioned as a reminder that the Public Hearings on all the ordinances that were introduced tonight will be May 15<sup>th</sup>.

Attorney Triarsi: No comment.

Township Clerk: No comment, thank you.



**ADJOURNMENT:**

Motion to adjourn was made by Councilman Barr, seconded by Councilman Mazzarella

Council President Hund directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

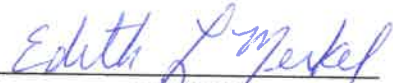
APPROVED



ANGEL ALBANESE

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk



## Township Council Presentation On Affordable Housing

Kevin O'Brien, P.P.

1 May 2017

Madame President, Members of Council, Mayor Bonaccorso, it is my pleasure to be here to discuss the Housing Element and Fair Share Plan.

Although I stand before you to report on the Township's Affordable Housing efforts, I would like to thank the people who have worked tirelessly to create the documents you have before you. Without them this report would not be possible. Mr. Laezza and his staff, Ms. Merkel and her staff, Messrs Triarsi and Lesnik and their staff, and Mr. O'Connor and his staff. All have made major contributions. Thank you.

Supreme Court ruled in 1986 in the Mount Laurel cases that required towns to provide affordable housing.

In 1991 Clark filed our first plan with COAH (Council on Affordable Housing) to indicate our willingness to address the issue and show where affordable housing could go. We were granted immunity from the builder's lawsuits at that time.

Subsequent plans and discussions with COAH continued through 2009

Between 2009 and 2015 COAH failed to meet or take action.

The Supreme Court removed COAH in March 2015.

Now all towns report to the Superior Court.

We filed our first request for immunity in July 2015.

Since then we have provided regular Affordable Housing Reports to the Court, appeared in Court several times and negotiated with the Fair Share Center and other parties suing Clark to provide affordable housing.

Fair Share is a front for the Builder's Association. All they want to do is build with no concern for where or how it impacts communities.

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100

100



We agreed with the Fair Share Center that we had a prior round obligation of 93 and a prospective need (2015 to 2025) of 170 units totaling 263 units. This was negotiated down from an original demand of 388 units. With the rental and other credits we will apply for, our final obligation is 197 units.

We have shown where 328 units can be built in the Township. The idea is to provide more than what is needed to allow a Realistic Development Potential in the Township. This shows the Court that we are willing to work with them, which provides us immunity from lawsuits through 2025.

If we do not have immunity from the Court, then a builder can sue the town to provide affordable housing. The Court could rule in favor of the builder and possibly order the town to provide land for the builder's project. That project can be placed anywhere in town by the builder and may not be subject to any of the building or site design conditions that we place on development now.

Having immunity from lawsuits allows the Township to guide and control development to where it fits and has the least impact upon surrounding properties and the Township.

We do not anticipate that many units will be built in the near future. But we do hope that the major vacant parcels, such as the Jack's Tavern site and the old A & P site as well as the Evening Realty site will develop over the next few years and provide market rate and affordable housing, along with mixed use development including stores, services and restaurants.

The Township is proposing several ways to meet the required number - provide rental units, rehab older homes, provide additional group homes for the developmentally disabled and giving regional and veterans preferences for affordable housing renters. All of these programs are proven methods to find affordable housing tenants.

Clark is a proud community of hardworking folks. Our Mayor, our Council and our Planning Board did not ask the State to be involved with affordable housing. This Township has cooperated with affordable housing efforts in the past not because the

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Township agrees with the Court ruling, but because we have no choice. And by not fighting a losing battle we are not wasting Township funds from your tax dollars

By passing the Housing Element and Fair Share Plan this evening, the Planning Board will insure local control of affordable housing development and guide that development to appropriate locations that meet our ordinance for what the development will look like.

Thank you Madame President, Council Members and Mayor Bonaccorso.



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**  
**June 5, 2017**

**ROLL CALL:**

Present: Council Members Barr, Mazzarella, O'Connor, Smith, Toal  
Absent: Hund, Albanese

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council Vice President Barr. He asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCE:**

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

**Ordinance 17-10**

**AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE #17-04 ADOPTED MARCH 20, 2017 ENTITLED "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 255 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROPERTY MAINTENANCE" AND TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE BY CREDITORS**

Council Vice President Barr opened the Public Hearing on Ordinance 17-10

Seeing no one coming forward Councilman Smith made a motion to close the Public Hearing, seconded by Councilman Mazzarella

Council Vice President Barr directed roll call:

Aye: Mazzarella, O'Connor, Smith, Toal, Barr

A motion to adopt Ordinance 17-10 was made by Councilman O'Connor, seconded by Councilman Mazzarella

Council Vice President Barr directed roll call:

Aye: Mazzarella, O'Connor, Smith, Toal, Barr

**INTRODUCTION OF PROPOSED ORDINANCE:**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 17-09 ADOPTED MAY 15, 2017 ENTITLED “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED LAND USE AND DEVELOPMENT, ARTICLE XXIII, DISTRICT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF CLARK”**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 195, entitled “Section 4, Section 195-140.3 R-B - 20 Multiple-Family Residential District” of the Code of the Township of Clark is hereby amended and supplemented in the following particulars with all other sections remaining unchanged:

**Section 195-140.3 R-B - 20 Multiple-Family Residential District is added as new district and citation amended as follows:**

**§ 195-140.3 R-B - 20 Multiple-Family Residential District.**

**A. Purpose of district.** The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside of units and development standards as set forth with a certain settlement agreement approved by the Court on December 21, 2016 with such units affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.<sup>[1]</sup>

**C. Development standards.**

**(3)** Lower-income housing requirements. A minimum of 16% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low and moderate income, under the lower-income housing requirements specified in Subsection **D** below.

**(4)** Building requirements, garden apartments. Maximum building height shall be 45 feet.

**(11)** Notwithstanding the foregoing, a minimum of 168 units are permitted with a total bedroom count of 330 as per the settlement plan. At the applicant's option, as long as the total bedroom count remains 330, the maximum units permitted would be 177. If the latter option is chosen, the only permitted three bedroom units would be affordable units to meet the Township obligation.

**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.

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

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Council Vice President Barr directed roll call:

Aye: Mazzarella, O'Connor, Smith, Toal, Barr

**Discussion:**

John Laezza: Stated that to get all of the ordinances done for the affordable housing project, when the R-B 20 zone was created there were some inconsistencies related to density.

Public Hearing June 19<sup>th</sup>

**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 durations.

Council Vice President Barr opened the public portion of the meeting

Seeing no one coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Smith

Council Vice President Barr directed roll call:

Aye: Mazzarella, O'Connor, Smith, Toal, Barr

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment

Councilman Toal: No comment.

Council Vice President Barr: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Smith, seconded by Councilman Mazzarella

Council Vice President Barr directed roll call:

Aye: Mazzarella, O'Connor, Smith, Toal, Barr

APPROVED

A handwritten signature in dark ink, appearing to read "Alvin Barr", written over a horizontal line.

ALVIN BARR  
Council Vice President

ATTEST:

A handwritten signature in dark ink, appearing to read "Edith L. Merkel", written over a horizontal line.

EDITH L. MERKEL, RMC  
Township Clerk



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ  
July 3, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Toal, Albanese  
Absent: Smith

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**RESOLUTIONS:**

**Resolution 17-111**

**RESOLUTION AUTHORIZING THE CLARK TOWNSHIP TAX COLLECTOR  
TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH  
P.L. 1994, c.72**

**WHEREAS** due to the late adoption of the State of New Jersey's Budget, the Union County Board of Taxation is unable to certify tax rates throughout Union County and the Clark Township Tax Collector will be unable to mail the Township's 2017 tax bills on a timely basis; and

**WHEREAS** the Clark Township Tax Collector in consultation with the Clark Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.33 and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clark, in the County of Union and State of New Jersey on this 3<sup>rd</sup> day of July 2017, as follows:

1. The Clark Township Tax Collector is hereby authorized to prepare and issue estimated tax bills for the Township for the third installment of 2017 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)

2. The entire estimated tax-levy for 2017 is hereby set at \$63,708,627.00

3. In accordance with law the third installment of 2017 taxes shall not be subject to interest until the later of August 11 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: Gave an explanation of resolution due to the State Government shut down.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazarella, O'Connor, Toal, Albanese

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**Resolution 17-112**

**WHEREAS**, it has come to the attention of the Governing Body of the Township of Clark that Hartz Mountain Industries, Inc., the owner of certain property known as 750 Walnut Avenue (Block 541, Lot 2) Cranford, New Jersey, has filed an application with the Planning Board of the Township of Cranford for the rezoning of a 30.5-acre commercial property located at the above address, in order to permit residential development; and

**WHEREAS**, the subject property is presently in a C3 zone which permits office, laboratory and industrial facilities but prohibits residential uses; and

**WHEREAS**, the present C3 zoning was impressed upon the property by ordinance pursuant to the recommendation contained in the Township's Master Plan; and

**WHEREAS**, Hartz Mountain seeks an amendment to the Zoning Ordinance in order to allow the subject property to be used as a site for a four-story Planned Unit Development which would house in Phase I more than 436 residential units and after full development of the site, a total of 905 residential units allocated as one, two and three bedroom units, together with ancillary facilities; and

**WHEREAS**, the Governing Body of the Township of Clark is of the judgment that the rezoning of the property would result in a significant negative impact to the residents of the Township of Clark by the creation of severe traffic congestion; would result in overcrowding of the land; and would result in the depreciation of surrounding property values within the Township; and is otherwise inimical to the essential purposes of zoning by increasing the density and thereby diminishing the availability of light, air and open space; providing zoning that

conflicts with the Township's Master Plan and the scheme of development existing in the Township of Clark; failing to provide for open space for public and private use; would foster significant negative environmental impact; and is otherwise an excessive and overreaching use of the subject property; all of which consequences would bear and impose a negative impact upon the residents of the adjoining Township of Clark; and

**WHEREAS**, it is the opinion of the Township of Clark, after a review of the application made by Hartz Mountain, that the applicant seeks to create spot zoning on the subject property which the Governing Body of the Township of Clark believes to be inappropriate and contrary to the statutory and case law of the State of New Jersey in that it seeks to utilize the zoning power of the Township of Cranford to benefit a particular private interest rather than the collective interest of the community in a circumstance where the proposed rezoning for the use is incompatible with surrounding uses and with the Master Plan of the Township of Cranford solely for the benefit of the property owner and is detrimental to the residents of the Townships of Cranford and Clark; and

**WHEREAS**, the Township of Clark, which immediately adjoins and abuts the subject property, wishes to express its concern and opposition to said illegal spot zoning of the property contiguous to the Township of Clark which will necessarily affect the surrounding properties within the Township of Clark and result in a depreciation of property values and a violation of the zone plan and zoning ordinance of the adjacent municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that it does hereby record its firm and unequivocal opposition to the rezoning of Lot 2 in Block 541 in the Township of Cranford from C3 which does not permit residential development to an amendment of the permitted uses in the zone which would permit such development.

**BE IT FURTHER RESOLVED** by the Governing Body of the Township of Clark that it believes any such rezoning would be an illegal act contrary to the municipal interests of the Township of Clark and the residents located therein, and that it would create unacceptable consequences to the adjoining municipality and would be for the sole and exclusive benefit of the private developer and not of the interests of the Township of Clark.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Planning Board of the Township of Cranford, the Governing Body of the Township of Cranford, and the Union County Planning Board.

Moved and seconded by Entire Council

Discussion:

Mayor Bonaccorso: Discussed putting together a petition opposing Hartz Mountain Project at 750 Walnut Avenue.

No further discussion

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Toal, Albanese

**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.

Council President Albanese opened the public portion of the meeting

Delia Collins, 72 Georgia St.: Mentioned she attended the meeting regarding the Hartz Mountain Project at the Cranford Community Center. She stated it was very interesting and gave a synopsis of the meeting.

Seeing no one else coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman O'Connor.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman Mazzarella

Council President Hund directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Toal, Albanese

APPROVED



ANGEL ALBANESE  
Council President

ATTEST:



EDITH L. MERKEL, RMC  
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**  
**August 7, 2017**

**ROLL CALL:**

Present: Council Members Barr, Mazzearella, Smith, Toal, Albanese  
Absent: Hund, O'Connor

Also Present: John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney;  
Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**INTRODUCTION OF PROPOSED ORDINANCE:**

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

**BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Sections of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" are hereby amended in the following particulars:

**SECTION 1:**      Section 347-33 entitled "Stop intersections" is amended and supplemented so as to include the following:

| <b>Intersection</b>                | <b>Stop Sign On</b> |
|------------------------------------|---------------------|
| Prospect Street and Liberty Street | Prospect Street     |

**SECTION 2:**      Section 347-36 entitled "Turn prohibitions" Section A. "Left turns" is hereby supplemented so as to include:

| <b>From</b>                                                                                        | <b>Onto</b>                                                                                       |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Driveway of existing parking lot located at 1255 Raritan Rd. located 275 ft. west of Walnut Ave.   | Raritan Road                                                                                      |
| Driveway of existing parking lot located at 1255 Raritan Rd. located 1450 ft. west of Walnut Ave.  | Raritan Road                                                                                      |
| Driveway of existing parking lot located at 1255 Raritan Rd. located 625 ft. south of Raritan Road | Walnut Ave.                                                                                       |
| Raritan Road                                                                                       | Driveway of existing parking lot located at 1255 Raritan Rd. located 275 ft. west of Walnut Ave.  |
| Raritan Road                                                                                       | Driveway of existing parking lot located at 1255 Raritan Rd. located 1450 ft. west of Walnut Ave. |

**SECTION 3:**     **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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

Moved by Councilman Mazzearella, seconded by Councilman Barr

Discussion:

John Laezza: Explained what was discussed during a Traffic Coordinating Committee meeting on the specific areas mentioned in the ordinance. Public Hearing will be on August 21<sup>st</sup>.

Council President Albanese directed roll call:  
Aye: Barr, Mazzearella, Smith, Toal, Albanese

**RESOLUTIONS:**

**Resolution 17-121**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor or Business Administrator and Township Clerk to execute a Developer's Agreement with Vincenzo Associates, LLC., having its principal office located at 138 Westfield Avenue, Clark, New Jersey 07066 for the Vincenzo Court Townhouse Development on the tract of land identified as Block 60, Lot 70, situated at 1132 Westfield Avenue, Clark, New Jersey 07066.

Moved by Councilman Smith, seconded by Councilman Toal

**Discussion:**

John Laezza: Explained everything was received and the project is ready to go.

Council President Albanese directed roll call:

Aye: Barr, Mazzarella, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-122**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor or Business Administrator and Township Clerk to execute a Developer's Agreement with Domenico Lettini, having its principal office located at 31 Doris Way, Clark, New Jersey 07066 for the Hartman Court Development on the tract of land identified as Block 40, Lots 50 and 51, situated at 551 and 559 Madison Hill Road, Clark, New Jersey 07066.

Move by Councilman Toal, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Barr, Mazzarella, Smith, Toal, Albanese

\*\*\*\*\*

**Resolution 17-123**

**WHEREAS** Assembly Republican Leader Jon Bramnick requested a special state legislative session to vote on Assembly Bill A4666 which would impose a moratorium on affordable

housing litigation until December 31, 2017 to provide an opportunity for the legislature to develop an alternative to litigation; and

**WHEREAS** Assembly Speaker Vincent Prieto rejected Assemblyman Bramnick's request on procedural grounds; and

**WHEREAS** this is a bi-partisan issue that has dire consequences to taxpayers bearing the high cost of litigation; and

**WHEREAS** in addition to the cost of litigation, communities are on a path to being over-built, over-congested and over-polluted causing a threat to infrastructure, traffic, overcrowded schools and quality of life in local municipalities; and

**WHEREAS** Municipalities are anxious to provide housing to all citizens, however clear-cut guidelines on affordable housing are policy matters that are best left to the Legislature to address rather than the court; and

**WHEREAS** common sense affordable housing policies would call for affordable housing to be concentrated in areas where there is already supporting infrastructure, existing transportation routes, mass transit, and employment opportunities.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that is calls upon Assembly Speaker Vincent Prieto and the Legislature to take immediate action to pass Assembly Bill A4666 and get to work to establish common sense affordable housing guidelines.

Moved and Seconded by the Entire Council

John Laezza: Explained the current issues regarding affordable housing as the reason this resolution was put together and thanked Council for their support.

Council President Albanese directed roll call:  
Aye: Barr, Mazarella, Smith, Toal, Albanese

**PUBLIC COMMENTS:**

Council President Albanese opened the public portion of the meeting

Jeffrey Morton, Freehold, NJ: Owner and President of Shake a Paw Pet Stores in NJ. Also has a 501c Animal Non-Profit Animal Shelter. Made Council aware of Animal Rights Activists and Extremists that are approaching and enticing local towns to pass laws which ban pet stores and licensed regulated store breeders.

Larry Cohen, Fanwood, NJ: Volunteer with the Humane Society of the United States. Mentioned to Council that Mr. Morton and he are on different sides of the issue. Made comments that the ordinance would have nothing to do with banning pet stores coming into town, it would just be



that they would not be able to sell dogs or cats. Mr. Cohen explained the reasons they've been working on this.

Delia Collins, 72 Georgia St.: Mentioned that she volunteers for many rescue groups in Union County. Also made mention to Council to watch the documentary on how animals are being treated by breeders in the Amish area of Pennsylvania. Made everyone aware that there is an event at Petco on the 19<sup>th</sup> of August.

Jeffrey Morton: Rebuttal to Mr. Cohen's comments; Asked Council to say no to any proposed ordinance that would ban an American icon of a neighboring pet store.

Councilman Barr: Asked Mr. Morton if he said he was or he wasn't fined twenty-five thousand dollars.

Jeffrey Morton: Declined to discuss specifics

John Laezza: Stated that we will be discussing this ordinance at our next workshop meeting to see where we are going with it. Mentioned that presently our ordinance does not allow pet stores to sell animals.

Seeing no one else coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Barr

Council President Albanese directed roll call:  
Aye: Barr, Mazzarella, Smith, Toal, Albanese

### **MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Councilman Barr: No comment.

Councilman Mazzarella: Asked Mr. Laezza what Councilman O'Connor spoke about many times regarding if the County can stripe at the intersection of Raritan Road and Central, that little concrete in the middle.

John Laezza: Mentioned it was painted but he'll check with traffic.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Albanese: No comment.



**ADJOURNMENT:**

Motion to adjourn was made by Councilman Mazzarella, seconded by Councilman Smith

Council President Hund directed roll call:

Aye: Barr, Mazzarella, Smith, Toal, Albanese

APPROVED



ANGEL ALBANESE  
Council President

ATTEST:



EDITH L. MERKEL, RMC  
Township Clerk



On July 5th I received that dreaded phone call that something happened to my son. I rushed over to find ambulances and 1st responders there .

It was explained to me that he was submerged under water for over 4 minutes and when His 3 friends pulled him out he had a seizure and was able to awake on his own . Is it wasn't for the quick response From the 3 boys I Would-be telling a different story . Nick Serpe , Thomas Bizacko and Nick Shipiro fellow football players, were there to aid him. I was told that Nick Serpe knew that Sebastian was not faking and went into the deep end of the pool And started to

Pull him out . He said he was extremely heavy because of the dead-weight and it was a scary situation . The other 2 boys help pull him out of the pool and witnessed Sebastian having a seizure.

Sebastian was taken to JFK hospital He was diagnosed with Bilateral pneumonia and pulmonary adema from consuming water. The knowledges said he medically Drowned. He spent 2 days in the pediatric ICU with a ventillator and was able to walk out of the hospital on the 3rd day on his own with a 100% oxygen saturation .

I will be forever grateful to those Boys, JFK hospital doctors and staff and always the first responders.

Thank you so much

Michelle Iakouchevitch



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**  
**September 5, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 and the proper filing of said Notice. Formal action may be taken at this meeting.

**RESOLUTIONS:**

**Resolution 17-130**

**BE IT RESOLVED** the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Memorandum of Understanding and a Hold Harmless Agreement for leaf composting at the Union County Facility; and

**BE IT FURTHER RESOLVED** that the Governing Body hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**Resolution 17-131**

**WHEREAS** the Uniform Shared Services and Consolidation Act (NJSA 40A:65-1et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

**WHEREAS** Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant ("CDBG") Entitlement Program, HOME Investment Partnerships ("HOME") Program and Emergency Solutions Grants ("ESG") Programs; and

**WHEREAS** a Cooperative Agreement between the County of Union and the Municipality of Clark was authorized previously this year by Resolution 17-117 on July 17, 2017 to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2018, 2019 and 2020 appropriations; and

**WHEREAS** it is the desire of the Municipality of Clark to amend the Cooperative Agreement with the County of Union to reflect the following changes:

- 1) Paragraph E- the last paragraph of this item is hereby amended to read "The failure to adopt any amendment to the agreement incorporating necessary changes applicable for a subsequent 3-year qualification period will void the automatic renewal for such qualification period."
- 2) Paragraph G is hereby amended to include a new item, numbered 4 - "The County and the Municipality are obligated to comply with all other applicable laws."
- 3) Paragraph I –first paragraph, sentence three, is hereby amended to replace the word "Subsection" with the word "Section".

**NOW, THEREFORE BE IT RESOLVED** that the Municipality of Clark hereby authorizes the above amendments to the Cooperative Agreement previously authorized and executed between the Township of Clark and the County of Union; and

**BE IT FURTHER RESOLVED** that a copy of the Resolution shall be forwarded to the County of Union.

Moved by Councilman Barr, seconded by Councilman Toal

Discussion:

John Laezza: Explained that this resolution is a continuation of an ongoing program to get federal dollars.

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese



**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.

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman Hund made a motion to close the public portion of the meeting, seconded by Councilman O'Connor

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman O'Connor

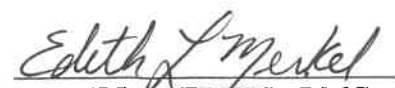
Council President Hund directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

APPROVED

  
ANGEL ALBANESE  
Council President

ATTEST:

  
EDITH L. MERKEL, RMC  
Township Clerk



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ**

**November 6, 2017**

**ROLL CALL:**

Present: Council Members Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Absent: Barr

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 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)

**Ordinance 17-18**

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

Council President Albanese opened the Public Hearing on Ordinance 17-18

Seeing no one coming forward Councilman O'Connor made a motion to close the Public Hearing, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance 17-18 was made by Councilman Hund, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**Ordinance 17-19**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 195, ARTICLE XXVI  
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "WIRELESS  
TELECOMMUNICATION FACILITIES"**

Council President Albanese opened the Public Hearing on Ordinance 17-19

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing,  
seconded by Councilman O'Connor

Council President Albanese directed roll call:

Aye: Hund, Mazzaella, O'Connor, Smith, Toal, Albanese

Discussion:

John Laezza: Mentioned this went before the Planning Board and their resolution is attached.

Motion to adopt Ordinance 17-19 made by Councilman Smith, seconded by Councilman  
O'Connor

Council President Albanese directed roll call:

Aye: Hund, Mazzaella, O'Connor, Smith, Toal, Albanese

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**Ordinance 17-20**

**BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF THE SYNTHETIC  
TURF ATHLETIC FIELD AND THE REFURBISHMENT OF THE TRACK Attorney  
Triarsi THE ARTHUR L. JOHNSON HIGH SCHOOL ATHLETIC COMPLEX IN, BY  
AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF  
NEW JERSEY, TO APPROPRIATE THE SUM OF \$735,000 TO PAY THE COST  
THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF  
BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE  
ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE  
ISSUANCE OF SUCH BONDS.**

Discussion:

John Laezza: Explained the details of the quality and safety of replacing the turf field at ALJ before the end of this year.

Council President Albanese opened the Public Hearing on Ordinance 17-20

Seeing no one coming forward Councilman Smith made a motion to close the Public Hearing, seconded by Councilman Toal

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance made by Councilman Hund, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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**Ordinance 17-21**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$320,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Discussion:

John Laezza: Explained the purchases, which include an ambulance and equipment, that will be funded by the Bond Ordinance.

Council President Albanese opened the Public Hearing on Ordinance 17-21

Seeing no one coming forward Councilman Mazzarella made a motion to close the Public Hearing, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance 17-21 made by Councilman Mazzarella, seconded by Councilman O'Connor

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**INTRODUCTION OF PROPOSED ORDINANCES:**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, ENTITLED  
LAND USE AND DEVELOPMENT, ARTICLE XXIII, DISTRICT REGULATIONS,  
OF THE CODE OF THE TOWNSHIP OF CLARK**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 195, entitled "Land Use and Development" Article XXIII entitled "District Regulations" of the Code of the Township of Clark is hereby amended and supplemented in the following particulars:

**SECTION 1:      Section 195-140.3 R-B - 20 Multiple Family Residential District is  
deleted and replaced as follows:**

**§ 195-140.3 R-B - 20 Multiple-Family Residential District.**

**A. Purpose of district.** The purpose of the R-B District is to allow for the construction of multifamily residential buildings, including townhouses and garden apartments, meeting the minimum density requirement for inclusionary housing and providing for the required set-aside of units within such developments affordable to low- and moderate-income families, complying with the obligation of the Township to provide a regional fair share of low- and moderate-income housing.

**B. Permitted uses.** The permitted uses are townhouses and garden apartments.

**C. Development standards.**

**(1) Definition of uses.** Garden apartments include multiple dwellings arranged in flats, up to 45 feet in height. Townhouses comprise single-family dwellings attached side by side, up to 2 1/2 stories in height. A half story is one within a gable roof, in which not over 1/2 of the floor area of the full story below has a full ceiling height.

**(2) Density.** The maximum density shall be twenty (20) units per acre of site area. A minimum of 168 units are permitted, with three bedroom units permitted for both market rate and affordable units. At the applicant's option, the maximum units permitted would be 177, provided that the only permitted three bedroom units would be affordable units to meet the Township's obligation.

(3) Lower-income housing requirements. A minimum of 16% of the housing units shall be sold or rented and shall be maintained for a minimum period of 30 years so as to be affordable to families and persons of low and moderate income, under the lower-income housing requirements specified in Subsection D below. If the total unit count is 168 units, the affordable housing set-aside shall be 27 units. If the total unit count is 177 units, the affordable housing set-aside shall be 28 units.

(4) Building requirements, garden apartments. Maximum building height shall be 45 feet.

(5) Building requirements, townhouses. Maximum building height shall be 2 1/2 stories and 35 feet, and there shall not be more than six housing units per structure.

(6) Setbacks and spacing, garden apartments. The minimum setback from street and property lines shall be 50 feet, except that accessory garages, if provided, may be within 20 feet of side or rear lot lines. The minimum distance between buildings shall be 35 feet between fronts and backs, and 20 feet end to end. The minimum setback from parking areas and driveways shall be 10 feet.

(7) Setbacks and spacing, townhouses. The minimum setback from streets and property lines shall be 50 feet. The minimum separation between buildings shall be 50 feet between fronts and backs, and 25 feet end to end. The minimum setbacks from driveways and parking areas shall be 20 feet from building fronts and 25 feet from building rears, and 20 feet on building ends.

(8) Landscaped areas, buffer areas, and recreation facilities. All areas not occupied by buildings, driveways, walkways, and parking areas shall be suitably landscaped and shall be arranged such that appropriate active and passive recreation facilities will be provided. Where the site adjoins other zones on the side or rear, a suitable landscaped buffer strip of at least five feet in width shall be provided to form a visual screen.

(9) Parking areas and access drives. A minimum of two parking spaces shall be provided for each dwelling unit. For townhouses, one of these spaces shall be provided within the unit or in a garage, except that this requirement shall not apply to lower-income units. All off-street parking areas shall be surfaced in accordance with Township standards. No off-street parking shall be located within front yards or within less than 10 feet from side and rear property lines.

(10) Other general design and site requirements. Other general design and site requirements shall be as required in the R-A Multiple-Family Apartment Residential District, in § 195-128 hereunder, as well as the standards below:

(a) Maximum impervious cover: 80%.

(b) There shall be a minimum of 20% open space.

**D. Affordable housing requirements.**

(1) Definitions

(a) **LOW-INCOME HOUSEHOLD** - A household with a total gross annual household income equal to 50% or less of the regional median household income by household size.

(b) **MODERATE-INCOME HOUSEHOLD** - A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size.

(c) **VERY-LOW-INCOME HOUSEHOLD** - A household with a total gross annual household income equal to 30% or less of the regional median household income by household size.

(2) Affordable units in this district shall not be age-restricted.

(3) Affordable units in this district shall be architecturally similar to the market rate units and shall be distributed among the market-rate units rather than isolated.

Discussion:

John Laezza: Explained this ordinance would finalize the two-year saga of the affordable housing court requirements. This is the final settlement, briefs were filed and meets the criteria. Also stated it went before the Planning Board and has given their recommendation of approval.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**RESOLUTIONS:**

**Resolution 17-157**

**RESOLUTION ADOPTING THE  
AFFORDABLE HOUSING SPENDING PLAN**

**WHEREAS**, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and any other funds collected in connection with the Township of Clark's affordable housing program; and

**WHEREAS**, a municipality with an affordable housing trust fund is required to adopt a spending plan prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, a spending plan is required to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity; and



2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned; and
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues; and
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9; and
5. A schedule for the expenditure of all affordable housing trust funds; and
6. If applicable, a schedule for the creation or rehabilitation of housing units; and
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance existing as of the Court's approval of the Spending Plan within four years of the Court's approval of the spending plan; and
9. A plan to spend and/or contractually commit all future development fees and payments in lieu of construction within four years of the receipt of such funds; and
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

**WHEREAS,** The Township of Clark has prepared a spending plan consistent with the foregoing and P.L. 2008, c.46.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark does hereby adopt the Affordable Housing Spending Plan dated November 6, 2017.

Moved by Councilman O'Connor, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Hund, Mazzearella, O'Connor, Smith, Toal, Albanese

**Resolution 17-158**

**WHEREAS** N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2017 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP  
BUDGET TRANSFERS  
NOVEMBER 6, 2017**

|                       |                    | <u>From</u>      | <u>To</u>        |
|-----------------------|--------------------|------------------|------------------|
| Clerk                 | Other Expenses     | \$ -             | \$2,000          |
| Finance               | Salaries and Wages | 2,000            | -                |
| Assessments           | Other Expenses     | 10,000           | -                |
| Law                   | Other Expenses     | -                | 2,000            |
| Engineering           | Other Expenses     | -                | 10,000           |
| Zoning                | Other Expenses     | 2,000            | -                |
| Police                | Other Expenses     | -                | 5,000            |
| 911                   | Other Expenses     | 5,000            | -                |
| Fire                  | Other Expenses     | -                | 10,000           |
| Buildings & Grounds   | Other Expenses     | 10,000           | -                |
| Senior Citizens       | Other Expenses     | -                | 2,000            |
| Celebration of Events | Other Expenses     | -                | 10,000           |
| Utilities             | Other Expenses     | 2,000            | -                |
| Street Lighting       | Other Expenses     | 10,000           | -                |
| Telephones            | Other Expenses     | -                | 2,000            |
| Gas & Diesel Fuel     | Other Expenses     | 2,000            | -                |
|                       |                    | <u>\$ 43,000</u> | <u>\$ 43,000</u> |

Moved by Councilman O'Connor, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**Resolution 17-159**

**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 2017 in the sum of \$3,700.63 which is now available from the State of New Jersey Drunk Driving Enforcement Fund in the amount of \$3,700.63; and

**BE IT FURTHER RESOLVED** that the like sum of \$3,700.63 is hereby appropriated under the caption Drunk Driving Enforcement Fund; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey in the amount of \$3,700.63.

Moved by Councilman Mazzarella, seconded by Councilman Toal

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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**Resolution 17-160**

**WHEREAS** the Township of Clark has availed itself of the right to purchase goods and services, materials, supplies and equipment under contracts entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 17-27; and

**WHEREAS** the Township of Clark wishes to update its Official Website including website design, upgrades, maintenance and support from SHI International Corp., 290 Davidson Avenue, Somerset, New Jersey 08873 an authorized vendor under NJ State Contract: #8985; and

**WHEREAS** SHI International Corp. is the business of record in conjunction with CivicRec and CivicPlus as approved software vendors; and

**WHEREAS** utilization of this contract represents the best price available and the Business Administrator recommends the use of this contract on the grounds that it meets all industry standards; and

**WHEREAS** payment authorization to SHI International Corp. is requested for CivicRec in the amount of \$8,247.42 and to CivicPlus in the amount of \$9,331.80 for the initial work, subject to annual budget appropriations; and

**WHEREAS** the Chief Financial Officer has certified the availability of funds for this contract in Capital Account C-04-15-004-003.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of Township of Clark that it hereby authorizes the above contract as herein described.

Moved by Councilman Smith, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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### **Resolution 17-161**

**WHEREAS** on Sunday, November 5, 2017 at 4:00 pm, a motor vehicle accident occurred on Raritan Road in front of the Fire House which caused severe damage to the electrical system and garage door of the Fire House; and

**WHEREAS** this incident could affect the public safety, health and welfare of the municipality; and

**WHEREAS** the Mayor of the Township of Clark declared an emergency to remediate the problem which required the immediate delivery of services.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

Moved by Councilman Hund, seconded by Councilman O'Connor

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

### **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.

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

### **MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: On behalf of the Volunteer Emergency Squad thanked the Administration, Mr. Laezza for the ambulance and radios that are much needed.

Mayor Bonaccorso: Responded to Councilman O'Connor stating that donations are way down, and the Squad is a great service to the community.

Councilman Smith: No comment.

Councilman Toal: Mentioned that Mr. Seng, a fourth ward resident, donated an American flag with the stand for Council Chambers.

John Laezza: Mentioned that the flag will be presented at the next public meeting by the Boy Scouts.

Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman O'Connor

Council President Hund directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

APPROVED



ANGEL ALBANESE  
Council President

ATTEST:



EDITH L. MERKEL, RMC  
Township Clerk



**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ  
December 4, 2017**

**ROLL CALL:**

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Also Present: Mayor Sal Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Albanese. She asked all present to participate in a moment of silence, following the salute to the Flag.

**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 posing such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

**Ordinance 17-23**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING IMPROVEMENTS AND ACQUISITION OF FURNITURE TO VARIOUS MUNICIPAL OFFICES, AND APPROPRIATING THE SUM OF \$35,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS**

Council President Albanese opened the Public Hearing on Ordinance 17-23

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance 17-23 made by Councilman Toal, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**Ordinance 17-24****AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER 306 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "STORMWATER MANAGEMENT" TO PROVIDE FOR PERIODIC INSPECTIONS AND REPORTING FOR PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES**

Council President Albanese opened the Public Hearing on Ordinance 17-24

Seeing no one coming forward Councilman Mazzarella made a motion to close the Public Hearing, seconded by Councilman Barr

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

Motion to adopt Ordinance 17-24 made by Councilman O'Connor, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**RESOLUTIONS:****Resolution 17-169**

**WHEREAS** N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2017 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP  
BUDGET TRANSFERS  
DECEMBER 4, 2017**

|         |                    |    | <u>From</u> |    | <u>To</u> |
|---------|--------------------|----|-------------|----|-----------|
| Finance | Salaries and Wages | \$ | 14,000      | \$ | -         |



|                      |                |   |       |
|----------------------|----------------|---|-------|
| Disability Insurance | Other Expenses | - | 1,000 |
| Police               | Other Expenses | - | 5,000 |
| 911                  | Other Expenses | - | 5,000 |
| Clean-up Expense     | Other Expenses | - | 3,000 |

|    |        |    |        |
|----|--------|----|--------|
| \$ | 14,000 | \$ | 14,000 |
|----|--------|----|--------|

Moved by Councilman O'Connor, seconded by Councilman Smith

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

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### **Resolution 17-170**

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on November 2, 2017 for the 2017 NJDOT Broadway Roadway Improvements from Grand Street to the City of Rahway border; and

**WHEREAS** nine (9) bid proposals were received on November 17, 2017 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were

| <u>Contractor</u>                                | <u>Amount</u> |
|--------------------------------------------------|---------------|
| S. Brothers, Inc. (South River, NJ)              | \$382,624.69  |
| American Asphalt & Milling Services (Kearny, NJ) | \$386,418.93  |
| P & A Construction, Inc. (Colonia, NJ)           | \$398,983.88  |

**WHEREAS** S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid in the amount of \$382,624.69 which meets the needs of the Township as specified by the Township Engineer; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Accounts C-04-16-002-001 in the amount of \$187,624.69 and G-01-41-770-314 in the amount of \$195,000.00 as attached hereto as a "Certification of Availability of Funds"; and

**WHEREAS** the Township Engineer has presented written approval for the award of the contract to S. Brothers, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$382,624.69; and

**BE IT FURTHER RESOLVED** by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.



Moved by Councilman Mazzarella, seconded by Councilman Hund

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**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.

Council President Albanese opened the public portion of the meeting

Seeing no one coming forward Councilman Smith made a motion to close the public portion of the meeting, seconded by Councilman O'Connor

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Albanese: No comment.

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Toal, seconded by Councilman Mazzarella

Council President Albanese directed roll call:

Aye: Barr, Hund, Mazzarella, O'Connor, Smith, Toal, Albanese

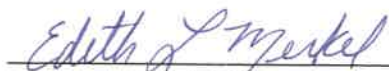
APPROVED



ANGEL ALBANESE

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk

