

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
February 4, 2019**

ROLL CALL:

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

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 Toal. 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 Dispensed

This meeting is in compliance with the Open Public Meeting 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.

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 19-03

ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN LANDS BY THE TOWNSHIP OF CLARK FROM THE BOARD OF EDUCATION OF THE TOWNSHIP OF CLARK FOR THE PURPOSES OF THE WIDENING IMPROVEMENT AND SIGNALIZATION OF WILSON DRIVE AT THE INTERSECTION OF WESTFIELD AVENUE IN THE TOWNSHIP OF CLARK

Council President Toal opened the Public Hearing on Ordinance 19-03

Seeing no one coming forward Councilman Hund made a motion to close the public hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-03 made by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

Attorney Triarsi: I prepared and sent to the Board of Education some time ago the resolution that we adopted, the ordinance that I prepared for our adoption and a resolution that I prepared for the Board of Education to adopt. They adopted the resolution I sent down. They have indicated to me they are moving forward but they also indicated just recently that they needed to have the approval of the County and Interim Executive County Superintendent, Daryl Palmieri, and ask him for his comments to approve the transaction. I don't frankly know why they have to ask anyone.

John Laezza: Because they don't trust each other. The State has allowed the County Executive and the County Superintendent of Schools to overview every municipal budget in their County.

Attorney Triarsi: Well that's where it is and that's more probably why it came late. I don't anticipate there's going to be a problem with it. But everything will be held up unless and until we get that approval.

No further discussion

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 19-04

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

Council President opened the Public Hearing on Ordinance 19-04

Seeing no one coming forward Councilman Mazzarella closed the public hearing, seconded by Councilman Albanese

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-04 made by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:

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

Ordinance Adopted

INTRODUCTION OF THE BUDGET:**Resolution 19-35****Municipal Budget of the Township of Clark County of Union for Calendar Year 2019**

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019:

**EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2019**

General Appropriation For:

- | | | |
|---|------|---------------|
| 1. Appropriations within "CAPS": | | |
| (a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2) | | 17,785,089.00 |
| 2. Appropriations excluded from "CAPS" | | |
| (a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended) | | 5,168,075.00 |
| (b) Local District School Purposes in Municipal Budget (Item K, Sheet 29) | | - |
| Total General Appropriations excluded from "CAP" (Item O, Sheet 29) | | 5,168,075.00 |
| 3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated 98.46
Percent of Tax Collections | | 1,000,000.00 |
| 4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance | 2019 | |
| for Schools –State Aid | 2018 | 23,953,164.00 |
| 5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11)
(i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes) | | 5,457,993.00 |
| 6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows) | | |
| (a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes
(Item 6(a), Sheet 11) | | 17,585,667.00 |
| (b) Addition to Local District School Tax (Item 6(b), Sheet 11) | | - |
| (c) Minimum Library Tax | | 909,504.00 |

BE IT RESOLVED that notice is hereby given that the Budget and Tax Resolution was Introduced by the Municipal Council of the Township of Clark, County of Union on February 4, 2019; and

BE IT FURTHER RESOLVED that said Budget be published in summary in the Union County Local Source in the issue of February 28, 2019; and

BE IT FURTHER RESOLVED that a Regular Meeting for the hearing on the Budget and Tax Resolution will be held at the Municipal Council Chambers, 315 Westfield Avenue, on March 18, 2019 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by the taxpayers or other interested persons.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Councilman O'Connor: I would just like to say we received the budget from John Laezza and the Finance Department where it shows all the backup by line item and it enables us to meet all of 2019 obligations and with a minimal tax increase to the taxpayers.

Councilwoman Albanese: The Finance Committee members met and we really appreciate all the hard work and timeliness in getting this budget together, really outstanding.

John Laezza: It was a team effort.

No further discussion

Council President Toal directed roll call:

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

RESOLUTIONS:

Resolution 19-36

**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 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified on the attached page; and (attached at the end of the minutes)

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$7,260,574.00.

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 \$7,260,574.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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 Councilman O'Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Resolution 19-37

**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 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified as follows; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,298,595.00

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 \$2,148,595.00; Capital Outlay \$150,000.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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 O'Connor

Council President Toal directed roll call:

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

Resolution 19-38

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

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2019 Budget, and adequate provision has not been made in the 2019 Temporary Budget for the appropriations specified as follows; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2019 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$15,000.00

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:
Capital Outlay \$15,000.00; and
2. That said emergency temporary appropriations will be provided in the 2019 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 Smith, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Seeing no one coming forward Councilman Mazzarella made a motion to close the public hearing, seconded by Councilman Hund

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Hund: No comment.

Councilman Mazzearella: No comment.

Councilman O'Connor: in regard to the budget again, the town does not understand how lucky we are to have someone like John Laezza and his team to get the budget right and get the numbers right, obviously over seen by Mayor Sal. From working with John all these years it's just amazing the effort he puts in.

Councilman Smith: Travel Basketball Tournament will start President's Day weekend. So, I want to thank the administration and the town for allowing travel basketball to take over the building for the three weekends in a row and show it all to about 180 teams mostly from Northern New Jersey who come to visit the facility.

Council President Toal: No comment.

John Laezza: We received a letter from the Mayor of Fanwood who is also the President of the New Jersey League of Municipalities. There's a piece of legislation that they would like us to support for business districts in small towns, the populations are under twenty thousand. One would think that it might affect us but we feel that we should support it on behalf of those towns that need the grants.

Police Chief Matos: No comment.

Township Clerk: No comment.

Attorney Triarsi: No comment.

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
March 4, 2019**

ROLL CALL:

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

Also Present: John Laezza, Acting Mayor/Business Administrator; Mark Dugan, 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 Toal. 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 Meeting 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 ORDINANCES:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKS AND RECREATION AREAS, INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION OF PLAYGROUND EQUIPMENT AT FUN-TIME JUNCTION IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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.

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

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake various improvements to parks and recreation

areas, including, but not limited to, the installation of playground equipment at Fun-Time Junction in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$200,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$10,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$10,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The

sum of \$10,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such

form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$190,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: gave an explanation on the Bond Ordinance.

No further discussion

Council President Toal directed roll call:

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

Public Hearing March 18th

**AN ORDINANCE TO SUPPLEMENT CHAPTER 195,
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 as follows:

SECTION 1: Chapter 195, entitled Land Use and Development, Article XXIII, entitled District Regulations of the Code of the Township of Clark is hereby supplemented by adding the phrase “see exception in §195-118D(4)” to the existing sentence to clarify Front Minimum Depth as stated in the following sections:

Zone R-150	§195-124C(3)(a)
Zone R-100	§195-125C(3)(a)
Zone R-75	§195-126C(3)(a)
Zone R-60	§195-127C(3)(a)

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.

Moved Councilman Barr, seconded by Councilwoman Albanese

Discussion:

John Laezza: gave explanation on the Ordinance which clarifies front set-backs.

No further discussion:

Council President Toal directed roll call

Aye: Albanese, Barr, Mazarella, O’Connor, Smith, Toal

Public Hearing March 18th

**AN ORDINANCE TO SUPPLEMENT CHAPTER 310
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
“STREETS, SIDEWALKS, AND ALL IMPROVEMENTS RELATED THERETO”
BY THE ADDITION OF A NEW ARTICLE VIII ENTITLED
“SITING OF POLES, CABINETS, AND ANTENNAS
IN THE MUNICIPAL RIGHT-OF-WAY”**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 310, entitled “Streets, Sidewalks, and all Improvements Related Thereto” be supplemented by the addition of a new Article VIII entitled Siting of Poles, Cabinets, and Antennas in the Municipal Right-of-Way, as follows:

WHEREAS, the Governing Body of the Township of Clark has the sole jurisdiction and the authority to make, amend, repeal, and enforce municipal ordinances related to the boundaries, use, change, modifications, erection, construction, and regulation of the use of those public streets and rights-of-way within the Township of Clark; and

WHEREAS, the Governing Body of the Township of Clark is aware of the need to allow its streets and rights-of-way to be used for the siting of small cell wireless facilities necessary and incidental to the proper operation of a modern telecommunications system to be operated within the Township; and

WHEREAS, the Federal government, through the adoption of the Federal Telecommunications Act, while preserving local governmental control to those activities, nevertheless, requires local government to make provision within its jurisdiction for personal wireless service facilities; and

WHEREAS, the Governing Body of the Township of Clark intends on complying with the foregoing legislation while at the same time exerting such control over said activities of third-party servicers as are necessary and desirable to protect the public interest and to ensure that the roads and municipal rights-of-way are not overly burdened and that the areas which are to be put to use are properly maintained and restored;

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

SECTION 1: **310-33 Definitions:**

- a. "Anticipated Municipal Expenses" means the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Township.
- b. "Cabinet" shall mean a small box-like or rectangular structure used to facilitate utility or wireless service from within the Municipal Right-of-Way.
- c. "Electric Distribution System" shall mean the part of the electric system, after the transmission system, that is dedicated to delivering electric energy to an end user.
- d. "Existing Pole" shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. "Ground Level Cabinets" shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- f. "Municipal Right-of-Way" shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Township as an easement or in fee simply ownership. This term also includes rights-of-way held by the County of Union where the Township's approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.

- g. "New Pole" shall mean a Pole proposed to be placed in the Municipal Right-of-Way.
- h. "Pole" shall mean a long, slender, rounded piece of wood, concrete or metal.
- i. "Pole Mounted Antenna" shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- j. "Proposed Mounted Cabinet" shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- k. "Proposed Pole" shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- l. "Right-of-Way Agreement" shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- m. "Restoration Costs" are herein defined as the full cost of restoring the right-of-way to the condition in which it existed prior to the grant of any right-of-way permit or agreement.
- n. "Right-of-Way Permit" shall mean an approval from the Township setting forth applicant's compliance with the requirements of this Article VIII of Chapter 310 of the Revised General Ordinances of the Township of Clark.
- o. "Surrounding Streetscape" shall mean Existing Poles within the same right-of-way which are located within five hundred (500) linear feet of the Proposed Pole. Poles carrying electric transmission lines shall not be considered part of the "Surrounding Streetscape."
- p. "Township Council" shall mean the Township Council of the Township of Clark.
- q. "Utilities Regulated by the Board of Public Utilities" shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes.
- r. "Utility Service" shall mean electric, telephone, or cable service.
- s. "Zone, Non-Residential" shall mean the CO, CN, COH, CG, CP, I, O, P, GC, CI, COR, and LCI zones as designated in Article XXI of Chapter 195 of the Revised General Ordinances of the Township of Clark.
- t. "Zone, Residential" shall mean any zones permitting single family, two-family, or multi-family residences, assisted living residences, nursing homes, and/or residential health care facilities.

SECTION 2: 310-34 ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS

- a. Notwithstanding any provision to the contrary, no person shall operate or place any type of antenna, cabinet, pole or other facility within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement pursuant to the provisions of this Section.
- b. The terms of said Right-of-Way Agreement shall include:
 - i. A term not to exceed fifteen (150+) years;

- ii. Reasonable insurance requirements;
- iii. Fine for unauthorized installations;
- iv. A reference to the siting standards as set forth in this Article;
- v. Provisions ensuring adequate maintenance of Applicant's facilities within the Municipal Right-of-Way
- vi. Maintenance and removal bond requirements adequate to ensure that Applicant's facilities will be adequately maintained and removed at the end of the term of the Agreement or earlier if they are abandoned; and
- vii. Any other items which may reasonably be required.

SECTION 3: 310-35 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES

1. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Right-of-Way by a utility regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Right-of-Way, shall be subject to the standards and procedures set forth in this Article and shall require Right-of-Way permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.

SECTION 4: 310-36 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS, AND CABINETS IN THE RIGHT-OF-WAY

a. No Pole, Antenna, or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.

b. Pole Siting Standards

i. Height. No Pole shall be taller than thirty-five (35) feet or 100% of the average height of poles in the Surrounding Streetscape, whichever is higher.

ii. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:

- 1. Is replacing an Existing Pole; or
- 2. Approved pursuant to a land development application by either the Township's Zoning Board of Adjustment or Planning Board pursuant to a land use application; or
- 3. Is being constructed to house an Antenna; or
- 4. Is located on the opposite side of the street from the Electric Distribution System; or
- 5. For sites in Residential Zones, is two hundred (200) linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Non-Residential Zones is one hundred (100) linear

feet from any other Existing Pole or Proposed Pole
along the same side of the street; or

6. Is located in an area which currently has above ground utilities; or
 7. Is not located in an area which currently has underground utilities; or
 8. Does not inhibit any existing sight triangles or sight distance; or
 9. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way; and
 10. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibility with its background and so as to minimize its visual impact on surrounding properties.
- c. Ground Level Cabinet Site Standards
- i. Ground Level Cabinets are prohibited in Residential Zones.
 - ii. Ground Level Cabinets are permitted in Non-Residential Zones provided that each Ground level Cabinet:
 1. Is less than twenty-eight (28) cubic feet in volume; and
 2. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit an existing sight triangle or sight distance; and
 4. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way.
- d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards.
- i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:
 1. Does not exceed three (3) cubic feet in volume; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 3. Does not inhibit sight triangles or sight distance; and
 4. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way.
 - ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:
 1. Does not exceed sixteen (16) cubic feet; and
 2. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its

background and so as to minimize its visual impact on surrounding properties; and

3. Does not inhibit sight triangles or sight distance; and

4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.

iii. The Township may also require that a Permittee provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

SECTION 5: 310-37 APPLICATION PROCESS

a. Pre-Application Meeting – Prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant's proposal.

b. The Township Council shall, by resolution, approve or disapprove every Right-of-Way Permit application based on the recommendations provided to it pursuant to subsections (e) and (f) below.

c. All applications made under this section which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.

d. Every application for a New Pole must include a stamped survey prepared by a New Jersey licensed surveyor demonstrating that any such New Pole is located within the Municipal Right-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.

e. Reserved.

f. Pole Mounted Antenna, Pole Mounted Cabinets, New Poles, and Ground Level Cabinets.

i. The Township Engineer shall review applications to place Pole Mounted Antenna, Pole Mounted Cabinets, New Poles and Ground Level Cabinets within the Municipal Right-of-Way and advise the Township Council of his or her recommendation to approve or disapprove same.

g. If the Township Council denies any application made under this Section, it shall do so in writing and set forth the factual basis therefor.

SECTION 6: 310-38 WAIVER

a. The Township Council may waive any siting standard set forth in Section 310-36 where the applicant demonstrates that strict enforcement of said standard:

i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or

- ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c) (7) (b) (I)(II); or
- iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment.” WT Docket No. 17-79; WC Docket 17-84.

SECTION 7: 310-39 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES INCLUSIVE OF THE ESTIMATED COST OF RESTORING THE RIGHT-OF-WAY AREA TO THE CONDITION WHICH IT EXISTED PRIOR TO THE ISSUANCE OF ANY PERMIT

- a. Every Right-of-Way Permit application must include a Right-of-Way Permit Fee in the following amounts:
 - i. One (1) to five (5) collocation sites on Existing Poles - \$500.00.
 - ii. Each additional collocation site on an Existing Pole - \$100.00
- b. Deposit Towards Anticipated Municipal Expenses and Restoration Fees
 - i. In addition to the Right-of-Way Permit Fee, Applicant shall post a Two Thousand (\$2,000.00) Dollar Deposit Towards Anticipated Municipal Expenses which shall include the cost of the repair and restoration of the right-of-way area. The Township Engineer may waive this requirement where only the Applicant’s Right-of-Way Permit Fees are needed to reasonably cover the Township’s expenses related to Applicant’s application.
 - ii. Applicant’s Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days, post a deposit to the account in an amount to be mutually agreed upon.
 - iii. The Chief Financial Officer shall, upon request by the applicant, and after a final decision has been made by the Township Council regarding his or her pending Right-of-Way Permit application, and subject to review by the Township Engineer, refund any unused balance from applicant’s Deposit Towards Anticipated Municipal Expenses.

SECTION 8: 310-40 MISCELLANEOUS PROVISIONS

- a. Any approval received pursuant to this Article does not relieve the applicant from receiving consent from the owner of the land above which an applicant's facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits, and any other requirement set forth in Chapter 310 of the Revised Ordinances of the Township of Clark or state statutes.
- c. The Township's consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth in this Article. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.
- d. Applicant must comply with all applicable state, local and federal regulations.
- e. This Article should not be construed to permit new utility poles to be placed into the Municipal Right-of-Way which would otherwise be prohibited pursuant to Section 195-212 of the Revised General Ordinances of the Township of Clark. Rather, this Article is meant to regulate how certain types of facilities are placed onto existing poles and to only permit new poles to be placed into the Municipal Right-of-Way that house Antennas and are in areas that currently have above-ground utilities. This is done to conform with the requirements set forth in the FCC order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" WT Docket No. 17-79; WC Docket 17-84.

SECTION 9: **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 10: **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply on to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 11: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved by Councilman O'Connor, seconded by Councilman Smith

Discussion:

John Laezza: gave explanation on the Ordinance

No further discussion

Council President Toal directed roll call:

Aye: Albanese, Barr, Mazarella, O'Connor, Smith, Toal

Public Hearing March 18th

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
ARTICLE XXVI ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES"
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark that the Code of the Township of Clark be amended and supplemented as follows:

Section 1. Article XXVI entitled "Wireless Telecommunications Facilities" is amended and supplemented as follows:

§ 195-162 Purpose, Goals and General Conditions

Sub-section B shall be restated as follows:

B. No antenna(s), personal wireless telecommunications facility, tower or supporting structure shall be located, constructed or maintained on any lot, building, structure or land area, except in conformity with the requirements of Article XXVI of the Revised General Ordinances of the Township of Clark.

Sub-Section D shall be restated as follows:

D. Purpose; goals. The purpose of this section is to establish general guidelines for the siting of PWTEFS and PWTFS. The goals of this section are to:

1. Encourage the location of PWTFS in nonresidential areas and minimize the total number of telecommunications towers throughout the community;
2. Encourage strongly the joint use of new and existing PWTEFS and PWTFS sites;
3. Encourage users of PWTEFS and PWTFS to locate them, to the greatest extent possible, in areas where the adverse impact on the community is minimal;
4. Encourage users of PWTEFS and PWTFS to configure them in a way that minimizes the adverse visual impact of the telecommunication towers and antennas; and
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

§ 195-162.1 Definitions.

The following definitions are deleted from the provisions of this ordinance:

Existing Pole
Municipal Right-of-Way
Proposed Wireless Pole
Small Cell Equipment
Utility Pole
Wireless Pole

The following definitions shall be incorporated as part of the Ordinance:

MUNICIPAL RIGHT-OF-WAY

Definition set forth at Section 310-33 of the Revised General Ordinances of the Township of Clark.

The following definitions are added to this ordinance:

PERSONAL WIRELESS TELECOMMUNICATIONS EQUIPMENT FACILITIES (PWTEFS).

Facilities serving and subordinate in area, extent and purpose to, and on the same lot as, a telecommunications tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings, and security fencing.

PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES (PWTFs).

Facilities for the provision of wireless communications services, including, but not limited to, antennas, antenna support structure, telecommunications towers, and related facilities other than PWTEF's.

§ 195-168 is deleted in its entirety and reserved for future use.

§ 195-168.1 is hereby restated as follows:

§ 195-168.1 COLLOCATION ONTO EXISTING TOWERS AND BASE STATIONS

A. This section implements Section 6409(a) of the Middle Class Tax Relief Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report and Order, which requires a state or local government to approve any Eligible Facilities Request for a Modification of an existing Tower or Base Station that does not result in a substantial change to the physical dimensions of such Tower or Base Station.

B. Definitions. The following terms, shall, when used in this section have the following meanings:

1. Base Station.

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications users, equipment and a communications network. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. This term includes Base Stations in the Municipal Right-of-Way. Base stations includes, without limitation:

- i. Equipment associated with wireless communications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- iii. Small Cell Equipment located within the Municipal Right-of-Way.
- iv. Any structure other than a Tower that, at the time the relevant application is filed, supports or houses equipment described in paragraphs (1)(i)-(1)(ii) that has been reviewed and approved under the applicable zoning, siting, or administrative process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time of application is filed the Planning Board, Zoning Board or pursuant to any other administrative process does not support or house equipment described in 1(i)-(1)-(ii) of this subsection.

2. Collocation.

The mounting or installing of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

3. Eligible Facilities Request.

Any request for modification of an existing Tower or Base Station that does not substantially change the physical dimension or such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

4. Eligible Support Structure.

Any Tower or Base Station as defined in this section, provide that it is existing at the time the relevant application is filed with the Planning Board, Zoning Board or applicable municipal official.

5. Existing

A constructed Tower or Base Station is existing for the purposes of this section if it has been reviewed and approved under the applicable zoning, siting or administrative process.

Reserved. Site.

For Towers other than Towers in the Municipal Rights-of-Way, the current boundaries of the leased or owned property surrounding the Towers and any

access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

6. Substantial Change.

- i. For Towers other than Towers in the Municipal Rights-of-Way, it increases the height of the Tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- ii. For Towers other than Towers in the Municipal Rights-of-Way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the Municipal Rights-of-Way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the Eligible Support Structure; or
- vi. It does not comply with the conditions associated with the siting approval of the construction or modification of the eligible support structure or Base Station equipment, provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (8)(I) - (8)(iv) of this subsection.

7. Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

8. Tower.

Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including

structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This term includes Towers in the Municipal Right-of-Way.

C. Application Review

1. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Board, Zoning Board or otherwise applicable municipal official shall review such application to determine whether the application qualifies.
2. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this section, the Planning Board, Zoning Board or otherwise applicable municipal official shall approve the application unless it is determined that the application is not covered by this section.
3. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Board, Zoning Board or otherwise applicable municipal official and the applicant, or in the cases where the application is deemed incomplete.
 - i. To toll the timeframe for incompleteness, the Planning Board, Zoning Board or otherwise applicable municipal official must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness by the Planning Board, Zoning Board or otherwise applicable municipal official.
 - iii. Following a supplemental submission, the Planning Board, Zoning Board or otherwise applicable municipal official will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (3) of this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
4. Interaction with 42 U.S.C. 332(c)(7). If the Planning Board, Zoning Board or otherwise applicable municipal official determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under 42 U.S.C. 332(c)(7), as prescribed by the FCC, will begin to run from the issuance of decision that the application is not a covered request by the Planning Board, Zoning Board or otherwise applicable municipal official.

Section 2. Planning Board Review. After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Clark for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with

the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 3. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Union County Planning Board pursuant to N.J.S.A. 40:55D-16.

Note to Codifier: language in brackets and struck through [-] is to be deleted from the original text. Underlined language is new language to the original text.

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

Discussion:

John Laezza: gave explanation on the Ordinance

No further discussion

Council President Toal directed roll call:

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

Public Hearing March 18th

RESOLUTION:

Resolution 19-50

WHEREAS, the Township of Clark, County of Union, New Jersey (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code

(the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations"); and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

WHEREAS, such revised Plan shall supersede the previously adopted Plan.

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (hereinafter referred to as "Lincoln") has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Business Administrator is authorized to execute an Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Business Administrator is authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

Moved by Councilman O'Connor, seconded by Councilman Smith

Discussion: none

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Delia Collins, 72 Georgia St.: had questions regarding "Where Angels Play" funding.

John Laezza: mentioned that the township solicited funds and have given them a hundred thousand dollars which is the township's share for the park.

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza:

- thanked the Clark Fire Department, the Police Department, and all the fire departments that came to support (Rahway and Cranford) putting boats in the water due to a gas leak that went into the Reservoir from a gas station in the immediate area
- Union County Hazmat Team had three trucks on the scene and assisted in the cleanup
- the Township requested the Department of Environmental to respond to the scene
- stated that Hazmat will make the final report to the DEP

Council President Toal: getting calls about the recycling containers, Zone 1 wasn't picked up on Saturday due to the snow.

John Laezza: stated that Zone I recycling will be picked up on Tuesday, March 5th and Wednesday, March 6th.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman O'Connor: no comment.

Councilman Smith: no comment.

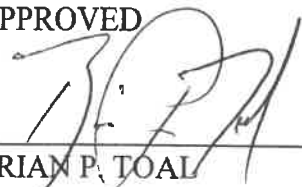
ADJOURNMENT:

Motion to adjourn was made by Councilman Barr, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
April 1, 2019**

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, 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 Toal. 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 Meeting 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.

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 19-09

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK,
COUNTY OF UNION, NEW JERSEY ADOPTING THE WALNUT AVENUE
REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 155,
LOTS 7 AND 10 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**

John Laezza: gave an explanation of the ordinance before the public hearing was opened.

Council President Toal opened the Public Hearing on Ordinance 19-09

Seeing no one coming forward Councilwoman Albanese made a motion to close the public hearing, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-09 was made by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 19-10

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CLARK,
CHAPTER 16 THEREOF ENTITLED "BOARDS, COMMITTEES AND
COMMISSIONS" BY REPEALING ARTICLE I**

Council President opened the Public Hearing on Ordinance 19-10

Seeing no one coming forward Councilwoman Albanese made a motion to close the public hearing, seconded by Councilman Hund

Motion to adopt Ordinance 19-10 was made by Councilman Smith, seconded by Councilman O'Connor

Discussion: None

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 19-11

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2019 CAPITAL
ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK,
IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE
SUM OF \$1,300,000 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**

Council President Toal opened the Public Hearing on Ordinance 19-11

Seeing no one coming forward Councilman Smith made a motion to close the public hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Discussion:

John Laezza: made mention if there's additional money left over after bids are received, other roads will be accommodated with the six roads that are in front for the spending of this amount of dollars.

Motion to adopt Ordinance 19-11 was made by Councilman Barr, seconded by Councilman Hund

Council President Toal directed roll call:

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

Ordinance Adopted

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 Toal opened the public portion of the meeting

Seeing no one coming forward Councilman Mazzarella made a motion to close the public portion of the meeting, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: Mr. Laezza will the roads be done in September or August timeframe.

John Laezza: We can go out to bid in May and it can be done between July, August and September.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Council President Toal: No comment.

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Smith

Council President Toal directed roll call:

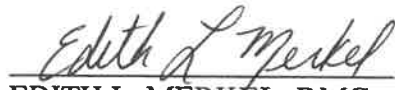
Aye: Albanese, Barr, Hund, Mazzarella, O'Connor, Smith, Toal

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
May 6, 2019

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, 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 Toal. 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 Meeting 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 19-12

ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY ADOPTING THE WESTFIELD AVENUE REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 92, LOT 21 AND BLOCK 105, LOTS 2 AND 26.01 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK

Council President Toal opened the Public Hearing on Ordinance 19-12

Seeing no one coming forward Councilman Smith made a motion to close the public hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-12 was made by Councilman Mazzarella, seconded by Councilman Barr

Discussion: none

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

Ordinance adopted

Ordinance 19-13

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF MEADOW ROAD IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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 Toal opened the Public Hearing on Ordinance 19-13

Seeing no one coming forward Councilman Mazzarella made a motion to close the public hearing, seconded by Councilwoman Albanese

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

Motion to adopt Ordinance 19-13 was made by Councilman Mazzarella, seconded by Councilwoman Albanese

Discussion:

Councilman Mazzarella: thanked the Mayor and Business Administrator John Laezza for pursuing this with the State to get the grant which is much needed.

No further discussion

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

Motion to adopt Ordinance 19-13 was made by Councilman Mazzarella, seconded by Councilwoman Albanese

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

INTRODUCTION OF PROPOSED ORDINANCE:

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK,
COUNTY OF UNION, NEW JERSEY ADOPTING THE TERMINAL AVENUE
REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 58, LOTS 4
AND 5 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**

WHEREAS, the Governing Body of the Township of Clark, directed the Planning Board on separate occasions to undertake studies to determine if Block 58, Lots 4 and 5 were “Areas in Need of Redevelopment” in accord with the Local Redevelopment and Housing Law “LRHL” N.J.S.A. 40A: 12 A -1 et seq.; and

WHEREAS, the Planning Board directed its Planner to undertake a joint study of Lots 4 & 5 and after completion of the study, and a public hearing as required by the LRHL, did determine that the Study Area qualified as a “Non-Condensation Area in Need of Redevelopment; and

WHEREAS, the Governing Body did confirm the designation of Block 58, Lots 4 & 5 as “Areas in Need of Redevelopment”; and

WHEREAS, a Redevelopment Plan has been developed for that Area in Need by the Township Planner and the Planning Board; and

WHEREAS, public notice of a redevelopment hearing on the “Terminal Avenue Redevelopment Plan” was provided in full compliance with the LRHL for the May 2, 2019 Planning Board meeting; and

WHEREAS, the Township Planner completed the “Terminal Avenue Redevelopment Plan” for Block 58, Lots 4 & 5, the Planning Board at its May 2, 2019 meeting heard a presentation by the Planner and had the opportunity to discuss and take public input on the Plan and has reviewed the Plan for its consistency with the Master Plan and for its ability to fulfill the goals of the Township in supporting the larger scale commercial business area of the Township and pursuant to N.J.S.A. 40A:12A-7.f. the Planning Board has transmitted to the Governing Body, the “Terminal Avenue Redevelopment Plan” and its determination that the Plan is consistent with the Master Plan and the objectives of the Redevelopment Area.

NOW THEREFORE BE IT ORDAINED that the Governing Body of the Township of Clark, County of Union, New Jersey, pursuant to the provisions of the Local Redevelopment and Housing Law, hereby accepts and approves the Redevelopment Plan for the following reasons:

1. The Terminal Avenue Redevelopment Plan is consistent with and achieves the stated objectives of the 2010 Township of Clark Master Plan Reexamination Report and Master Plan Update. The Master Plan recommends that this Area be zoned to encourage well-planned larger scale commercial development and to maintain the Township’s office and research uses. This Plan in intended to implement those goals, objectives and recommendations of the Clark Master Plan.
2. The Township of Clark Planning Board has recommended that the Governing Body of the Township of Clark adopt the proposed Terminal Avenue Redevelopment Plan as

attached to and made a part of this Ordinance. The Redevelopment Plan provides appropriate standards and regulations to permit development consistent with the Master Plan Goals and is designed to encourage reinvestment and the continued viability of the larger scale commercial businesses within the Township.

3. The Planning Board Secretary has transmitted the Resolution of the Township of Clark Planning Board and the Terminal Avenue Redevelopment Plan for Block 58, Lots 4 & 5 prepared by Shamrock Enterprises, Ltd. to the Governing Body of the Township of Clark in compliance with the requirements of N.J.S.A. 40A:12A-7.f. of the Local Redevelopment and Housing Law.

BE IT FURTHER ORDAINED if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion:

John Laezza: gave an explanation on the ordinance.

Council President Toal directed roll call:

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

Public Hearing on May 20th

RESOLUTIONS:

Resolution 19-71

**RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE
CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Cazenovia Creek Funding II, LLC which certificate is dated October 22, 2018

covering premises commonly known and referred to as Lot 66 Block 38 as set out on the municipal tax map then in use which certificate bears number 18-00006.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Clark that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Moved by Council President Toal, seconded by Councilman Smith

Discussion: none

Council President Toal directed roll call:

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

Resolution 19-72

WHEREAS the Township of Clark entered into a Grant Agreement with the County of Union on August 21, 2018 covering the period from September 1, 2018 to August 31, 2019 to receive the Year 44 Community Development Block Grant (CDGB) award of \$20,000.00 for ADA Curb and Ramp Rehabilitation; and

WHEREAS the Township Engineer has solicited quotes from four (4) contractors for the construction of ADA Curb and Ramp Improvements; and

WHEREAS of the four solicited, two contractors responded; Cifelli & Son General Construction in the amount of \$4,800.00 per ramp with a total quote of \$38,400.00 and S. Brothers, Inc. in the amount of \$3,560.00 per ramp with a total quote of \$28,860.00; and

WHEREAS the Township Engineer has presented a written recommendation for the award of contract to S. Brothers, Inc., PO Box 317, South River, NJ 08882; and

WHEREAS both quotes are in excess of the \$20,000.00 Community Development Block Grant amount; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$20,000.00 funded by Community Development Block Grant Program Year 44 and \$8,860.00 funded by Ordinance 19-11 as attached hereto as a "Certification of Availability of Funds" for a total contract not to exceed Twenty-Eight Thousand, Eight Hundred Sixty Dollars (\$28,860.00).

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Engineer and awards a contract to S. Brothers Inc., for the ADA Curb and Ramp Improvements Project in an amount not to exceed \$28,860.00.

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion: none

Council President Toal directed roll call:

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

Resolution 19-73

Resolution in Support of New Jersey Per Capita State Aid Legislation

WHEREAS, libraries fill a vital role by serving as the local outlet for state services in their communities; and

WHEREAS, State support for public libraries in New Jersey is through the Library Per Capita State Aid Program; and

WHEREAS, the Library Per Capita State Aid Program was reduced 42% in FY2010 and has not been increased since that time; and

WHEREAS, this support is only \$0.41 cents per person per year; and

WHEREAS, funding the State Per Capita Aid Program at \$10.5 million would substantially benefit public library users, and keep lights on and doors open at public libraries; and

WHEREAS, the libraries of New Jersey depend upon these funds as a vital component to support their communities in early literacy, employment seeking, small business assistance, internet access and lifelong learning.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby urges the New Jersey Legislature to support the critical legislation of Assembly Bill A3801 and Senate Bill S2668, which would provide \$1.20 per person in funding for New Jersey's libraries.

Moved by Councilwoman Albanese, seconded by Councilman Barr

Discussion:

John Laezza: gave explanation on the resolution.

Council President Toal directed roll call:

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

Resolution 19-74

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Eric Muller and Alejandro Ciprian are hereby appointed as Members of the Clark Volunteer Fire Department effective this 6th day of May 2019

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion: none

Council President Toal directed roll call:

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

Resolution 19-75

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 5CRE Clark, LLC., having its principal office located at 28 West 27th Street, Suite 701, New York, NY 10001 for the tract of land identified as Block 131, Lot 24, situated at 170 Westfield Avenue, Clark, New Jersey 07066.

Moved by Councilman Smith, seconded by Councilman O'Connor

Discussion:

John Laezza: gave explanation on the resolution.

Council President Toal directed roll call:

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

Resolution 19-76

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 NAK Tasharofi Real Estate Holdings, LLC., having its principal office located at 1 Charlotte Drive, Clark, New Jersey 07066 for the tract of land identified as Block 49, Lot 12.05, situated at 999 Raritan Road, Clark, New Jersey 07066.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: gave explanation on the resolution.

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Daniel Chin, 83 Westfield Ave.:

- thanked the Council for doing a good job and making us safer and a better town
- gave a history of his family when they moved to Clark
- mentioned he's aware of delays he's had on the property of his family's business and his intention is to move forward and develop the property

Jack Labruzzo, 35 Fulton St.:

- mentioned he's been living in Clark for 24 years under Mayor Bonaccorso's leadership and mentioned he's doing a great job
- he represents the Labor Local 3 in North Jersey as the Union County Business Agent.
- Is looking for some responsible contractor language with the developers to maybe get some local people to work on the jobs coming up in town

Delia Collins, 72 Georgia St.:

- talked about what she heard on TV35 regarding the Cranford Municipal meeting regarding possible alternate of the new high-tension electrical poles
- wanted to know if Clark has any say as to what is done on County property
- asked Mr. Triarsi if he found any information regarding the building or working behind the tracks at midnight

- mentioned the railroad ties are still back there, they haven't been moved in six months

Attorney Triarsi: replied to Ms. Collins that the administration was advised that if it were to start up again that they should go out and issue appropriate summons and if it didn't start up there is no reason to do anything. Also mentioned a copy of the ordinance was given to them and they were told what the violation is.

Seeing no one else coming forward Councilman O'Connor made a motion to close the public portion of the meeting, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzearella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Council President Toal: No comment.

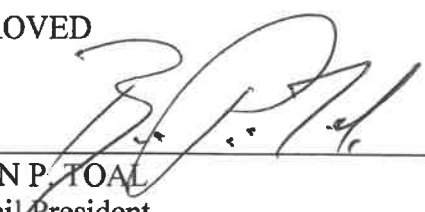
ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman O'Connor

Council President Toal directed roll call:

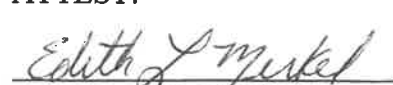
Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
June 3, 2019**

ROLL CALL:

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

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 Toal. 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 Meeting 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 Ordinance)

Ordinance 19-15

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

Council President Toal opened the Public Hearing on Ordinance 19-15

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

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-15 made by Councilman Mazzarella, seconded by Councilman Smith

Discussion: none

Council President Toal directed roll call:

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

Ordinance adopted

Ordinance 19-16

BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$8,250,000 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.

Council President opened the Public Hearing on Ordinance 19-16

Seeing no one coming forward Councilman Hund made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Motion to adopt Ordinance 19-16 was made by the Entire Council, seconded by the Entire Council

Discussion:

Mayor Bonaccorso: gave a detailed explanation of the Ordinance

Police Chief Matos: added further detail on the ordinance

Discussion regarding the new police station went back and forth between council members, the Mayor, Mr. Laezza, and Chief Matos

Council President Toal directed roll call:

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

Ordinance adopted

RESOLUTIONS:

Resolution 19-85

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 Redevelopment Agreement with Clark Walnut Developers, LLC., having its principal office located at 820 Morris Turnpike, Short Hills, New Jersey 07078 for the

tract of land identified as Block 155, Lots 7 and 10, situated at 35 Walnut Avenue and 92 Valley Road, Clark, New Jersey 07066.

Moved by Councilman Smith, seconded by Councilman Barr

Discussion:

John Laezza: mentioned that he, with the Mayor completed negotiations with the developer for Walnut Avenue

No further discussion

Council President Toal directed roll call:

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

Resolution 19-86

BE IT RESOLVED by the Governing Body of the Township of Clark in accordance with the provisions of the Special Law Enforcement Officer's Act (N.J.S.A. 40A:14-146.8 et seq.) and Pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby duly appoint Kenneth Parnes as a Class II Special Law Enforcement Officer to serve for the period commencing June 3, 2019 and concluding December 31, 2019.

Moved by Councilman Hund, seconded by Councilwoman Albanese

Discussion:

Police Chief Matos: explained why Mr. Parnes is being added to the police department's special forces.

No further discussion

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Delia Collins, 73 Georgia St.: Asked questions regarding redevelopment. Mr. Laezza gave a detailed explanation of the process to designate an area in need of redevelopment. The Mayor added further detail regarding the differences between Terminal, Walnut and Westfield Avenue.

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazzarella: no comment.

Councilman O'Connor: no comment.

Councilman Smith: no comment.

Council President Toal: no comment.

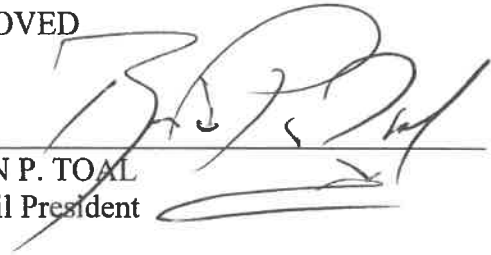
ADJOURNMENT:

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

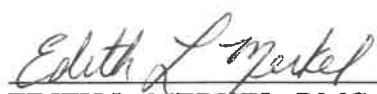
Council President Toal directed roll call:

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

APPROVED


BRIAN P. TOAL
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 3, 2019

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, 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 O'Connor. 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 Meeting 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.

ORDINANCE, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCE:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE CAPITAL ENHANCEMENTS OF TRAFFIC LIGHTS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$22,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUNDS OF THE TOWNSHIP OF CLARK

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

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to Enhance Traffic Lights in the Township of Clark for additional Public Safety, and any ancillary costs related thereto.

Section 2. The sum of \$22,000.00 is hereby appropriated for the Capital Enhancement of Various Traffic Lights and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Hund, seconded by Councilwoman Albanese

Discussion:

John Laezza: The Chief and his Traffic Sergeant indicated that there are four traffic lights that could be a safety hazard, and we have a proposal to get them fixed and we need this money to put aside and do it.

Councilman Smith: Where are the lights, the streets?

John Laezza: Central and Raritan, Westfield and Raritan, the Circle.

Police Chief Matos: And I believe the last one is Broadway and Valley.

No further discussion

Council Vice President O'Connor directed roll call:

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

RESOLUTIONS:

Resolution 19-114

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholders of the County of Union, on Friday, September 13, 2019, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

WHEREAS Friday, September 13, 2019, has been declared "POW/MIA Remembrance Day" in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

WHEREAS in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, beginning at 11:15 a.m. All residents of Union County are urged to make a special effort to give thanks and remember the sacrifices made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 13, 2019 be declared **"POW/MIA REMEMBRANCE DAY"** in the Township of Clark, County of Union, New Jersey; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution, suitably prepared, be forwarded to the Union County Board of Chosen Freeholders, the Clark American Legion and John L. Ruddy Post #7363 VFW.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council Vice President O'Connor directed roll call:

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

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 Vice President O'Connor opened the public portion of the meeting

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

Council Vice President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Council Vice President O'Connor: No comment

Councilman Smith: No comment.

John Laezza: No comment.

Mark Dugan: No comment.

Township Clerk: No comment.

ADJOURNMENT:

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

Council Vice President O'Connor directed roll call:

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

APPROVED

A handwritten signature in dark ink, appearing to read "Patrick O'Connor", is written over a horizontal line.

PATRICK O'CONNOR
Council Vice President

ATTEST:

A handwritten signature in dark ink, appearing to read "Edith L. Merkel", is written over a horizontal line.

EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
October 7, 2019

ROLL CALL:

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

Also Present: Mayor Bonaccorso; Mark Dugan, 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 Toal. 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 Meeting 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:
INTRODUCTION OF PROPOSED ORDINANCE:

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

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

WHEREAS, the Township Council of the Township of Clark has heretofore authorized the construction of a new Public Safety Building in, by and for said Township, and appropriated the sum of \$8,250,000 therefor pursuant to ordinance no. 19-16 adopted by the Township Council of said Township on June 3, 2019; and

WHEREAS, the Township Council now finds and determines that the additional sum of \$2,000,000 is required for such improvement, **NOW, THEREFORE**,

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

Section 1. The additional sum of \$2,000,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 19-16 adopted by the Township Council of the Township on June 3, 2019 (the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$10,250,000, including the sum of \$8,250,000 appropriated by the Prior Ordinance and the \$2,000,000 appropriated by this ordinance, and (4) \$493,000 of said sum is to be provided by the down payment, including the \$393,000 appropriated by the Prior Ordinance and the \$100,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$9,757,000, including the \$7,857,000 authorized by the Prior Ordinance and the \$1,900,000 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$1,100,000,

including the sum of \$1,000,000 stated in the Prior Ordinance and the sum of \$100,000 hereby stated, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of

said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Township intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved and seconded by the Entire Council

Discussion:

Mayor Bonaccorso: the low bid was 9.3 million which is higher than we had appropriated. As you know by law, we cannot accept the bid unless we have funding in place. For the very little there is in the building we've tried to make some changes to hopefully bring that next bid down. And this is also for some different furnishings and some different equipment, hopefully it will be enough, we'll see. Hopefully the bid will come in lower, we can get it down back into the eight million range that we were hoping for. Our value engineering cost showed that they were expecting this building to come in at about five hundred dollars a square foot, it's at six (hundred) twenty-one, way over everyone's expectations. The low bid was 9.3 and it went up to 10.7 million. And this is a building as I will say again, the Chief can verify, he's been in on all the meetings with us, there are no bells and whistles here.

No further discussions

Council President Toal directed roll call:

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

Public Hearing October 21st

RESOLUTIONS:

Resolution 19-125

WHEREAS on September 26, 2019 at 10:00 am, an 8" diameter sewer main break was discovered in front of 70 Parkway Drive; 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 necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

Moved by Councilman Hund, seconded by Councilman Mazzaella

Discussion:

Mayor Bonaccorso: explained resolution

Council President Toal directed roll call:

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

Resolution 19-126

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 2019 in the sum of \$4,484.83 which is now available from the State of New Jersey Drunk Driving Enforcement Fund in the amount of \$4,484.83; and

BE IT FURTHER RESOLVED that the like sum of \$4,484.83 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 \$4,484.83.

Moved and seconded by the Entire Council

Discussion:

Mayor Bonaccorso: explained resolution

Council President Toal directed roll call:

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

Resolution 19-127

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Joseph R. Cortapasso is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 7th day of October 2019.

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion: none

Council President Toal directed roll call:

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

Resolution 19-128

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to fill Planning Board vacancies created by the resignation of Michael Kurzawski effective this 7th day of October, 2019.

CLASS IV MEMBER

George Olear	10/07/19– 12/31/19
(filling the unexpired term of Michael Kurzawski)	

ALTERNATE I MEMBER

Michael Bonaccorso	10/07/19 – 12/31/19
(filling the unexpired term of George Olear)	

Moved by Councilman Mazzarella, seconded by Council President Toal

Discussion:

Mayor Bonaccorso: mentioned Mike Kurzawski was a member of the Planning Board for nineteen years, was an outstanding member and an outstanding Chairman and he will be missed.

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Seeing no one coming forward Councilman O'Connor made a motion to close the public portion of the meeting, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment

Councilwoman Albanese: no comment

Councilman Barr: no comment

Councilman Hund: no comment

Councilman Mazzarella: no comment

Councilman O'Connor: thanked Joseph Cortapasso for becoming a member of the Clark Fire Department.

Councilman Smith: no comment

Council President Toal: no comment

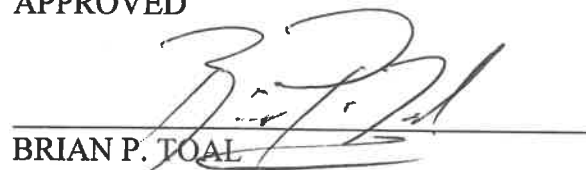
ADJOURNMENT:

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

Council President Toal directed roll call:

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

APPROVED


BRIAN P. TOAL
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
November 4, 2019

ROLL CALL:

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Smith, Toal
Absent: 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 Toal. 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 Meeting 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:
INTRODUCTION OR PROPOSED ORDINANCES:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF TURNOUT GEAR, (COATS, PANTS AND HELMETS), AND PAGERS FOR THE FIRE DEPARTMENT AND AN UPGRADE TO THE COMPUTER NETWORK SYSTEM FOR ADMINISTRATION AND ANY ANCILLARY COSTS RELATED THERETO, AND APPROPRIATING THE SUM OF \$73,700.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUNDS OF THE TOWNSHIP OF CLARK

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

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire Turnout Gear, (Coats, Pants and Helmets), plus Paggers for the Fire Department along with an Upgrade to the Computer Network System for Administration, and any ancillary costs related thereto.

Section 2. The sum of \$73,700.00 is hereby appropriated for the Capital Purposes and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as

“capital purpose”). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said “capital purpose”.

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Barr, seconded by Councilman O’Connor

Discussion:

John Laezza: explained the ordinance.

Council President Toal directed roll call:

Aye: Barr, Hund, Mazzarella, O’Connor, Smith, Toal

Public Hearing November 18th

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347
ENTITLED “VEHICLES AND TRAFFIC”
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 347 is hereby supplemented as follows:

SECTION 1: Chapter 347-25 is supplemented so as to include the following street:

Name of Street	Side	Location
Madison Hill Road	East	25 feet north from the northerly curblin of the south exit driveway and 25 feet south from the southerly curblin of the south exit driveway

SECTION 2: **Effective date:** This Ordinance shall take effect upon adoption and publication, according to law.

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.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: explained the ordinance

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

Public Hearing November 18th

**AN ORDINANCE TO AMEND CHAPTER 195, SECTION 195-118
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "LAND USE AND DEVELOPMENT"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 195, Section 195-118, Sub-Section B(1) of the Code of the Township of Clark entitled "Land Use and Development" is hereby amended, as follows:

SECTION 1: Delete therefrom the "minimum lot frontage requirement of 50 feet" and to insert in its place and stead "a minimum lot frontage required of 40 feet". In all other respects, the provisions of Section 195-118 as they pertain to the bulk requirements for undersized lots of record shall remain in full force and effect.

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.

Moved by Councilman Barr, seconded by Councilman Smith

Discussion:

John Laezza: explained the ordinance.

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

Public Hearing date will be set after the Planning Board review on November 7th

RESOLUTIONS:

Resolution 19-139

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 2019 budget appropriations in accordance with the following schedule of transfers.

CLARK TOWNSHIP BUDGET TRANSFERS 11/4/2019

		<u>FROM</u>	<u>TO</u>
Administration	Salaries & Wages		500
Administration	Other Expenses	--	10,000
Mayor's Office	Salaries & Wages	29,999	--
Code Enforcements	Salaries & Wages	--	20,000
Insurance and Bonding	Other Expenses	192,501	--
Fire	Salaries & Wages	7,000	
Fire Prevention	Salaries & Wages		7,000
Recycling Expense	Other Expenses	--	10,000
Bureau of Roads	Other Expenses	--	100,000
Clean-up Expense	Other Expenses	--	8,000
Building & Grounds	Other Expenses	--	30,000
Recreation	Salaries & Wages	--	44,000
		\$229,500	\$229,500

Moved by Councilman O'Connor, seconded by Councilman Mazzearella

Discussion:

John Laezza: explained the resolution.

Council President Toal directed roll call:

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

Resolution 19-140

**Resolution Requesting Approval of Items of Revenue and Appropriation
NJS 40A:4-87**

WHEREAS NJS 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 or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an appropriation for the 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 2019 in the sum of \$3,500.00 which is now available as a revenue from Greening Union County Grant Program pursuant to the provision of the statute; and

BE IT FURTHER RESOLVED that the like sum of \$3,500.00 is hereby appropriated under the caption Greening Union County Grant Program; and

BE IT FURTHER RESOLVED that the sum of \$3,500.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the budget of the year 2019 under the caption Roads: Other Expense; and

BE IT FURTHER RESOLVED that the above is a result of a County grant of \$3,500.00 from Union County.

Moved by Council President Toal, seconded by Councilman Hund

Discussion:

John Laezza: explained the resolution

Council President Toal directed roll call:

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

Resolution 19-141

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of two (2) 2020 Ford Police Utility Interceptor marked police vehicles for use by the Police Department; and

WHEREAS the Administration recommends an outright purchase payable upon delivery of the Police Vehicles:

Pricing of the Vehicles through the Cranford Police Cooperative Pricing System;
System Identifier 47-CPCPS

Dealer: Beyer Ford LLC, 170 Ridgedale Avenue, Morristown, New Jersey, 07962

Funded by: Police Accounts #9-01-25-240-237

Two (2) Vehicle at \$31,147.00 – Total purchase \$62,294.00

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$62,294.00 funded by Account #9-01-25-240-237 as attached hereto as a “Certification of Availability of Funds.”

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase two (2) 2020 Ford Police Utility Interceptor marked police vehicles from Beyer Ford LLC, of Morristown, New Jersey.

Moved by Councilman Hund, seconded by Councilman Mazzarella

Discussion:

Captain Vincent Concina: on behalf of the Chief and the department thanked the Council for the vehicles.

Council President Toal: asked Captain Concina how many vehicles are being used on a basic day.

Captain Concina: for a basic day up to nine cars

No further discussion

Council President Toal directed roll call:

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

Resolution 19-142

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment 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 19-22; and

WHEREAS the Clark Police Department wishes to purchase and install equipment for Police Utility Vehicles from authorized vendors as follows:

Triangle Communications NJ State Contract: #81331 and 81343
2362 Waldheim Avenue
Scotch Plains, NJ 07076-2152

Equipment List:

Lighting, Sirens, Cages, Mobile Radios, Console Boxes, Computer Mounts, Push Bumpers,
necessary to outfit two 2020 Ford Police Utility Interceptors

Total equipment and installation price not to exceed \$30,262.34 (\$15,131.17 per vehicle) payable
upon completion; and

WHEREAS the Business Administrator recommends the utilization of these contracts on
the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these
contracts in Police O/E Account #9-01-25-240-237.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of
Clark that it hereby authorizes the purchase and installation of equipment for Police Utility
Vehicles as described above.

Moved by Councilman Hund, seconded by Councilman O'Connor

Discussion:

John Laezza: explained the resolution.

Captain Concina: talked about the equipment that will be installed in the vehicles.

No further discussion

Council President Toal directed roll call:

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

Resolution 19-143

WHEREAS the Governing Body of the Township of Clark advertised on October 10,
2019 and received nine (9) bids for Construction of the New Police Headquarters and Municipal
Court on November 1, 2019 at 10:00 a.m.; and

WHEREAS the three (3) lowest responsible bidders were G & P Parlamas, Inc. from
Neptune, New Jersey in the amount of \$8,771,410.00; Tri-Form Construction from Metuchen,
New Jersey in the amount of \$8,931,000.00; and Unimak from Saddle Brook, New Jersey in the
amount of \$9,350,000.00; and

WHEREAS the Business Administrator and Settembrino Architects have reviewed all the documents required by the bid specifications and recommend award of contract to G & P Parlamas, Inc., 1928 Heck Avenue, Neptune, New Jersey 07753 in the amount of \$8,771,410.00; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$8,771,410.00 funded by Ordinances 19-16 and 19-21 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to G & P Parlamas, Inc. in the amount of \$8,771,410.0 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Hund, seconded by Councilman Mazzearella

Discussion:

Mayor Bonaccorso: explained the resolution and also talked about construction of the building.

Councilman Mazzearella: thanked the Mayor and Business Administrator for being on top of building the new police headquarters and will see it through its completion

Mayor Bonaccorso: mentioned it's the right thing and that it will work efficiently for everyone.

Council President Toal: gave a quick history lesson on the police headquarters.

No further discussion

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting.

Captain Vincent Concina, 34 Ascot Way: thanked Council for the new building on behalf of himself, the Chief and the rest of the police department.

Seeing no one else coming forward Councilman Smith closed the public portion of the meeting, seconded by Councilman Hund

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazzarella: no comment.

Councilman O'Connor: thanked everyone that was involved in planning the new construction of police headquarters.

Councilman Smith: no comment.

Council President Toal: no comment

Township Clerk: no comment.

John Laezza: no comment.

Attorney Triarsi: no comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman O'Connor, seconded by Councilman Mazzarella

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
December 2, 2019**

ROLL CALL:

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

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 Toal. 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 Meeting 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 19-22

AN ORDINANCE TO AMEND CHAPTER 195, ARTICLE XXII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "GENERAL REGULATIONS, EXCEPTIONS AND MODIFICATIONS"

Council President Toal opened the Public Hearing on Ordinance 19-22

John Laezza: explained the ordinance so the public knows what it's about.

Seeing no one coming forward Councilwoman Albanese made a motion to close the Public Hearing, seconded by Councilman Hund

Council President Toal directed roll call:

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

Motion to adopt the ordinance was made by Councilman Smith, seconded by Councilman Barr

Discussion: none

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 19-23

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 195 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS"

Council President Toal opened the Public Hearing on Ordinance 19-23

Mayor Bonaccorso: explained the ordinance so the public knows what it's about.

The following people asks questions regarding the Ordinance:

Nick DeMarco, 111 Union Street

John Fafoa, 40 Broadway

Mr. & Mrs. Vincent Bova, 70 Union Street

Diane C. MacAvoy, 11 Bartell Place

Simon Gannett, 33 Broadway

Delia Collins, 70 Georgia Street

Questions were answers by Mayor Bonaccorso, John Laezza, and the Township Attorney

Seeing no one else coming forward Councilman Mazzearella made a motion to close the public hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Motion to adopt the ordinance was made by Councilman O'Connor, seconded by Councilman Smith

Discussion: none

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 19-26

AN ORDINANCE TO AMEND CHAPTER 195, SECTION 195-118 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "LAND USE AND DEVELOPMENT"

Council President Toal opened the Public Hearing on Ordinance 19-26

John Laezza: explained the ordinance.

Seeing no one coming forward Councilman Mazzarella made a motion to close the public hearing, seconded by Councilman Hund

Council President Toal directed roll call:

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

Motion to adopt the ordinance was made by Councilman Barr, seconded by Councilman Smith

Discussion:

Councilman O'Connor: wanted to know how the value of the property will be determined.

John Laezza: responded it will be determined by the Assessor.

Attorney Triarsi: explained the ordinance in detail.

No further discussion

Council President Toal directed roll call:

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

Ordinance Adopted

RESOLUTIONS:

Resolution 19-150

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Clark Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Clark Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Clark Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Clark Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 20,281.00
Cash Match	\$ 5,070.25
In-Kind	\$ 15,210.75

2. The Clark Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

Discussion: none

Council President Toal directed roll call:

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

Resolution 19-151

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 to execute a Contractor Agreement with G & P Parlamas, Inc., having its principal office located at 1928 Heck Avenue, Neptune City, New Jersey 07753 for the construction of the Clark Police Headquarters and Municipal Complex, situated at 315 Westfield Avenue, Clark, New Jersey 07066.

Moved and seconded by the Entire Council

Discussion:

Council President Toal directed roll call:

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

Resolution 19-152

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that James Marciano is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 2nd day of December 2019.

Moved by Councilman Barr, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

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 Toal opened the public portion of the meeting

Seeing no one coming forward Councilwoman Albanese closed the public portion of the meeting, seconded by Councilman Hund

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazzearella: no comment.

Councilman O'Connor: no comment.

Councilman Smith: no comment.

Council President Toal: no comment.

Township Clerk: no comment.

John Laezza: no comment.

Attorney Triarsi: no comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman Hund, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

PRIVATE COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, N.J.
December 2, 2019

Motion to go into private session was made at 8:23 pm during the Workshop meeting, by Councilman Smith, Seconded by Councilman Hund

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, Business Administrator John Laezza, Township Attorney Joseph Triarsi, Police Chief Pedro Matos, Police Captain Vincent Concina and Township Clerk Edith Merkel

EXECUTIVE RESOLUTION

WHEREAS N.J.S. 10:4-12 permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS this public body is of the opinion that circumstances presently exist; and

WHEREAS the Mayor and Council wish to discuss pending employment matters and litigation.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from the meeting at 8:23 pm and invited back to resume the regular order of business at 9:08 pm; and

BE IT FURTHER RESOLVED that the subject matter of this meeting will be released when the reasons for discussion and action on it in closed session no longer exists.

Council President Toal directed roll call:

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

Discussion:

The Governing Body discussed a pending employment and personnel matter in the Police Department.

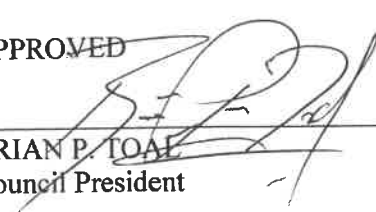
ADJOURNMENT:

Motion to adjourn private meeting and resume the regular order of business made at 9:08 pm by Councilman O'Connor, seconded by Councilman Smith

Council President Toal directed roll call:

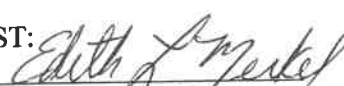
Aye: Albanese, Barr, Hund, Mazzarella, O'Connor, Smith, Toal

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

