

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ**  
**August 15, 2011**

**ROLL CALL:**

Present: Council Members Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, acting as Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer

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

**PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE**

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County LocalSource, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:** (Complete transcript available in the Clerk's office)

Mayor Bonaccorso:

1. There will be a service of remembrance on Saturday, September 10<sup>th</sup> at 9:15 am at James Nelson Memorial Park to honor James Nelson and all those who lost their lives on September 11, 2001
2. Two branch collections left; August and September. Put them out the 3<sup>rd</sup> week to be picked up on the 4<sup>th</sup> week
3. Thanked Ralph Bernardo and staff for an outstanding Summer Recreation Program; thanked Council for funding the program
4. Senior BBQ will be held in mid-September

Township Clerk: Police and Fire reports for July filed and open to the public

**REPORT OF COUNCIL COMMITTEES:**  
(Complete transcript available in the Clerk's office)

Councilwoman Whiting:

1. Summer Recreation; record number of kids (1011) with attendance averaging 550 per day
2. Recreation Brochure; registration begins the second week in September
3. UNICO Feast October 7, 8 and 9

Councilman Toal: Environmental Commission; Annual Reservoir Clean-up October

Councilman O'Connor: Thanked Ralph Bernardo for the summer recreation program and the Fire Department for Thursday water days

Councilman Kazanowski: No report

Councilman Barr: Fire Department; house numbers should be prominently displayed especially at night because when there's a police, first aid, or fire department emergency, they respond to a street and a house number.

Councilwoman Albanese:

Library

1. Summer activities
2. Capital campaign; Library funding has gone down
3. Friends of the Library recruiting members Individual dues are \$15.00, family \$25.00, and an organization \$50.00
4. Computer classes begin in September

Council President Mazzarella: Bulky Waste; Public Works Department picks it up in the First Ward the first week of the month. 2<sup>nd</sup> Ward 2<sup>nd</sup> week, 3<sup>rd</sup> Ward 3<sup>rd</sup> week, 4<sup>th</sup> Ward 4<sup>th</sup> week. No mattresses; call for an appointment.

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**  
**INTRODUCTION OF PROPOSED ORDINANCE:**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF FIRE DEPARTMENT EQUIPMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$25,700 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 PPE (Bunker Gear); AED Defibrillator Kits, and Fire Hose and any ancillary costs related thereto.

**Section 2.** The sum of \$25,700 is hereby appropriated for the acquisition of said equipment 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 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 Councilwoman Whiting

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

**PAYMENT OF CLAIMS:**

Councilman O’Connor, Chairman of Finance Committee made a motion to approve the payment of claims on current and capital expenditures in the amount of \$259,060.14 for the period ending August 11, 2011, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

**CITIZEN HEARING ON AGENDA:**

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Seeing no one coming forward Councilman Kazanowski made a motion to close the Citizen Hearing on the Agenda, seconded by Councilman Barr

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

**RESOLUTIONS:**

**Resolution 11-109**

**WHEREAS** an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-33-018-009, heretofore issued to Harry S. Bridgman located at 77 Central Avenue, Clark NJ 07066; and

**WHEREAS** the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2011-2012; and

**WHEREAS** the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS** a review the source of funding is unnecessary as the transfer does not include the purchase of the license and the licensed business, the transfer is from Harry S. Bridgman to Central Blue, LLC with Harry S. Bridgman as the sole member.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark does hereby approve, effective August 15, 2011 the transfer of the aforesaid Plenary Retail Consumption License to Central Blue, LLC with Harry S. Bridgman as the sole member, 77 Central Avenue, Clark, NJ 07066 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Central Blue, LLC effective August 15, 2011.

Moved by Councilman Kazanowski, seconded by Councilwoman Whiting  
Discussion: None

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

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**Resolution 11-110**

**WHEREAS** the Governing Body of the Township of Clark advertised on July 28, 2011 for Municipal Tennis Court Reconstruction and received five (5) bids on August 10, 2011 at 10:00 am; and

**WHEREAS** Halecon, Inc., 136 Billian Street, Bridgewater, New Jersey 08807 was the lowest responsible bidder in the lump sum amount of One Hundred Twenty Five Thousand, Seven Hundred dollars (\$125,700.00); and

**WHEREAS** the Township Engineer has reviewed all the documents required by the bid specifications and recommends award of contract to Halecon, Inc. in the amount of \$125,700.00; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$125,700.00 in Ordinance #06-12 and Capital Account 04-06-012-002.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Halecon, Inc. of Bridgewater, New Jersey in the

amount of \$125,700.00 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilwoman Whiting, seconded by Councilman Barr

Discussion:

Council President Mazzarella: For the public, and for those viewing, this is a good thing for the community, plus we are getting a forty-five thousand dollar grant from the County...is that true Mr. Laezza? (John Laezza: yes) So it's going to bring that 125 down, so it's a good thing for us.

Councilman Kazanowski: Mr. President, it also includes the basketball courts too correct?

John Laezza: Yes.

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

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**Resolution 11-111**

**WHEREAS** the Governing Body of the Township of Clark advertised on July 28, 2011 and received one (1) bid for the 2011 Capital Roadway Improvement Program on August 10, 2011 at 10:00 am; and

**WHEREAS** the Township Engineer recommends that the bid be rejected in the best interest of the Township due to a lack of competition.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby rejects the bid for the 2011 Capital Roadway Improvement Program.

Moved by Councilman Toal, seconded by Councilman Kazanowski

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

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**Resolution 11-112**

**RESOLUTION OPPOSING S-2795 AND A-3835, CONCERNING ENFORCEMENT RESPONSIBILITY OF STATE HOUSING CODE UNDER THE "HOTEL AND MULTIPLE DWELLING LAW"**

**WHEREAS** on June 29<sup>th</sup> S-2795 passed the State Senate by a vote of 23-13-4, and now rests with its Assembly companion, A-3835, with the Assembly Housing and Local Government Committee; and

**WHEREAS** S-2795 and A-3835 would prohibit municipalities from adopting ordinances requiring periodic inspections of multiple dwellings other than those conducted by the State under the “Hotel and Multiple Dwelling Law”; and

**WHEREAS** S-2795 and A-3835 would prohibit municipalities from charging separate fees for the registration of multiple dwellings; and

**WHEREAS** according to a fiscal estimate prepared by the non-partisan Office of Legislative Services S-2795 and A3835 will decrease municipal revenues and potentially decrease municipal expenditures; and

**WHEREAS** S-2795 and A3835 would eliminate local control over the inspection of multiple dwellings which is not in the public’s best interests; and

**WHEREAS** landlord registration of any rental unit, regardless of whether a portion is owner-occupied could continue but a municipality would be prohibited from charging a registration fee thereby raising cost without any revenue off-set; and

**WHEREAS** municipalities could continue to issue “Continuing Certificates of Occupancy” upon an inspection following termination of occupancy in a rental unit, but would be preempted by the bill from having or adopting ordinances under which periodic inspections of multiple dwellings would be made; and

**WHEREAS** such landlord registrations and “Continuing Certificates of Occupancy” are conducted for the public safety and welfare of the citizens of our municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that enactment of S-2795 and A-3835 will decrease municipal revenues and place yet another financial burden on already strained New Jersey Municipalities, and will take away local control over the inspection of multiple dwellings, which is not in the best interest of our residents.

**BE IT FURTHER RESOLVED** the Governing Body of the Township of Clark, County of Union, and State of New Jersey strongly opposes S-2795 and A-3835; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator Nicholas Scutari, Assemblywoman Linda Stender, Assemblyman Jerry Green, Assemblyman Kevin Ryan, Assemblywoman Mila Jasey, Assemblyman Joseph Cryan and the Members of the Assembly Housing and Local Government Committee, Assembly Speaker Sheila Oliver, Senator Steven Oroho, Senator Jeff Van Drew and the New Jersey State League of Municipalities.

Moved and seconded by the Entire Council

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 11-113**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby rescinds Resolution #11-108 adopted July 18, 2011 and authorizes the Mayor and/or Business Administrator to execute a Developer's Agreement with "**FEIL CLARK TERMINAL ASSOCIATES LLC**, a Delaware limited liability company, as to 22% undivided tenancy in common interests, **RCG LV CLARK TERMINAL ASSOCIATES, LLC**, a Delaware limited liability company, as to a 45% undivided tenancy in common interests, and **BLDG CLARK LLC**, a Delaware limited liability company, as to 33% undivided tenancy in common interests, each with a business address c/o Jeffrey Management of New Jersey LLC, 7 Penn Plaza, Suite 618, New York, New York 10001" for development of property located at 225 Terminal Avenue, Clark, New Jersey, 07066.

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**Resolution 11-114**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Mayor to execute a Jurisdictional Agreement with the New Jersey Turnpike Authority to set forth the respective rights and responsibilities for jurisdiction and maintenance of the Clark Circle, located at Interchange 135 of the Garden State Parkway.

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**Resolution 11-115**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2012 NJDOT/Capital Road Improvement Program project identified as MA-2012-Clark Township-00026.

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

**BE IT FURTHER RESOLVED** that the Mayor, Business Administrator, Township Engineer and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Clark Township-00026 NJDOT Municipal Aid Program to the New Jersey Department of Transportation on behalf of the Township of Clark; and

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

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**Resolution 11-116**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that Jon-Henry Barr, Esq. is hereby authorized to represent the Clark Police Department in the matter of the Denial of Firearms Identification Card and Permit to Purchase a Handgun of Christopher Velotti brought before the Union County Superior Court, Law Division; and

**BE IT FURTHER RESOLVED** that said attorney is to be paid an hourly rate of One Hundred Fifty dollars (\$150.00) not to exceed One Thousand dollars (\$1,000.00) without further authorization.

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**Resolution 11-117**

**WHEREAS** the Alternate I position on the Board of Adjustment has been vacated due to the resignation of Mark David; and

**WHEREAS** Ed Ruth currently holds the appointed position of Alternate II Member of the Board.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark that Ed Ruth, 8 Brentwood Road, Clark, New Jersey 07066 is hereby appointed as Alternate I Member of the Board of Adjustment filling the unexpired term of Mark David effective this 15<sup>th</sup> day of August 2011 expiring December 31, 2011:

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**Resolution 11-118**

**WHEREAS** N.J.S. 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** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS** the Township of Clark has received notice of an award of \$23,034.79 from the State of New Jersey, Clean Communities Grant and wishes to amend its 2011 Budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Clark, in the County of Union, State of 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 2011 in the sum of \$23,034.79 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
  - State and Federal Revenues Off-set with Appropriations:
  - Clean Communities Grant

**BE IT FURTHER RESOLVED** that the like sum of \$23,034.79 be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - (a) Operations Excluded from CAPS
  - State and Federal Programs Off-set by Revenues:
  - Clean Communities Grant

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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**Resolution 11-119**

**WHEREAS** N.J.S. 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** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS** the Township of Clark has received notice of an award of \$8,943.08 from the State of New Jersey, Recycling Tonnage Grant and wishes to amend its 2011 Budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Clark, in the County of Union, State of 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 2011 in the sum of \$8,943.08 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
  - State and Federal Revenues Off-set with Appropriations:
  - Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that the like sum of \$8,943.08 be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - (a) Operations Excluded from CAPS
  - State and Federal Programs Off-set by Revenues:
  - Recycling Tonnage Grant

**BE IT FURTHER RESOLVED** that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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**Resolution 11-120**

**Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87 (with matching funds for grants)**

**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 Governing Body 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 2011 in the amount of \$18,654.00, which is now available as a revenue from the County of Union pursuant to the provision of the statute; and

**BE IT FURTHER RESOLVED** that the like sum of \$18,654.00 is hereby appropriated under the caption Municipal Alliance Grant – Local Share; and

**BE IT FURTHER RESOLVED** that the sum of \$4,664.00 representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year 2011 under the caption Matching Funds for Grant and is hereby appropriated under the caption of Municipal Alliance Grant – Local Share.

Consent Agenda moved by Councilman Barr, seconded by Councilman Toal

Council President Mazzarella directed roll call:  
Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

**NEW BUSINESS ON THE CALENDAR:** None

**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.

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

Council President Mazzarella directed roll call:  
Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

(Complete transcript available in the Clerk’s office)

Mayor Bonaccorso: No comment

Councilwoman Whiting:

- 1. Pool season; great success
- 2. New Address, same phone number (732) 388-0848

Councilman Toal:

- 1. Remembered Harold Kessler upon his passing
- 2. Miele property is not related to the Schieferstein property

Councilman O’Connor:

- 1. Clark PBA Valor Ride
- 2. Clark Pop Warner Football and cheerleading started August 1<sup>st</sup>

Councilman Kazanowski: No comments

Councilman Barr: Township issues are discussed at the Workshop meeting prior to the vote at the Regular meeting

Councilwoman:

- 1. Congratulated the Clark Karate Club on their 25<sup>th</sup> Anniversary and the students who were promoted
- 2. Encouraged the residents to attend the September 11<sup>th</sup> service on Saturday Sept. 10<sup>th</sup>

Council President Mazzarella:

- 1. Reminded residents to drive carefully; school will be starting soon
- 2. Recycle; it's important for our future and our children's future

John Laezza: No comment

Acting Attorney Lesnik: No comments

Township Clerk: No comments

Rich O'Connor: No comments

Police Captain Scherb: No comments

Fire Chief Beach: No comments

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Councilman Kazanowski, seconded by Councilwoman Whiting

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

APPROVED

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FRANK G. MAZZARELLA  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk