

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ
December 17, 2012

ROLL CALL:

Present: Council Members Albanese, Barr, Kazanowski, O'Connor, Toal, Mazzarella, 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 President Whiting. She asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by 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.

Motion to Suspend the Regular Order of Business made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

Police Department Promotion:

Mayor Bonaccorso administered the Oath of Office to Sergeant Andy Wagner

Congratulations were offered by the Mayor, Police Chief and Public Safety Director (Transcript available in the Clerk's office)

Mayor Bonaccorso: I will call up Council President Sheila Whiting. Sheila, please join me. Tonight is Sheila's last meeting as a Council Member of Clark Township. And I don't want to go on too long because I know she will find that a little emotional. On behalf, Sheila, of myself and the community and the Entire Council...I got to know you a long time ago when you were a member of the Hehnly PTA; when you were a member of different organizations. And then you went on to the Board of Education and had some years up there. And then we asked you to run for the Township Council; you've had two terms here as Councilwoman and you served as President two times. You have been a dear friend; you've been a terrific colleague, and a very good person who does truly care about the community and all its people. Sheila is...I tell you if you have to say something as far as her attributes as a council person, is when you gave her a

task; when she got involved in a task she really sunk her teeth into and wouldn't let go of it until it was completely done the way she felt was proper and for the best for the community.

We are friends and we will always be friends and I will miss you up here as a council person. I want to wish you and Fred and Catie all the best coming up. I know you won't be too far away. So with that Edie please can you read the resolution?

Resolution 12-150

WHEREAS Sheila Whiting has served the Township of Clark as Councilwoman-at-Large from January 1, 2005 through December 31, 2012; and

WHEREAS the Governing Body of the Township of Clark wishes to publicly acknowledge and commend Councilwoman Whiting for her efforts and dedication to the residents of Clark over the past eight years; and

WHEREAS during Sheila's tenure on Council she served on numerous committees; Chairwoman of the Pool Advisory Board, Liaison to Parks and Recreation, Liaison to Emergency Management, and also as the Emergency Management Liaison to the Union County Transportation Advisory Board; and

WHEREAS Sheila also served as Alternate to the Union County Community Development Revenue Sharing Committee on Public Improvements; and

WHEREAS Sheila played a significant role in establishing Clark's involvement in the global phenomenon, Relay for Life, which raises much needed funds and awareness to save lives from cancer; and

WHEREAS Sheila's work ethic continually defines the word commitment as she has gone above and beyond the scope of her duties as Councilwoman.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby express "Best Wishes" to Sheila and her family in the coming years.

BE IT FURTHER RESOLVED that a copy of this Resolution is hereby presented to Council President Sheila Whiting this 17th Day of December 2012 as a lasting memento of her years as Councilwoman-at-Large.

Recreation Director Ralph Bernardo: Short and sweet... I just want to on behalf of the Recreation Department; I came in 2006 full time and nobody was there more to support me at the pool and with the Rec Department, a newly created full time recreation position, than Sheila. And we've been through a lot together in both the Pool, ten years of you at the Pool. And anything that I have ever touched, suggested, Sheila was also there to support me as well as the council and the Mayor. But Sheila and I were on a day to day basis and for that I will always be grateful and thankful to you for the support to me personally.

Council President Whiting: It was my pleasure to work with you.

Ralph Bernardo: So, so you don't forget you will always be reminded you can wear this from Parks and Recreation.

Council President Whiting: Oh thank you, finally I got a Rec shirt.

Moved and seconded by the Entire Council

Motion to Resume the Regular Order of Business made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes thank you Madame President...Members of Council, ladies and gentlemen good evening. In the aftermath of the shooting of so many up in Connecticut that really I think shocked and stuck with this country. The only other thing I can think of is obviously the 9/11 with the World Trade Center and the whole day in Pennsylvania and throughout our Nation, that people have been so shook up is that after the shooting last week at that school. It's been quite an eye opening experience again, you know you look at a town like Sandy Hook up in Connecticut, it's very similar to the towns we live around, quiet, nice, peaceful communities and to see something like that happen is just disgusting. And my heart goes out to all the families of everyone in that community and especially those who have lost family members and children especially there. It's very disheartening.

Today though on the aftermath of that I had a meeting at the Board of Education offices with Superintendent of Schools Ken Knops, Director of Security Bob Sarnecki, Chief Alan Scherb, Dt. Buczynski from our Youth Aid Bureau and Doctor Ed Grande to begin necessary measures that we may want to take here in Clark to...I would like to say prevent, I'm going to say possible hope that that day is never even thought of in this community that we have to prevent but to be ready. And to try you know become more prepared I guess if you want to say...you know folks it's so hard to prepare for something you don't know how to prepare from. You know it's like coming up with Hurricane Sandy; we were prepared but was anyone prepared for that, you know you don't know. But I give the Superintendent and the Police Chief all the credit today immediately organizing a meeting. And we did talked and we had some ideas that we are going to try to implement. I've even suggested and they do training...all of our police officers who are newly hired are brought through all of the schools to show them how the layout is and all the nooks and crannies. We are talking today about having the maps of the inside of the schools right on our computers in the police cars so if God forbid that day, God forbid in a million years ever came and there in room 219 of xyz school, he can pull it right up and know exactly where that room is. Some of the schools are bigger than others. We talked about doing active training drills,

of course when the children aren't in the building and try to simulate. Again all cooperation was there. The Director of Security explained the things that they do over at the school system, the radio system, these are things that I have known over the past years sitting in on these meetings but we just went over everything again today to try again to ever be prepared.

I really think the thing that we all have to let our children know, is listen to your teacher, don't run and don't do what you want. In the lower grades we want to make sure that they listen because they are afraid. In the upper grades they may do what they want to do because they think they know better. I think if there's one message the parents can give is that God forbid if any kind of emergency, could be a fire whatever, listen to your teachers and listen to the school authorities and follow the protocol that we've set forth and I think they are going to be okay. So you know it's tough sitting there going through this and thinking that this could happen in this community or anywhere really near us. But it's happening all around the country it seems like from time to time and it's just disgraceful. And my heart bleeds for these deranged individuals who are so pushed to what in their life that they even would consider doing something like this none the less doing it. So I just want the community to know that the school district is on it and with the help again of Chief Scherb, Detective Buczynski and I today to do and coordinate anything that we may have to do to make it better.

Back to emergencies... I have sent out notices on Facebook, I've sent out notices on our township email and we've sent home flyers with our children from the schools that the township has signed up with Nixel Alert System. This is free to us, it's free to you. It's the best way to handle a storm like Hurricane Sandy. All you need to do ladies and gentlemen is enter text into your phone the numbers 888777, where it says message put 07066, and then hit send. You will get a little thing in a minute or so saying that you are on the Nixel Alert System and during a storm with the magnitude of Sandy we will be able to communicate with you. If you miss it, call my office or go on our website site it's up there, not a problem you will get it easy enough. The nice thing about this system is also we can use day to day, if we are paving a road and we are going to have a road closure, if there's a major water main break and we are going to close a thru street, you know let's say Broadway, a major street like Broadway is closed, we can say there's a water main break on Broadway between Grand and Liberty, please find an alternate route. Things in that nature we can do, we are not going to use it to update the lottery numbers or anything like that we have no interest of course. But this will be coming thru the police department either through my direction or Chief Scherb's direction depending on what it is. So it's a free service, you do not need an iPhone, you do not need a droid, all you need is a cell phone and subscribe to a texting package so you have that and we are going to be able to communicate with you. Again out of these tragedies we are now looking at ways to try to figure things out better.

As I talked to you before we are out looking to make Brewer facility a fully generated facility, we haven't done that in the past. Hey years ago we use to have one of these storms every ten years and we got through it. Now we are having three a year. What that's going to be able to do is help us communicate with the community that we'll have a warming center, a cooling center; I couldn't do that during Sandy because I would never know when and if we were going to have power there, so for the most part of it. So those are the things that we are all trying to improve on to make things better here in the community.

Another thing is to the citizens, on January 7th we are going to be having a public meeting at ALJ High School, there will be no business on the calendar except for awards to the Clark Pop Warner Football players and Cheerleaders who have won some major championships this year and three teams that went to Disney. We have a national champion, we have a third place team, and we have a fourth place team. When we talked about it my suggestion was to do this because as you know we bring teams up here when they win regularly. If we are going to bring in three cheerleaders and three or four football teams we probably will have to start in January and end in April. So I figured for everyone's convenience and to celebrate while this is happening and still fresh in everyone's mind there will be a public meeting then that night members of council, there will be refreshments afterwards in the cafeteria, and the only business on the agenda that night will be the awards for the Pop Warner Cheerleaders and football players.

To the Jupiter Street residents I'm sure you have my letter already. The road construction will begin in April, we are running out of some good weather here and we didn't want to take the chance, we wanted to make sure that you have a good job done. Today PSE&G was in to continue a survey of our DPW and fire departments on the 80/20 program to provide more efficient electricity lights to us, and where PS picks up 80 % of the cost and the township picks up 20% of the cost and we save some real money on electric bills over the years and it really works out good.

Also I would like to take a moment to thank Ralph for his tree and menorah lighting. It was a great day and to all the volunteers and staff that were there with you. And I would like to also thank everyone who attended the Breakfast with Santa; Steve Kulbaba for helping getting Santa here from the North Pole, thank you and to Aliperti's for being a wonderful place to have this annual event. I think we had close to or a little over to 600 people there that day. So it's the holiday season and it started out in a good fashion as far as the tree lighting and Breakfast with Santa. And that concludes my report tonight Madame President, thank you so very much.

Township Clerk: Yes thank you...I have the police and fire reports for the month of November received and filed.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: Thank you Madame President...I just wanted to mentioned that during the school break at the Library there will be several programs. On Wednesday, December 26th, 27th and 28th. And a particular note is a program called Mammal Mania at 2:00 and it's for everyone that's four years old and over and they will have some live animals there. It's been a very popular program, so if you plan on attending, make sure you are registered, you can go online and also sign up for the newsletters and check out the programs at the Library.

Councilman Barr: Thank you Madame President...I received some information that this past Saturday Santa and lots of his Elves borrowed one of our fire engines. They loaded it with pretty lighting, had holiday music playing and went all around town from early Saturday afternoon into the evening. And from what I understand many of Clark's youngsters had a fantastic time seeing Santa and his Elves on the fire engine. By the way, the engine was returned in perfect shape. I want to thank our Volunteer Fire Department for allowing Santa to use one of their engines and

show our township youngsters a great time. The Chief is here and I hope he tells the rest of the guys, thank you Chief.

Councilman Kazanowski: Yes Madame Chairman...since I do not chair a council committee, I have no report this evening thank you.

Councilman Mazarella: No report this evening.

Councilman O'Connor: Thank you...I had the opportunity to attend the Clark Volunteer Emergency Squad Installation of 2013 officers dinner earlier this month. With that said I would like to recognize the 2013 officers: Captain Tom Zub, Asst. Captain Ron Weslosky, First Lieutenant Marc Cohen, Second Lieutenant Michael Carrig, First Sergeant Michael Hajkowski, Second Sergeant Michael "Squire" Birritteri, and Third Sergeant Christine Azola. During the past year, the Emergency Squad averaged over 100 calls per month, with a total of 1,437 calls for the year.

In addition to the administering of first aid and providing ambulance service to hospitals, the Clark Volunteer Emergency Squad also gives its time to our community through their involvement and presence at local events such as; Relay for Life, Clark Field of Dreams for special needs children, Memorial Day Parade and Wreath Presentation, Center for Hope Hospice 5k run, Johnson Football stand by, Clark 9/11 Memorial Ceremony, 4th of July Fireworks, Clark Winter fest and tree lighting, Clark UNICO Italian Festival and Union County Field Hockey and Soccer Championships to name a few.

As you have just heard, being a volunteer member of the Emergency Squad requires a lot of time and dedication. I would like to take the time to thank the members of the Volunteer Emergency Squad as well as all the other volunteers in our community for all their time and effort to make Clark one of the top communities in the State of New Jersey and the Nation, thank you...thank you Madame President.

Councilman Toal: Thank you Madame President...It's a new year almost, two more weeks left and then 2013 is here. When that changes, the Fourth Ward Report will be handed out by me at no cost to the taxpayers or the residents of Clark. This will be an informational thing. I've been doing this now for the past three years, thanks Rich and I will be handing it out to the residents. It gives you all the dates and information in regards to the township and the Fourth Ward. We have a few new streets in the Fourth Ward, I've lost a few streets in the Fourth Ward but you will also be getting the new Fourth Ward Report by mid-January I will be handing it out to you as I get my exercise. Some go to Bally's, I walk the Fourth Ward. So I will be seeing you and knocking on your doors saying hello and checking in with you making sure everyone is okay. Thank you very much Madame President.

Council President Whiting: And I have my brief and last recreational report from my buddy Ralph Bernardo...and Ralph said, and Ralph the tree lighting was fabulous, even though I lit the tree thank you Mr. Mayor it was my pleasure, it was fun. Okay, sign up for winter programs and classes are now. There is still room in most classes, stop by and see Ralph, tell him what a good job he is doing and sign up for some classes. Ralph is going to have a family skate night again on

Saturday, January 19th at Warianco Park. The facility will only be opened to Clark residents, their families and friends. Tickets can be purchased at the Rec Office daily from 8:30 to 4:00 and Saturday's from 9:00 to 4:00. Adults are \$5.00, children 18 and younger are \$4.00, and skate rental is \$3.00. Don't miss this fun town wide family event. Johnson's Ice Hockey team will be on hand to help skate, give tips and show tricks. And that concludes my report this evening.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 12-11

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES

Council President opened the Public Hearing on Ordinance 12-11

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

Council President Whiting directed roll call:

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

Motion to adopt Ordinance 12-11 made by Councilman Mazzarella, seconded by Councilman O'Connor

Ordinance Adopted

Ordinance 12-12

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 \$20,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

Council President Whiting opened the Public Hearing on Ordinance 12-12

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

Council President Whiting directed roll call:

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

Motion to adopt Ordinance 12-12 made by Councilman Barr, seconded by Councilman O'Connor

Discussion: none

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

Ordinance Adopted

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 mount of \$439,543.35 for the period ending December 12, 2012, seconded by Councilwoman Albanese

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

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 President Whiting opened the meeting to the public regarding agenda items only

Seeing no one coming forward Councilman Kazanowski made a motion to close this part of the meeting, seconded by Councilwoman Albanese

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

RESOLUTIONS:

Resolution 12-151

WHEREAS the Governing Body of the Township of Clark has advertised for bids on November 29, 2012 for the School Street Drainage Improvements; and

WHEREAS fifteen (15) bid proposals were received on December 12, 2012 at 10:00 am in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were GSP Construction, Inc. in the amount of \$29,126.00, Reivax Contracting in the amount of \$29,468.00, and CMS Construction in the amount of \$34,965.00; and

WHEREAS GSP Construction, Inc., 3010 Bordentown Ave., Ste, B3, Parlin, New Jersey 08850 submitted the lowest proposal in the amount of \$29,126.00 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Target Escrow Account as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS the Township Engineer has presented written approval for the award of the bid to GSP Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to GSP Construction, Inc. in the amount of \$29,126.00; and

BE IT FURTHER RESOLVED by the Governing Body that award of bid is subject to review of bid and documents by the Township Attorney who will prepare the contract.

Moved by Councilman O’Connor, seconded by Councilman Barr

Discussion: none

Council President Whiting directed roll call:

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

Resolution 12-13

WHEREAS the Governing Body of the Township of Clark adopted Resolution 12-140 on November 19, 2012 approving the Council Meeting Calendar for the Year 2013; and

WHEREAS the first Council Workshop meeting of 2013 was scheduled to be held on Monday, January 7, 2013 at 7:30 pm in Room 30 of the Municipal Building, 430 Westfield Ave.; and

WHEREAS the Pop Warner Football Teams and Cheer Squads will be recognized for their achievements during the 2012 season at the meeting; and

WHEREAS in order to accommodate the number of residents wishing to attend the meeting, changes to the time and location of the Workshop Meeting are required.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby approves a change in the time and location of the January 7, 2013 Workshop Meeting as follows:

Location: ALJ High School Auditorium, 365 Westfield Ave.
Time: 6:30 pm

Moved by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion: none

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

CONSENT AGENDA RESOLUTIONS:

Resolution 12-153

WHEREAS there exists a need for an Auditor for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS two (2) proposals was received for the professional position of Auditor and publicly opened at 10:00 am on December 12, 2012; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Wiss & Company, LLP to perform the Audit.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Wiss & Company, LLP in accordance with NJSA 19:44A-20.5.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator is hereby authorized and directed to sign a contract with said firm.

Resolution 12-154

WHEREAS there exists a need for per diem Engineering Services including the duties of the Municipal Engineer for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the position of Professional Engineering Services under the duties of the Municipal Engineer and were publicly opened at 10:00 am on December 12, 2012; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to the firm of Grotto Engineering Associates, LLC for the year 2013.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to the firm of Grotto Engineering Associates, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator is hereby authorized and directed to sign a contract with said firm.

Resolution 12-155

WHEREAS there exists a need for Labor Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS four (4) proposals were received for the professional position of Labor Counsel and publicly opened at 10:00 am on December 12, 2012; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Apruzzese, McDermott, Mastro & Murphy for the year 2013.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Apruzzese, McDermott, Mastro & Murphy in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator is hereby authorized and directed to sign a contract with said firm.

Resolution 12-156

WHEREAS there exists a need for Bond Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS two (2) proposal were received for the professional position of Bond Counsel and publicly opened at 10:00 am on December 12, 2012; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional

services contract to Rogut McCarthy, LLC to the professional position of Bond Counsel for the year 2013.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Rogut McCarthy, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator is hereby authorized and directed to sign a contract with said firm.

Resolution 12-157

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS qualification submissions for the position of Special Counsel/Director of Law to represent the Township in litigated matters, contested tax appeals and to provide such other extraordinary legal services as may be required from time to time and to perform such services as are required by the Director of Law pursuant to ordinance were received on December 12, 2012 and publicly opened at 10:00 am; and

WHEREAS proposals were received by the Business Administrator and Chief Financial Officer with a recommendation to award the firm of Triarsi, Betancourt & Wukovits, LLC for these services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby approves a contract for professional services with Triarsi, Betancourt & Wukovits, LLC, 186 North Avenue East, Cranford, NJ 07016 to provide litigation and tax appeal services to the Township together with such other legal services as may be required by the Director of Law pursuant to ordinance; and

BE IT FURTHER RESOLVED that the value of the contract is subject to the 2013 budget appropriation; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

Resolution 12-158

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby

appoint the following named individuals as Class 1B and Class II Special Law Enforcement Officers to serve for the period commencing January 1, 2013 and concluding December 31, 2013

Class 1B

Anthony R. Beceiro
 Valerie Bielski
 Christine Burlew
 Arthur DeVre
 Francis Flicek
 Richard Leonardis
 Thomas McDonald
 Shaun McKenna
 Tom Ringwood
 Paul Santoro
 Margaret Stankwich
 Robert Tarantino
 William Wray

Class II

John DeLuca
 Victor DeMarzo
 Bob Janus
 Michael Kovacs
 Eric Mason
 Michael Pollock Sr.

Resolution 12-159

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Union County Board of Taxation for the following:

| <u>Block/ Lot</u> | <u>Address</u> | <u>Original Assessment</u> | <u>New Assessment</u> | <u>Reduction</u> | <u>X</u> | <u>Rate</u> | <u>Refund</u> |
|------------------------------|-----------------------|---------------------------------------|----------------------------------|-------------------------|-----------------|--------------------|----------------------|
| 155/8 | 67 Walnut Ave. | 3,266,200 | 2,744,600 | 521,600 | x | 5% | \$39,963.10 |

Total Amount to be Refunded \$39,963.10

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

Council President Whiting directed roll call:

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

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 President Whiting opened the public portion of the meeting

Jack Bear, 778 Featherbed Lane: I just wanted to bring to the council's attention a few items regarding our new neighbors at the end of Terminal Avenue. The construction as everyone had seen has begun at the end of Terminal Avenue on the new Senior Housing. Over the past year I could remember going back to this time last year Saturday morning at 7:00 in the morning and hearing the large equipment the earth movers moving back and forth. Primarily what you would hear is the beep, beep, beeps sound of all that heavy equipment, the safety alarms when they were backing up. Of course the tractors have all gone away but it was something that you just got used to. And even though it would wake you up and you can hear it because I live right in the corner right across the street from the new construction. And then I was told that on Saturday morning's according to our township ordinance we are not allowed to start work, contractors are not allowed to start construction work until 8:00 in the morning. So in that point in time, the next time that I had heard the noise I reached out and I notified our police department. And they went over there and they made the comment and the contractor stopped. So since that time every Saturday morning again the contractor and the construction continues and they usually start twenty after seven in the morning. Now of course since the area has all been cleared, the noise carries, you can just hear it. But it goes beyond more than just the noise and maybe my discomfort in hearing the same repetitive noise all the time, it's more about disrespect from a new neighbor to the existing neighbors. It's more about not respecting here's a new owner and a new builder coming and they are not respecting our township of laws. And I just think that the council needs to know about that. So the next time when they started the noise; and this has to be about a month ago or five weeks ago, again I notified the police department. But I waited until it was almost time because I do not believe it is the police department's job to go ahead and enforce our township ordinance for a bunch of contractors that don't believe that the rules of the town apply to them. I think our police department has much more important things to do than to go there and supervise a bunch of contractors in telling them what time they are allowed to start. So now it's the earth moving equipment with the safety noises it's not so prevalent. Now I can tell you its very, very plain to hear the banging of hammers or the staples guns. So the question is I wanted to...oh and about two or three weeks ago I went to town hall. And I did file a written report just to notify and I asked them to notify the building department and let them know on what this particular contractor happens to be doing. And again twenty after seven, seven thirty this past Saturday you could hear it, they were out there moving around. So if you know having a copy of the ordinance right here and I'm sure you folks know this better than I know this. But really what does it come down to, what does it speak to this particular contractor who's now our new neighbor? And are they going to follow our laws, are they going to respect the neighbors that are already in the neighborhood? I had to call Mr. O'Connor on my grandson's...back I think it might have been in May...we were having my grandson's christening party at my house and what did they put right between my house in the corner of the property and the nursing home, they had a piece of equipment that was grinding concrete on a Saturday all day, you heard that loud, loud noise. Again what does it say to our new neighbors over there about respect for the neighborhood and respect to our town laws. So I just wanted to make everybody aware of it and hopefully somebody can speak to our new neighbors and ask them to please be good neighbors instead of...as the one contractor said to me and by the way I did notice and again I don't know what the building codes are in Clark but I don't even know the name of the

contractor anymore. When I first went past the trailer I saw a sign that was backwards in front of that construction trailer, then I don't see the sign anywhere anymore. Usually to my knowledge of building codes they would have the sign of the general contractor by the trailer identifying who they were and it would also identify where the construction entrance was. A few weeks back as well they were starting to move the earth, they told me they were going to take the fence down on Old Raritan Road that dead end street that went to the Hungarian Club and I said this isn't going to be a new construction entrance and as that contractor told me this is just a job for him, he told me he didn't even know what time he was allowed to start. So again I just wanted to make these comments aware...I wanted to make the council aware of these comments and again I hope that these people will start to follow the rules and become a good neighbor.

One other item I just wanted to bring to your attention too...earlier this week I happened to come home early and I did notice that somebody began pruning the trees right across the way between again Old Raritan Road there and the new construction site. And you know that's fine again it's just wide open so noise moves, so they pruned the tree. So I went and said to the contractor "you're not going to take the rest of these trees down are you"? And he said "no, no he wasn't going to do it". But here it is at six thirty at night the contractor comes back and the tree that he just pruned he cut it down. Well it turns out that it was PSE&G, so PSE&G took out all of the corner trees as you turn off of Featherbed Lane, they took all of the trees out of that corner and then some a little bit further down the road...why? To put up solar dishes? Of course they waited to take the trees down until it was pitch black so nobody knows about it. So anyway I saw it and just wanted to mention it.

Mayor Kathie Fiamingo, Kenilworth: Everyone should know I hope that Council President Sheila Whiting and I are good friends. She is a very dear friend of mine and she was very gracious and wonderful to come to my swearing in as Mayor and to present me with my gavel because I run the meetings in my town. And I just wanted to reciprocate on your final meeting to wish you a happy time away from here and it's a very small token of my love and appreciation for you. But I do know that everyone should know that the Council President will be active wherever she'll be.

John DeSimone, 104 Goodman's Crossing: I know the accolades were given to you by the Mayor that was well deserved, accolades by Ralph and everybody, now I need to say it. As you know, Mayor and Council knows it, that I am the Republican Chairman here in Clark and a criteria that I always went by and I think all of our council people will vouch. A criteria is that why do you want to run for office? Why do you seek office? And what I always wanted to hear and the first thing I heard from you was "I love this community, it's been good to me and I want to give back", that was your words Sheila. So I want to say you have done more than give back, you are super, you've done a super job. I know everyone had said it and it's coming from me and wherever you go I wish you all the best and the community I know will miss you. And I certainly will miss you political here anyhow, I will be in touch, so thank you.

Doug Ritter, 40 Tudor Dr.: I just have a few questions...I've noticed that they are fixing some of the corners on Raritan Road. Does that mean that the county is getting ready to pave it?

Mayor Bonaccorso: Correct, it will be paved Mr. Ritter.

Doug Ritter: Is it going to be this winter or before the winter.

Mayor Bonaccorso: No I think in the spring, correct Rich? (Rich O'Connor: yes) They are doing the handicap ramp ways.

Doug Ritter: Thank you very much for finishing the pavement of the Featherbed Lane, however, I did notice that on the shoulder road which you now paved which is very nice also that there is a telephone pole and a tree right in the shoulder. And there's a pole sticking out of the ground right on the white line for the shoulder. Even though it's been there all these years and so forth I'm sure now that it's all paved and it looks nice I'm concern that it being a danger.

Mayor Bonaccorso: We do know about it Mr. Ritter and we're on it.

Doug Ritter: So there are plans to get them moved back.

Mayor Bonaccorso: The engineer and I spoke prior to the meeting. He is going to be talking to the contractor about it.

Doug Ritter: Oh Mayor I was wondering what was the results of your survey.

John Laezza: I will give it at the end of the meeting.

Doug Ritter: Okay...I would like to say congratulations to Mrs. Sheila Whiting also. I've seen her here for the past year or so and all of the members of the board here, thank you very much for your time and efforts and it's a pleasure watching you do your work.

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

Council President Whiting directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes again Sheila I just want again to thank you for your years served. I'm not certainly going to say goodbye, we're friends, and I'm sure we will see plenty of each other and our families in the upcoming years. You will always have a connection to Clark even if its to be invited to a party or something. But anyway I want to thank you and Fred is out here tonight...Fred thanks for as we say sharing your time with Sheila with us and the community and to Catie, she did a terrific job and has been a great friend and a terrific council person.

I want to say Happy Hanukkah, Merry Christmas, Happy New Year, and Happy Holidays to everyone. Let's hope we have a safe, uneventful quiet time together with families and love ones the rest of this month and into January. January 1st will be reorganization day and I am excited to start my fourth term as Mayor. I've been doing a lot of thinking on this lately and the strange part

is I don't know Kath (Mayor Fiamingo) if it's happened to you, but when you go to office you kind of have some things that you would like to do. And then all of a sudden they drop a you know a three hundred million dollar Rahway Valley Sewerage project on you, the Occidental Chemical Company Newark Bay Lawsuit, Hurricane Sandy, Irene...kind of little distractions that keep you from your everyday agenda that you would hope to work on but we have good plans for this community. John is going to go through the survey quickly with you. I would like to thank everybody who took the time out to fill out a survey and send it back. It was exciting to see most all of the comments. There were a couple that they should have thrown away in the garbage and they would have been better off, they wasted a stamp. But it was ridiculous usual stuff you would think of a very minuet minority of this town but for the 24% of the people who responded there was some good stuff in there.

You know I was...and I hate to go near this thing because it's just putrid. The New Jersey Forum of the Clark page, the other day was called by someone and they said that there was a lot of banter on there about the Gypsum property. Why don't we all do each other a favor and maybe we'll get through the Gypsum property in a professional manner. Hopefully we will all agree but if we don't that's okay too, that's a democracy. Why don't we let it happen before we start jumping to conclusions? Just to let this community know Council is going to be in for a big month in January and February because I'm going to be speaking with the legal counsel and I already did talk with Mr. Triarsi to have a dissertation ready of what their obligations are under the law for arbitrary capricious. I plan to bring the principles in from Gypsum property to talk to the Township Council on what has been and what is going on there so you are up-to-date from the day of marketing right to the present time. We have contacted a Planner to get that moving on the township's behalf. We have contracted a traffic safety person, to begin the process of looking at traffic up there. So for this individual or individuals who like to say that this is a done deal and we are going to be on our way, I think we have a lot more work before that decision comes. I'm sure something is going to go there; hopefully it's something that we can all live with and like in the best manner possibly. We had an interesting talk with an owner of a Solar Park, things have been represented may not be exactly the way they should have been represented, we'll talk about that coming up and basically folks there's going to be an open process on this. You will be able to voice your opinion and you have with 24% of this community so far and we thank you for that. And it's really nice to see the opinions that are out there especially the ones that are well thought and given back with the township in mind. So again Merry Christmas, Happy New Year, Happy Hanukkah and let's have a great holiday season together. We look forward to being here January 1st. Sheila again thank you and God Bless and have a good night.

John Laezza: First thing before I get onto the survey...Mike Khoda our Construction Code Official wanted me to write a letter to Members of Council and to the public, so I thought I would use the microphone it's much easier.

Citizens if you have a problem with the Construction Code office don't go to your Councilman and your Councilman will tell you don't need a permit. Because as nice a group as they are, none of them know the construction code laws in the State and the only one that knows them is the Construction Code Official. So if you have a problem with the Construction Department, the Construction Department will give you the answers to those problems.

As to the survey...we mailed out 4823 surveys to the community to residents, 66 were returned because the addressee moved so we deducted them, 12 came back unsigned so we ignored them. So if they are unsigned and you don't want to put your name on it then it's not worth the paper it's written on. We received 1176 responses that we imputed into our excel system, that's 24.78% of the community have responded. We've had four boxes for people to check; housing, commercial retail, office space, commercial with offices. The citizens responded and added another column with light industry, they added another column solar and they added another column with their comments as to recreational type facilities. I did a quick review of the entire survey together. I don't have the exact numbers tonight but they will all be available in the Clerk's Office after the Christmas holiday so that anyone can look at the survey, the analysis, and the documentation behind it if they are so inclined. A quick analysis of the survey indicates that there's an overwhelming response against additional housing. As to having it remain light industrial the vote was a minimal, I think there were 33 citizens that wanted to retain it as light industrial. The same can surely be said for solar fields, I think there were 3, the one that is promoting solar didn't have the guts to put it down but I put it down for him. In fact the recreational type facility I got 66 votes out of the 1176 that were received. The survey consensus overall favor some sort of commercial retail, commercial with offices, or commercial with apartments on the second floor or just plain office space.

As I said I completed the final input today and we will forward it to our Planner. It's the responsibility of professionals to make a consensus as to the best use of that property and with their expertise they will make the determination as to whether the zone should be changed and how it should be changed for the betterment of this community. In fact the number of you did say that you should give it to a professional Planner. We thought we would like to give the professional Planner the thoughts of some of the residents. As I indicated the information will be available in the Clerk's Office a day after Christmas. With that Merry Christmas, Happy New Year and see you at the inauguration. Sheila we are going to miss you, good working with you.

Councilwoman Albanese: Thank you Madame President...I want to congratulate our new Sergeant Andy Wagner, welcome and lots of luck on that fantastic achievement. To our Council President Sheila, Sheila it has been a pleasure to work with you not only on Council but also running for office twice. And I want to point out that Sheila was very active with the Library which I'm the liaison to. And after the construction was completed on the new addition Sheila was very active not only as a Trustee but also as a very good friend of the Library and was very instrumental in raising over a hundred thousand dollars because while the township paid for the building, there was new furniture that was needed and she worked endlessly and as the Mayor said when she sinks her teeth into something she doesn't stop until the task is done. I just think it's amazing all the work that you have done on the Live (Relay) for Life Program, and again being on council she was very active in that and put in hundreds and hundreds of hours working on that project. So from me and on behalf of the community I thank you for that. As Mayor Fiamingo said I think that you will be active wherever you go, I'm hoping you will be active here in Clark and I just don't feel like you are leaving us but I want to reiterate again it's been a pleasure to work with you, thank you Sheila.

Councilman Barr: Council President and now that we got that out of the way. Sheila I don't think we are not going to be seeing you. We may not see you at this side of the dais but I know we are

going to see you, I know we are going to be in touch. You have been a great friend and I'll see you on Facebook too. So that's all I want to say, we are going to miss you terribly. I want to wish everyone a Merry Christmas, Happy Hanukkah and Happy New Year.

Councilman Kazanowski: Yes thank you...I would like to congratulate our new Sergeant this evening, that's a well-deserved appointment and good job. Also I would like to wish everyone a Happy Holidays and a Prosperous and Healthy New Year. And Sheila congratulations on your new endeavors as you are moving on. I know we are on different sides of the isle but we always managed to communicate to get things done.

Councilman Mazarella: Yes thank Madame President...Sheila I thought long and hard on what to say to you, the only thing I can say to you is to express my gratitude to you for the friendship that you have showed me, for your commitment to our community and your dedication. And also to Fred as well the friendship you have shown me. May God Bless you both and I'm sure you will do outstanding whatever endeavor you may choose. It's the end of one chapter but it's a start of a new chapter, thank you Sheila for your friendship.

I want to congratulate Andy Wagner our new Sergeant. And to the residents have a Merry Christmas, Happy Hanukkah, and a Happy and Prosperous New Year, stay safe and be well.

Councilman O'Connor: Thank you...Congratulations to Sergeant Wagner. John thank you for the analysis and thank you to all of those who actually did take the time to send in the survey as well as sign it, we appreciate that.

I want to say to Sheila, I wrote a little something for you. Sheila, I truly enjoyed getting to know you over the past eight years not only as a Councilwoman but as a Mom, a Wife, a friend and a concerned citizen of this town. Regardless of your role whether it was personal or professional you showed leadership, strength and patient qualities most people admire and desire. There are too many discussions, debates and laughs we've had over the past eight years to recall them all now but just to think back on them it makes me smile. With that said I wish you the best of luck with your next project that you take on and wish you, Fred and Catie a Merry Christmas and a Happy New Year. I won't say goodbye because I know I will be seeing you soon, thanks for all of your hard work and for all you have done to make this community a better community, thank you. And a Merry Christmas and Happy New Year, Happy Hanukkah to everybody.

Councilman Toal: Thank you Madame President...first I have to start off with in the last month that we have lost in this community. I always consider Clark like an extended family and Mr. John Rizzie passed away. Mr. Rizzie was a longtime resident and I grew with his sons, Tommy Rizzie was a year older than me Class of 1979 and to the Rizzie Family our deepest condolences on your recent loss. To Mr. John Pispecky, Mr. Pispecky a longtime resident again just passed away and our condolences to his family. And to Joseph Roszkowski, I knew Tommy, Tommy was Class of 1978 with Sal and his brother just passed away Joe. I didn't know Joe as well as Tommy; Tommy was a very dear friend of my brother Kevin and our family. And to the Roszkowski Family only the good die young.

Madame President, goodbye Sheila, Councilwoman-at-large 2005 to 2012, Council President 2007 and 2012. When you sit on this dais you don't get the Council Presidency more than once

but in your case you did. And what am I going to say to you, how am I going to say to you except the old Irish way. May the road rise to meet you, may the wind be always at your back, may the sun shine warm upon your face, may the rains fall softly upon your fields and until we meet again may God hold you in the palm of his hand for your efforts and hard work upon the people of the Township of Clark. You made it a better hometown, a better community in which to live. And for that we are eternally grateful. You made a better Clark, New Jersey, Sheila Whiting. And will be forever in our hearts. May God Bless you and keep you always. God Bless you Irish.

Township Clerk: You know it's so hard going last... I just wanted to say Sheila we've had eight years together, we've always worked very well together and you bring a passion and commitment and energy that I've never seen before and I appreciate all your hard work and we're still friends so I'll see you again and I won't say goodbye.

Rich O'Connor: Sheila congratulations and I would like to wish everyone a Merry Christmas, Happy Holidays and a Healthy and Prosperous New Year.

Police Chief Scherb: I just want to wish you all a Happy Holiday and a safe New Year. And Sheila good luck to you.

Council President Whiting: You know I sat down and wrote down all the things I've done in Clark since I got here. And the first time was when Catie went into 1st grade, so that was 18 years ago. And I met a woman named Karen Romundo who said you would be great working with the kids on picture day, well that was the start of my 18 years of run in Clark, New Jersey. I went from being PTA Mom to PTA President to Chairing 5th grades dances and 8th grade dances. I've past the baton on to all the small girls. You know when you start in school it's always the same group that does things year after year after year. And the camaraderie that you experience with these people is something that you can't even describe. There have been so many fun things. Then Loretta and I decided we would take on the Director of Pop Warner Cheerleading, what were we thinking. I knew nothing about cheerleading but we had fun with it. After that year my daughter decided to place some softball, so whenever you looked for me in the softball you always found me in the kitchen with the guys cooking. And then one day I met these two councilmen, one was named Sal and one was named Pete. From that minute on my life had changed. That and a little, little red head named Liz Hudak, God Bless her soul. I knew I was in trouble. So from then on I stayed as PTA President and one day Bob Sarnecki came to me and said "we need you to do some work for us", there's no keys to the school, there's no schematics for the school, there's nothing. So it's funny that you would go today to work on a project that we literally started 18 years ago but as everyone remembers that little man that I sat on the Board of Ed with Dr. Ortenzio nobody was getting the keys to the school, the schematics or even getting in the door. So I don't have to say much about Dr. Ortenzio but my political career really started with the flooring of the playgrounds. In the playgrounds we use to have little rocks as the flooring and I went to Dr. Ortenzio as a PTA President and I said I'm going to raise money to put some refurbished rubber down on the playground and he said don't be ridiculous it will cost almost a hundred and fifty thousand dollars and if you do Hehnlly you have to do Valley Road. And I said no problem and he said get out of my office, so I left. What I proceeded to do was go to the Freeholders and talked to them about our lack of parks because at that point we didn't have

any parks in Clark, we just used the playgrounds at the schools. I convinced the Freeholders to give us money, I convinced commercial people to give us money and I walked back into Dr. Ortenzio office and said I raised the money; we are going to do the flooring. That really started my year in politics. I met Sal one day because we were writing solicitation laws for the children in Clark and he kept saying to Bob Sarnecki who is that big mouth Mrs. Whiting. I want to meet this big mouth and I walked into the room and he said “you are not Mrs. Whiting” and I said “yes I’m the big mouth Mrs. Whiting”. Well anyway I can’t say enough about this Town Council. This has been an experience that I will cherish for the rest of my life. The people up here are the greatest friends, the greatest people you can ever work with. Eighteen years, it’s been a spectacular ride, a spectacular ride. They say that memories last a lifetime and I have a lifetime full of memories. All these experiences I’ve learned, I’ve grown, I’ve liked and I have loved. But most of all I’ve learned that there is just no place like home especially when home is Clark. Thank you everybody for allowing me to serve you for the last 18 years, so before I cry I want to thank Ralph and John and Kathie and Fred and Marge and Mr. Ritter and John and TJ and Billie and the Chief and everybody for being here today. I want to wish you all a very Merry Christmas, a Happy Holiday and a Happy New Year and thank you everyone, it’s been my pleasure.

ADJOURNMENT:

A motion for adjournment was made by Councilman O’Connor, seconded by Councilman Kazanowski

Council President Whiting directed roll call:

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