

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
January 17, 2012

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, 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 was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

Fire Department – Installation of Officers
Cheerleader Achievement Awards
UNICO Presentation

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

Council President Whiting directed roll call:

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP

OFFICERS: (Full transcript available in the Clerk's office)

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

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

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

Ordinance 12-01

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Council President Whiting opened the Public Hearing on Ordinance 12-01

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

A motion to adopt Ordinance 12-01 made by Councilman Barr, seconded by Councilman Kazanowski

Discussion:

Councilman Kazanowski: Yes Madame President...just one question I guess for Mr. Laezza. In the ordinance it said a penalty for altering or tampering, I would assume that if you download the ordinance and then tamper with it and then try to pass off as the real thing, that's what you are referring to.

John Laezza: Right.

Councilman Kazanowski: Okay because I had some people ask me about it and I said I will ask the question tonight.

John Laezza: Basically it's going to be on our website for the public to get it at any time. So if anyone tries to do some shenanigans with it, it's a penalty.

Councilman Kazanowski: Okay thank you.

Council President Whiting: And if you didn't hear Mr. Laezza our code book will be on the website for the community to look up anything they need to look up, maybe it will save you a couple of phone calls to town hall on simple questions.

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

Ordinance Adopted

Ordinance 12-02

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A 16 AMBULATORY/2 WHEELCHAIR MINI-BUS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$75,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

Council President opened the Public Hearing on Ordinance 12-02

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

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

A motion to adopt the Ordinance 12-02 made by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion: None

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

Council President Whiting: With this ordinance we are going to purchase a new senior bus that we are in dire need for, so thank you.

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 amount of \$434,326.51 for the period ending January 12, 2012, seconded by Councilwoman Albanese

Council President Whiting directed 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 Citizen Hearing on the Agenda

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

Council President Whiting directed roll call:

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

RESOLUTIONS:

Resolution 12-23

WHEREAS Councilman Brian Toal has resigned as the Vice-Chairman of the Municipal Pool Utility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council as the Municipal Pool Utility that it does hereby appoint Councilman Richard Kazanowski as Vice-Chairman to serve a term of one year until the next ensuing organization meeting and election of successor(s).

Moved by Council President Whiting, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

Resolution 12-24

BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers are hereby authorized and directed to effect transfers of 2011 Appropriation Reserves.

**CLARK
TOWNSHIP**

RESERVE BUDGET APPROPRIATIONS

		<u>From</u>	<u>To</u>
20-165-201	Engineering	20,000.00	
26-290-101	Roads	10,000.00	
31-460-223	Gasoline		20,000.00

26-310-210 Buildings & Grounds 10,000.00

Total 30,000.00 30,000.00

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Council President Whiting directed roll call:

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

Resolution 12-25

WHEREAS Saint Agnes Roman Catholic Church has requested the release of the Performance Guarantee in the form of a Letter of Credit posted by the Roman Catholic Archdiocese of Newark for site work at 332 Madison Hill Road in the amount of Seventy Nine Thousand, One Hundred Forty Seven Dollars and Twenty Cents (\$79,147.20); 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 recommends the release of the Performance Guarantee; and

WHEREAS Section 32-16 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 the Roman Catholic Archdiocese of Newark to be Seven Thousand, Nine Hundred Fourteen Dollars and Seventy Two Cents (\$7,914.72); and

WHEREAS the Roman Catholic Archdiocese of Newark may direct the Township to retain \$7,914.72 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 \$7,914.72 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.

Moved by Councilman Barr, seconded by Councilman Toal

Council President Whiting directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 12-26

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to N.J.S.A. 40:8A-1 et. seq. does hereby enter into an Interlocal Services Agreement with the City of Linden Board of Health, 301 North Wood Avenue, Linden, New Jersey 07036 for Animal Control Services for a fee of \$23,400.00 per annum, to be effective January 1, 2012 through December 31, 2012.

Resolution 12-27

WHEREAS it is necessary and desirable in order to insure the general health and welfare of the residents of the Township of Clark to provide uniform procedures for administering the issuance, renewal and revocation of licenses for the placement of clothing bins within the Township; and

WHEREAS the enabling legislation adopted as Ordinance 09-20 provides for enforcement by the Police Department and the Township Zoning Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operator(s) having met all the requirements of Chapter IV, section 4-11 of the Revised General Ordinances of the Township of Clark are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Police Officer-In-Charge is hereby authorized and directed to issue permits to be displayed according to law effective through December 31, 2012.

Clothing Bin Operator(s)

Location of Bin(s)

Community Crusade for Children, Inc.
36 River Street
New Haven, CT 06513

1060 Raritan Road (2 bins)

We Collect Clothes for a Cause
625 Wortman Avenue
Brooklyn, NY 11208

76 Central Avenue (1 Bin)

Resolution 12-28

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2011 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 2011						
BLOCK	LOT	QUAL	NAME	#	ADDRESS	REFUND
125	12		Bernadette Ambers		324 Washington Ave Apt. A7 Elizabeth, NJ 07202 6 Haliday Street	\$222.13 2012
170	7		McLaughlin, John		2 Charles Drive Tinton Falls, NJ 07753 9 Pine Street	\$989.17 2012
195	48		George, Roy & Ada		198 Asbury Anderson Rd Asbury, NJ 08802 14 Peter Circle	\$454.46 2012
195	32		Miciek, Margaret		46 Alice Lane	\$540.46 2012
					TOTAL REFUND	\$2,206.22

A motion to Adopt Consent Agenda made by Councilman Toal, seconded by Councilman Kazanowski

Council President Whiting directed roll call:
Aye: Albanese, Barr, Kazanowski, Mazzarella, 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 meeting to the public

Marge Berson, 7 Winters Ct.: Offered her opinion on new and proposed development in town.
(Full transcript available in the Clerk’s office)

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

Council President Whiting directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

(Full transcript available in the Clerk’s office)

ADJOURNMENT:

Motion for adjournment made by Councilwoman Albanese, seconded by Councilman Kazanowski

Council President Whiting directed roll call:

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