

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
August 20, 2012

ROLL CALL:

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

Also Present: Sal Bonaccorso, Mayor; John Laezza, Business Administrator; Howard Lesnik, Acting 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 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 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:

Mayor Bonaccorso: Yes Mr. President thank you very much...Members of Council, good evening ladies and gentlemen. I'll start off with some happy stuff if you will. First off I would like to wish Councilwoman Angel Albanese a very Happy Birthday this evening, Happy Birthday to you Angel, many more and may your 39th birthday keep repeating over and over.

Next month at this meeting ladies and gentlemen we're going to be appointing Al Scherb as Police Chief of Clark. So I just want to give everyone a little head's up on that. And I know Al is looking forward to that. Chief as I call him Black Cloud, since Al has been in charge we've had a flood, an October storm, and a murder in town. So I mean folks anything goes wrong there's your man right there. Don't blame us. But no Al has done a fine job and it's time to reward his efforts and he has grown into the job very well and I'm excited to see him be promoted and have his family here and the members of the department and the public here for that matter.

Today I got a great phone call from the Superintendent of Schools Ken Knops. Ken informed me that New Jersey Monthly Magazine has named Clark the 40th best high school in all of New Jersey. And that is out of 328 schools. Most notable last year for some reason it was rated 101, so they made a giant leap this year in the rankings of the school. And in the district factor group they are number 1 and I asked Ken on what that meant and he said to me when you take an exact

same town with the exact socioeconomics standing etc. and so on, meaning comparing apples to apples, they were ranked in the #1 spot. So I thought that was a great thing for our school district. I believe last year when it was ranked at 101 it was still a very good school district. What I'm most impressed at every year when I go to graduation and I sit there and read all the different colleges and universities that our students are attending, it's quite breathtaking to see all the different schools and some of the top schools in our nation. The other thing that you have to understand too when these rankings do come out and I don't know how it affects other towns, I'm sure it affects them somewhat I don't know, but sometimes our district loses some top students to the Magnet Program. And you know when you take the #1, 2, 3, 4 and 5 hitter out of your lineup; well you know that does hurt you too. So some children and parents choose to do that. But again congratulations to Ken Knops, the Board of Education and of course all the members of the faculty and administration of the Clark School District for the high school being ranked #40 out of 328 in New Jersey Monthly Magazine. I think it's a great job and of course to the students who worked so hard.

As I talked to Council tonight in executive (workshop) session prior to, I have taken the liberty to appoint a three man committee which will be formed and called the Downtown Village Committee. These three individuals who were asked by myself to serve on this committee to take a look at our downtown which is predominantly between Brant Avenue on Westfield Avenue, Westfield Avenue between Brant and Madison Hill Road. This committee is going to work together to bring recommendations back to myself and this council on what to do moving forward as far as different areas that I believe are turning into a blight in this community on the downtown side. Back in 2004 ladies and gentlemen I announced that we would finally put the framework in place to build a downtown Clark. And putting that framework in place for some years now we've had very little movement and that's ok because we said at the time as natural progression of people selling properties and moving forward we were going to do things and we would see then the framework of the Master Plan and the Downtown Village to begin to sprout a real good looking downtown area for Clark. Unfortunately there's been a few areas down there that have been vacant and abandon for somewhere around six or seven years. And it's becoming blight on the downtown area. This committee is a bi-partisan committee I've chosen to work together, to talk with these owners and to bring recommendations back to myself and this council and then for us to make the ultimate decision moving forward on what we may or may not want to do in the downtown area. The three people that I appointed is Township Administrator John Laezza, I appointed Bob Weisense a longtime Clark resident who is also a stake in the downtown, he is a property owner of two buildings down there and from the Democratic side of the aisle because I wanted the committee to be a bi-partisan committee so everyone's feelings would be covered and there wouldn't be any feelings of people not representing things properly, is Gary Slodowski. I've spoken to all three gentlemen obviously they've accepted and they agree with my vision of the downtown, they agree we need to move forward down there and they are going to start working together to bring us some information and suggest some framework. And then council you will have and we will have the ultimate decision moving forward on what we may or may not want to do in downtown Clark. So I think it's going to be a strong committee. I have confidence in all three people who are going to work hard to do the right thing downtown.

Back in July I'm sorry I missed the last meeting, I was on a family vacation. I went to Trenton and attended a meeting with the DEP Commissioner Bob Martin and other Mayors, a few from

this area, on the Passaic River lawsuit that we've been talking about here for about the last year on and off. The lawsuit includes chemical companies that polluted the Newark Bay. The Newark Bay is full of different lethal chemicals and the State of New Jersey as I mentioned before has taken an action to clean the Newark Bay. And when they did that they did it through not asking taxpayers to fund bonds to clean it but through a lawsuit, believing that the people who polluted this Passaic River and Newark Bay pay for this and we agreed with that. That was started under Governor Corzine; Governor Christie came to office and has kept the lawsuit going forward. The problem has happened and I'm sure you've heard me mention this in the past, is that we the taxpayers of about 73 towns are now paying towards that lawsuit. What the chemical company did in a countered to try to slow it down the State of New Jersey, they sued a bunch of communities and counties some along the river and some inland like we are, I still say to this day what do we have to do with it but because of the Rahway Valley Sewerage Authority and we are a member of that sister community, they have sued to try to slow the state. I'm sure you've heard me talk before I've been an advocate at several different meetings of asking the State of New Jersey to indemnify the townships and pick up our costs. At this point when we went down to Trenton I asked Commissioner Martin and he gave us an overview of where the lawsuit is and it really was no surprise where I think you heard it from me and Mr. Triarsi on where it's at and I've heard the same thing, and I asked him at the meeting if the State of New Jersey would like to do the right thing and indemnify the communities that are paying money towards this. And he said he would not recommend that upstream to the Governor, that it is what it is and you know basically we are the communities that have to suffer through this. He said the State did try to get us out of it by putting a motion forth in court and it's correct they did. The State was out lawyered big time in this lawsuit because they should have understood that this was going to happen and when this happens what are they going to do? So the mere fact remains is that the State of New Jersey wanted to clean the Bay, which I get, and didn't want taxpayers to pay for it. But we are paying for it. He said that they are trying to move towards a settlement of the inland towns and of course I raised my hand and said "why would I settle on something I didn't do, it doesn't make much sense". I'm going to be taking further actions; I will be asking Council moving forward to assist on some things. I'm still in the process of talking with representatives in Trenton. Before I go to that next step, I would like to give everyone a chance to do what they have to do. This is another nineteen hundred dollars this month that we had to pay out. It's a bear; it's something we're trying to get our arms around because at one point they want us to do our storm water management plan for like the past 100 years. And it can cost somewhere up in the neighborhood of a hundred and fifty thousand dollars. One of the questions I asked was that in a 2% budget cap that Governor Christie has put forward, where would we put this money in the budget to pay for it and what would we have to cut out of the budget to pay for this kind of money. Right now it's money and it's somewhere in the neighborhood of forty/fifty thousand dollars a year as it's rolling up. But when we start getting up in to the higher six figure numbers then it starts becoming a real impact on us. So I will keep of course you Council and the community abreast of what's happening in the future. Right now I am very disappointed in the State's actions and the unwillingness to help these communities through this time. If you ever take the train into the city and you look out to the Newark Bay, you will see these steel gates that are already put into the bay and that is so when they start to dredge this the dioxins that are in the water will not go down stream. I think they settled that part already for about a billion three or a billion six somewhere in that neighborhood. My sources and people that I've talked to of knowledge in Trenton say that the State's probably looking to settle this lawsuit and they are

going to win, the State of New Jersey is 110% correct in this, they are going to win somewhere around five or six billion dollars. My thing is to say to the Governor, fine when you receive that reward you pay back all the towns and make us whole and then you go from there. And if it's not enough of money to clean the Bay well that's why we have Menendez and Lautenberg the two Senators in Washington to get federal money to help us come in and do this. So that's my report tonight and I will keep everyone abreast of what's happening in Trenton and in the Newark Bay, thank you very much.

Township Clerk: Thank you Council Vice President...I have the police and fire reports for the month of July in my office if anyone would like to see them.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: Thank you Councilman just a brief report on the library...first of all it's almost the end of summer, if you haven't read your summer reading for school, books are available at the Library, you can see one of the Librarians or they are well marked on the shelf. The summer reading program at the Library is coming to a close and I want to thank Friendly's for their kid's happy meals and \$5.00 coupons that they donated to the Library for prizes. We will in the fall start the...and it has continued and it's a great program throughout the summer, the Lego Program and then also will start up our (tape inaudible) reading programs again. I just want to mention three programs that are coming up, two for seniors...one on Friday, September 28th from 1:00 to 2:00 pm, there will be a program called "Nutrition and Wellness" for older adults and the second one is Monday, October 29th from 7:00 to 8:30 pm "Medicare Information Session". Also during the month of October if you are interested in trying your hand at watercolor painting, there will be a workshop every Thursday, it will start on October 4th and continues through October 25th. There is a fee for that but the students will learn techniques and complete two paintings by the end of the class sessions. That concludes my report thank you.

Councilman Barr: I have no report this evening.

Councilman Kazanowski: No report this evening.

Councilman Mazarella: No report this evening.

Councilman Toal: No report Mr. President.

Council Vice President O'Connor: And I actually have Ralph Bernardo's report...Summer rec camp recap...the Summer Rec Program was a huge success again this year with 500/600 children attending daily. Over one thousand children signed up and Ralph had a huge assortment of daily entertainment, events and surprises each week. Everyone that attended had a blast. Ralph would like to thank the Mayor and Council for their support for this program making it very affordable for families, to the Police Department for being there everyday in the heat for the safety of our kids and staff, to the Fire Department thank you for the weekly splash downs, again on their own time and lastly to Joe Bonaccorso and his staff Norman Murk and John Kristof for keeping the facility neat and clean.

For Fall 2012 the Clark Recreation Fall Brochure will be available this week, the first week of September. It will be distributed through all schools, senior centers, library, municipal building and recreation office and hallways. Please pick up a copy to see all that is available for all of the residents. Ralph has put together a wonderful assortment of programs and classes, something for everyone. Recreation brochure is complete with all the classes, sports and programs, times, costs and locations along with contact persons for each organization and phone numbers. And main events that will take place in the town the whole year, registration begins September 10th so be sure to pick up a copy. Thank you Ralph for your report.

ORDINANCES, APPROPRIATIONS AND CLAIMS:
PUBLIC HEARING ON PROPOSED ORDINANCES:

(No written objections were received in connection with the following Ordinance.)

Ordinance 12-08

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 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 Vice President O'Connor opened the Public Hearing on Ordinance 12-08

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

Council Vice President O'Connor directed roll call:
Aye: Albanese, Barr, Kazanowski, Mazarella, Toal, O'Connor

Motion to adopt Ordinance 12-08 made by Councilman Toal, seconded by Councilman Barr

Discussion:

Councilman Toal: Yes Mr. President...if I could just again put into public record for those who are listening to this know what streets are being done, Liberty Street from Broadway to Valley Road, Canterbury Drive, Jupiter Street and Featherbed Lane. That's about it. I just want to let people know what we are doing tonight and what streets will be affected.

Council Vice President O'Connor directed roll call:
Aye: Albanese, Barr, Kazanowski, Mazarella, Toal, O'Connor

INTRODUCTION OF PROPOSED ORDINANCES:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT, POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS, AND THE VOLUNTEER FIRST AID SQUAD AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$ 70,000 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 Volunteer Fire Department is hereby authorized to acquire PPE (Bunker Gear) and Hose in the total amount of \$ 20,000 and ancillary costs related thereto; the Township Police Department, Volunteer First Aid Squad, and Department of Public Works are hereby authorized to acquire Narrow Band Compliant Radio Equipment and any ancillary costs related thereto not to exceed the total amount of \$50,000,

Section 2. The sum of \$70,00 is hereby appropriated for the acquisition of said equipment and any 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 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 Mazzarella

John Laezza: Council President just to explain to the audience...the purpose of the ordinance is to accommodate the State of New Jersey and the federal government to change our radios to narrow band width so that everyone can be communicating with each other and it has to be done by January 1, 2013. Each of the departments has given us their needs to upgrade their radios and handset facilities so this ordinance is necessary to accommodate their purpose.

Discussion: None

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

Public Hearing will be on September 17, 2012



**AN ORDINANCE TO AMEND CHAPTER 170, SECTION 170-4
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED RETAIL FOOD ESTABLISHMENT LICENSING**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 170, Section 170-4, Subsection B (1) and D be amended in the following particulars:

SECTION 1: Section 170-4, Subsection B, entitled Annual Fee, of the Code of the Township of Clark is hereby rescinded in its entirety and replaced as follows:

The annual licensing fee for retail food establishments shall be the sum of \$275.00 per year irrespective of the size of the establishment.

The fee for a temporary retail food establishment shall be \$100.00 per event provided, however, that any entity licensed by the Township of Clark as a retail food establishment within the Township of Clark shall not be required to pay an additional licensing fee.

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 upon publication according to law.

Moved by Councilman Kazanowski, seconded by Councilwoman Albanese

Discussion:

John Laezza: This is an upgrade to our retail food establishment licenses. We had a mishmash of bringing it up to speed. The retail food establishment will pay \$275.00 annually for a retail food establishment license. Outside vendors who participate in events will pay \$100.00, those that have retail food establishment licenses in the township can participate at those events without any additional charge.

Council Vice President O'Connor directed roll call:
Aye: Albanese, Barr, Kazanowski, Mazarella, Toal, O'Connor

Public Hearing will be on September 17, 2012

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 \$229,858.62 for the period ending August 15, 2012, seconded by Councilwoman Albanese

Council Vice President O'Connor directed roll call:
Aye: Albanese, Bar, Kazanowski, Mazzarella, Toal, O'Connor

CITIZEN HEARING ON THE 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.

Council Vice President O'Connor opened the Citizen Hearing on the Agenda

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

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

RESOLUTIONS:

Resolution 12-100

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey in accord with the provisions of N.J.S.A 40A:11-5(1)(f) that a contract for communications services is hereby awarded to Monmouth Telecom, 10 Drs. James Parker Blvd., Suite 110, Red Bank, New Jersey 07701 for telephone services.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to enter into an agreement with Monmouth Telecom as hereinabove stated.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Basically we've had four firms review our telephone system for costs. It was being done by Cooperative Communications and they were charging us four thousand one hundred and fifty-two dollars monthly. They reviewed our system and they gave us a quote reducing it by a thousand dollars and when Windstream came in with their quotes they did not accommodate the needs that we wanted, they just gave us a quote for their services but they didn't want to use our hotlines which are different lines for different purposes, so we rejected those. Comcast submitted

two separate quotes; they wanted to put in Comcast internet system in its entirety for the year, there contract was for three thousand five hundred and sixty-one dollars monthly. They gave us a second quote of two thousand five hundred and sixty-seven monthly but it lacked redundancy, it was a Comcast line and was changing the system which was off the Verizon line. Monmouth Telecom gave us the same system we are presently working with which is adequate for our needs, they're adding redundancy with Comcast should there be a failure in the Verizon lines and then plus the two thousand seven hundred an twenty-seven dollars monthly, that saves us in excess of fourteen hundred dollars a month, so they will be generating a savings about seventeen thousand dollars annually and their program is for two years and at the end of two years we'll once again review it.

Council Vice President O'Connor: Thank you for doing that work and saving us the money.

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

Resolution 12-101

WHEREAS the financial records of the Township contain several inactive grants; and

WHEREAS the Township auditor has recommended that inactive grants be cancelled by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the inactive grants on the financial records of the Township be cancelled.

Moved by Councilman Kazanowski, seconded by Councilwoman Albanese

Discussion:

John Laezza: Down through the years we believe and what we are asking for now is that if administrative function doesn't require council activities, however, the State of New Jersey has now changed those rulings and indicated through our auditors that we should have a resolution from council. What transpires almost annually is you get certified that you are going to get the certain amount of dollars for a grant, when you get the check it's for less than the grant amount and unless you cancel the balance it adversely affects your surplus at least for a year, it takes me two years to get it back. It adversely affects your appropriation so that from now on we are asking you permission to cancel grants that are no longer active.

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

CONSENT AGENDA RESOLUTIONS:

Resolution 12-102

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 2012 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 2012 under the caption Matching Funds for Grant \$4,621.00 and Recreation Trust Fund \$43.00; and is hereby appropriated under the caption of Municipal Alliance Grant – Local Share.

Resolution 12-103

WHEREAS the Governing Body 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

WHEREAS the Governing Body 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 Governing Body 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 Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby recognizes the following:

1. The Governing Body does hereby authorize submission of an application for the Clark Municipal Alliance grant for calendar year 2013 in the amount of \$14,740.00.
2. The Governing Body acknowledges the terms and conditions for administering the Municipal Alliance grant, including the required amounts of 25% cash in the amount of \$3,685.00 and 75% in-kind matches in the amount of \$11,055.00, and the administrative compliance and audit requirements.

Resolution 12-104

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2012 sewer fees; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refunds as per the attached schedule.

**CLARK TOWNSHIP
SEWER REFUNDS - 2012**

REF	#	Account #	Name	#	Address	Reason	Refund
12	21R	882-0	Elliot Friedman General Motors	1168	Lake Avenue Unit 7	overpayment	\$ 9.70
12	22R	5226-1	Corp	1300	Raritan Road	Overpayment	\$ 225.08
12	23R	1618-0	County of Union	675	Madison Hill Rd	overpayment	\$12,083.95

\$12,318.73

Resolution 12-105

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of taxes; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make the following refunds:

TAX REFUNDS -2012						
BLOCK	LOT	Qtr.	NAME	#	ADDRESS	REFUND
30.04	72	1 st	Anindya Dixit	544	Oak Ridge Road	\$2,000.00
77	31	1 st	Marcos Esteves	32	King Street	\$ 503.54
8.02	2	3 rd & 4 th	R. Pontoriero	56	Rutgers Road	\$ 570.49
			Total Refund Amount			\$3,074.03

Resolution 12-106

WHEREAS ADT Security Services, 21 Northfield Ave., Edison, New Jersey 08837 has requested a refund of Seventy Five Dollars (\$75.00) for voided Construction Permit #12-555 issued for 1 Ginesi Drive.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to refund Seventy Five Dollars (\$75.00) to ADT Security Services.

Resolution 12-107

WHEREAS S. Brothers Construction, Inc. has completed work on the 2011 Capital Road Improvement Program; Westfield Avenue, Old Raritan Road, Featherbed Lane; and

WHEREAS the Township Engineer recommends payment in the sum of One Hundred Twenty One Thousand Two Hundred Ninety Seven Dollars and Six Cents (\$121,297.06) including final quantities change order as per the attached schedule and release of the Performance Bond to S. Brothers Construction Inc. subject to the submission of a Maintenance Bond in the amount of Thirty Thousand Three Hundred Seventy One Dollars And Seventy Cents (\$30,371.70); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Ordinance 11-12 as evidenced by the Certification of Availability of funds attached.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers Construction, Inc., P.O. Box 317, South River, NJ 08882 in the amount of \$121,297.06 including

final quantities change order and release of the Performance Bond subject to the submission of a Maintenance Bond in the aforementioned amount.

Resolution 12-108

WHEREAS S. Brothers Construction, Inc. has completed work on the 2011 Capital Road Improvement Program; Ivy Street, Joseph Street and Acken Drive; and

WHEREAS the Township Engineer recommends payment in the sum of One Hundred Nine Thousand Four Hundred Twenty Four Dollars and Thirty Eight Cents (\$109,424.38) including final quantities change order as per the attached schedule; and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Ordinance 11-12 as evidenced by the Certification of Availability of funds attached.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers Construction, Inc., P.O. Box 317, South River, NJ 08882 in the amount of \$109,424.38 including final quantities change order in the amount of \$11,335.42.

Resolution 12-109

WHEREAS Stilo Excavation, Inc. has contracted with the Township for work on the Municipal Parking Lot Expansion in the amount of \$228,772.65, Sewer Improvements to the Parking Lot in the amount of \$82,200.15 and Green Vehicle Wash in the amount of \$45,664.88 as part of the 2011 Capital Road Improvement Program; and

WHEREAS the Township Engineer recommends that the specifications be amended in accordance with the attached schedule; and

WHEREAS the aforesaid amendment to the specifications will result in increases over the original contract amounts, necessitating a change order authorization by the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the attached Final Quantities Change Order; Municipal Parking Lot Expansion in the amount of \$38,079.72, Sewer Improvements to the Parking Lot in the amount of \$12,025.50 and Green Vehicle Wash in the amount of \$3,706.50 increasing the contract sums respectively, funded by Ordinance 11-12, payable to Stilo Excavation, Inc.

Resolution 12-110

WHEREAS ShopRite has requested the release of the Performance Guarantee posted for site work at ShopRite on Central Avenue in Clark in the amount of Two Hundred Thirty Four Thousand, Six Hundred Dollars and Zero Cents (\$234,600.00); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

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

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by ShopRite to be Twenty Three Thousand, Four Hundred Sixty Dollars and Zero Cents (\$23,460.00); and

WHEREAS ShopRite may direct the Township to retain \$23,460.00 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Cash Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of the Performance Guarantee upon receipt or conversion of cash to a Maintenance Guarantee in the amount of \$23,460.00 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

Resolution 12-111

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Regular Member of the Board of Adjustment.

Regular Member (4 year term)

TERM

Ed Ruth
8 Brentwood Road
Clark, New Jersey 07066

08/20/12 – 12/31/14
(filling the unexpired term of John Passuth)

Motion to adopt Consent Agenda made by Councilman Toal, seconded by Councilman Mazzarella

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

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.

Council Vice President opened the meeting to the public

Seeing no one coming forward Council Vice President O'Connor close the public portion of the meeting

Motion to close the public portion of the meeting was made by Councilman Kazanowski, seconded by Councilwoman Albanese.

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes Mr. President thank you very much. A couple of announcements... first off I think the exact date was the 22nd but don't hold me to that, it is the 10th year anniversary of Hyatt Hills Golf Course has opened and it seems like yesterday. Congratulations to everyone up there, it's a unbelievable nine hole golf course. I was told by the Chairman the other night that they came in and did a rating and it's rated as one of the top nine hole golf courses on the eastern sea board. So that's amazing and it's very well taken care of and it's a good recreational facility for Clark and other surrounding towns.

Also I would like to invite our senior citizens to our senior citizen BBQ on September 12th at the Deutscher Club, postcards have gone out. Also this day our Health Officer will be there administering flu shots for those who would like to get their flu shot. If you are a senior and you are not on our list, please call my office at (732) 388-3600 and talk to Fran and she will put you on the list and get you on the card and sign you all up.

The other thing is to dovetail on Councilman O'Conner's report of summer rec. I would like to give Ralph Bernardo a big pat on the back. When I first came here as Mayor we had a part time recreation director who did a fine job and the best I guess you can do with a part time program. I saw the need to enhance that program to full time and I asked council to fund that and they have been nothing but cooperative in the rec program for this community from children right up to seniors, so I thank council. We put Ralph on board and he has just exploded the recreation program in this town. And again there's something on there from seniors to literally newborns in our town. The summer rec program had over 1,000 kids registered and they were averaging over 500 kids per day and it took a lot of counselors and a lot of work and a lot of sweat to make sure

all those kids had a great day and of course were returned home safely to their parents and it was very successful this year. I know my children have gone and they really enjoy it and have a good time with it. And again to Ralph and all of his staff thank you so very much for all you do and again to council for your generous funding of the rec program every year when we put it forth in the budget, we obviously appreciate that from the administrative side. And at this point that's all I have for this evening.

School is about to start ladies and gentlemen, please be careful driving especially in the mornings, the little ones are going to be out there walking, buses stopping, and crossing guards crossing children. We are going to of course keep our roadways safe our kids to get to school. You know keep an eye on the clock, you don't want to have to race down the road to get your child there. Try to leave a little bit earlier so you can get there safely. Enjoy all the fall sports that are beginning, it's going to be happening pretty soon, the football and soccer, field hockey it's all in bloom and it's an interesting time for our fall sports program. So with that I thank you very much and I appreciate your time this evening.

Councilwoman Albanese: Thank you...I just want to congratulate the Superintendent and the Board of Education with the fantastic news that we are the 40th in the State by the rating of NJ Monthly Magazine out of 328 schools, it's fantastic.

Councilman Barr: Yes I just want to say thank you to the Mayor for getting this downtown committee started. It's a longtime coming and I know a lot of people have been wondering about it being as lenient as possible. I am looking forward to this and its by-partisan so there should be no problems at all.

Councilman Kazanowski: I would just like to wish everyone a happy remaining of the summer and also as the Mayor said about school starting, please drive carefully and I know a lot of the students are going to upgrade from Valley Road and Hehnly going to Kumpf and they will have to deal with the lockers, I know my grandson is having a conniption about his locker and such. I know the Kumpf kids going to the high school so...please when you get out there and like the Mayor said please drive slowly, don't rush to get there because you will get there sooner or later, so hopefully they will be safe, thank you very much.

Councilman Mazzarella: Yes thank you...to the residents of our community please don't forget to recycle. I forgot to mention that last month and I'm sorry about that but I just wanted to remind all the residents. I have what was forwarded from our Clerk an editorial from Bob Martin, Commissioner of NJDEP and he urges all of the residents in the State to do more with recycling. It's very important for us; it delivers both economic and environmental benefits to New Jersey and to our children. So please don't forget to recycle, it's very important for our future. And as my colleagues have said and the Mayor as well please drive safely and slow down, school will be starting soon and we don't want to have a tragedy so be aware of your surroundings, and until next month be safe, thank you.

Councilman Toal: Thank you Mr. President...Mayor Sal you have my full support and cooperation. The 4th Ward is basically the downtown of Clark from Madison Hill Road down to Brant Avenue. And whatever we can do to make the right changes, to make the right decisions,

to make what will go in there that's for the citizens of Clark, that's what it's all about. And whatever you need Sal we will be there for you of course to make a better town, a better Clark, that's what we are sitting up here for.

For those we've lost in the last month: Maryann H., Mrs. H. lived on Brant Avenue a part of the downtown. She and her husband Joe were longtime involved in St. Agnes Church and the Gran Centurions; they have been members of the Gran Centurions for many years. Mr. H passed away a few years ago, I use to usher with him at St. Agnes Church and Mrs. H the ladies in town might remember her having the beauty salon along Brant Avenue. She just passed away recently and our condolences to those who are a part of her family and the St. Agnes family who all know her.

I want to say thanks to the Mayor, Business Administrator John Laezza and to Chief Scherb for the Mildred Terrace hill. If you go up Mildred Terrace pass the school up the hill it's actually Brentwood but you restriped it and its helping slow the traffic down and control the traffic. Mildred Terrace hill is known for people coming down off of Kennedy and Brentwood and basically crossing over the lines which for years I've worried about a head on collision where I was almost a victim of people just crossing the lines. Now you enhanced lines there that will enhance the safety and hopefully the drivers will adhere to that and go slow please, it is a school zone and as it was mentioned by other council members and the Mayor and the President that school is opening soon, please slow down and please take notice of the children out and about and that's it, we are here to serve you and enjoy the last remaining days of the summer and we will see you next month.

Council Vice President O'Connor: The second annual Tricky Tray fundraiser benefiting Clark Boy Scout Troop 145 will be held on Saturday, October 6. The event sponsored by the American Legion in Clark will be held at Arthur L. Johnson High School, 365 Westfield Avenue in Clark. Companies and families have donated prizes including a 40" TV, tickets to family attractions, theatre tickets, numerous gift cards, designers' bags and accessories and much more. There will be door prizes, special raffles and a 50/50 drawing. Admissions is \$12.00 per person, tickets will be sold on a first come first served basis and guests are asked to order admissions tickets in advance as last year was a sellout. Tables of 12 can be reserved in advance with payment only; advanced cash savers tickets packages are available. Troop 145 will be collecting food for the local pantry at this event, bring two cans of food and be entered into a special drawing to win a fabulous prize. Guests are welcomed to bring their own food and non-alcoholic beverages, no children are allowed, only adults ages 18 and older will be admitted. Doors open at 5:00 pm and first ticket will be called at approximately 7:00 pm. For more information and to order tickets email Patty Shawnacy at troop145momsclub@yahoo.com.

I would like to also thank Clark PBA Local 125 for sponsoring the Waterson Valor Ride which took place in July and you might have heard me talk about it. It was a great day, it looked like it was going to rain but the rain held off and it was a beautiful escorted ride by the State Police up Rt. 78 back around through the local towns, the fire trucks were out from other towns with the flags hanging and the people cheering, so it was a great day. If you didn't make it this year please come next year, this is probably the fourth or fifth one and it was again a great day and a great ride for a great cause, so thank you to the Clark PBA Local 125 for sponsoring that.

John Laezza: Yes Council President thank you...last month someone came to the microphone to talk about some lanes on Featherbed, Old Raritan Road and Westfield Avenue intersections. And what I've investigated so that we didn't arbitrarily take it without thought. The engineering department investigated for me, each of those streets do not meet the criteria of width to have lanes separate of turn lanes in relationship to the manual by the Department of Transportation as regard to width and non-curved streets also; so that was a good suggestion if the roads were wide enough but the roads are not wide enough to make those separate turns. So I'd just like you all to know that we do investigate when we get recommendations that sound good.

Captain Scherb: No comments thank you.

Rich O'Connor: No report.

Attorney Triarsi: No report.

Township Clerk: Yes thank you...I just wanted to mention the Mayor's Annual Memorial Service on September 11th at James Nelson Memorial Park on Broadway; it's going to be at 9:15 am. Of course council always comes and as many residents as possible.

ADJOURNMENT:

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

Council Vice President O'Connor directed roll call:

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