

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
July 16, 2012**

ROLL CALL:

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

Also Present: John Laezza, Business Administrator/Acting Mayor; 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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

John Laezza: In the Mayor's absence, he is on a well-deserved vacation, I have a short report...first I want to thank the police, the fire, and the recreation department for the outstanding 4th of July fireworks display. I understand we had in excess of eight to ten thousand people here to enjoy and I hope it was enjoyed by all. I know the police and fire handled the crowd very well.

If anyone has seen the covered monument in front of the municipal building, that will be dedicated on July 28th at 11:00 am. It's a monument to honor any service men who were awarded the Purple Heart throughout all the various conflicts that the United States has had since the beginning of time. And I would hope that everyone can attend the ceremony at 11:00 am on Saturday morning to have the unfurling of the canvas and the unveiling of the monument. I believe that would be very nice for the community and it's a nice honor for all those who have served in the service and received the Purple Heart on our behalf.

Tonight when Mrs. Berson came to the podium (spoke at the workshop session)...is a concern that I have as the Business Administrator. Not that they come before the podium because it is a public place for them to speak and ask questions and we welcome that at all times. But I think that the concerns that she expressed here might have better been expressed if she had called my office so that we could have sat down with the traffic people and at least put forth the concerns of various citizens. We try to see everything that's going on out there but I almost prefer that a

citizen come in and question; what they like and what they don't like, what changes they would like to see. And we may come to an agreement as to how to make it better for the entire community. So we welcome you to come to the public meeting and we're very interested and the council should be aware of it but that's why I'm there 24/7, well at least it seems like 24/7 to respond to the concerns of the citizens.

The other last comment I would like to make is that the Passaic River litigation is still going on. The Mayor had a meeting in Trenton with the Commissioner of the Department of Environmental Protection on Wednesday, July 11th. And unfortunately the Commissioner just gave the party line as to the problem of the litigation that we and 85 other communities in the State of New Jersey are involved in. And what it appears to be is that the property taxpayers of 85 communities are providing the money for the sins of the Department of Environmental Protection. The Mayor voiced his objections to the Commissioner of the DEP and it is our understanding that the DEP is not only looking for remediation from Diamond Shamrock and the companies but they are also looking for penalties. The bottom line is it looks like the State is looking to earn about six billion dollars. And our Mayor has fought and is looking to say "all right if we are in this deal and we are paying the bill we want a share at least in 25% of the six billion dollars as the 85 communities. It's a fight that will be continued by the Mayor and by a number of communities that are in this litigation so that if we have to spend taxpayers' dollars that will never see fruition. I guess our Attorney said if this case would ever to be tried it would have to be in Yankee Stadium just to cover the paperwork. So we are still on it and we will continue to be on it on behalf of the citizens of Clark and the other citizens in the other 84 communities.

Lastly, as you know we had a tragedy in the community last week and I will ask Captain Scherb to bring the council and the citizens here up to date with the investigation to date.

Captain Scherb: Thank you...as you are aware two Saturdays ago officers responded to a residential house on Rolling Hill Way on a report of a female that's deceased in a house. Upon arrival the officers entered the residence and observed a female that was deceased on the couch. They did take notice that it appeared to be suspicious in nature and I was immediately notified along with the Union County Prosecutor's Homicide Task Force and the Clark Police Detective Bureau responded. After going over the residence the very next day an extended autopsy was done on the female and late Sunday night I received a call from the Medical Examiner's Office indicating that it was a homicide. The case is now being ruled as a homicide investigation which is being activated by the Union County Prosecutor's Homicide Task Force with the assistance of the Clark Police Department. It is an ongoing investigation and right now since it occurred two weeks ago there are a lot of speculations and theories as to what happened, who is involved and a lot of rumors to it. I'm here to let you know and the citizens of this town that what you hear on the streets or in the newspaper are strictly rumors, they (have) no factual basis to them and it's an ongoing investigation. I am being updated daily from the Prosecutor's Office as to the outcome of this investigation and when something factual that needs to be broadcasted will be released to that. The community is a safe community. We feel that she was targeted and not a random act in this town and I want to let the citizens know of this community that it is a safe community, still is and still will be a safe community to live in, thank you.

John Laezza: Thank you Alan...that's all I have Council President.

Council President Whiting: Thank you Mr. Laezza...and just to tell the residents when Mr. Laezza was referring to when he spoke about Mrs. Berson, Mrs. Berson got up and said that she had talked to the stripers and the engineers or someone that she thought that worked for the engineering department regarding what she felt as a resident who lived on a block what the striping should be in the amount of traffic. And unfortunately her needs and her concerns were not taken care of and Mr. Laezza is just stating the fact that sometimes as a resident if you need to get something done you would be best suited to come here and deal with the administration in the office because that's where it all starts and that's where most of the decisions are made or as Mr. Laezza said he could have invited you to a traffic meeting because we always want our residents' input.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: No report this evening, thank you.

Councilman Barr: Thank you Madame President...the Clark Volunteer Fire Department asked me to remind everyone to make sure you all have smoke detectors in your homes and to make sure the batteries are replaced when necessary. They also asked me to ask anyone who has an elderly parent or parents living alone or know of a home that has elderly people living alone, it would be advisable if possible to see that their detection systems are wired to a central service. And the reason that we are bringing this up is that a few weeks ago there was a call for the fire department to respond to a house where the detection system was wired to a central service and it was in alarm status. As I usually do I responded to the call and when the police and fire department reached that address they found the house was filled with smoke. They made a quick inspection and found that the smoke was caused kind of luckily by unattended cooking but they also found an elderly woman who lived alone fast asleep in a second floor bedroom. They brought her to safety and thank goodness because of their quick response and action she turned out to be a little shaken but otherwise okay. When they questioned her they found out she was hard of hearing and didn't hear the alarm's going off in the house. And if her alarm system was not connected to a central service I'm afraid the outcome would have been sadly very different. So if you do have elderly parents living alone, it might be a good idea if you did have their alarm system connected to a central service. And I think this was really a very important message, thank you, and that concludes my report.

Councilman Kazanowski: No report this evening.

Councilman Mazzarella: No report this evening, thank you.

Councilman O'Connor: No report this evening.

Councilman Toal: Thank you Madame President...I just want to publicly thank the Mayor's office, Captain Scherb's office, Mr. Laezza and the Clark PD as well as the Union County Prosecutor Romankow. I'm not going to get into details but the events on Rolling Hill Way my phone went off the hook and I asked the Mayor to send out a letter to the residents of Rolling Hill Way to give an explanation and an update of what was happening. Working with the Chief

we were able to get those somewhat questions answered and letting them know that it is a police investigation. But one of our own was taken from us and justice will be served. This was a sweet lady and a very dear friend of all of us of this community and a very firm and business like woman who I knew personally. Again our prayers go out and I ask this town this community to reach out and say a prayer for her and her soul and that of her late husband. One of our own has been taken but justice will be served because that's the way it's been done in this town for ever. Back in 2002 when we had a homicide in this town, it's very rare that when this happens, but in 2002 on Shop Rite property police action and police diligence brought justice and those people who did that act are in jail still. In 1996 we had an incident over on Lexington Blvd a robbery turned into a homicide but again justice prevailed and the Clark PD gets the job done along with the Union County Prosecutor's Office and I know you will get done. We appreciate everything you've done because that night was an absolute horror and we appreciate everything you've done and our prayers go out to Mrs. Pecoraro thank you.

Council President Whiting: As far as my report Ralph tells me that recreation is just booming. They are averaging 600 children a day and they are having a great time. I hear more and more people stopping me on the street telling me that Ralph and our recreation program is fabulous, that we out-do most of the adjoining towns, that people have not seen such a great recreation program and my hat's off to Ralph again. But you know all the counselors and everybody that works really hard...600 hundred kids a day in this heat is quite a job. So thank you and thank you to the community for trusting your children with Ralph and his counselors and his department.

The pool is also...this hot weather really has everybody going. We have quite a number of people that have joined the pool this year; there are still memberships available if you are interested. We have people coming in at 7:00 at night saying I don't care what it costs I'm going in the pool me and my kid, I will buy a membership. So God was in our pockets this year and helped us out and I want to thank everybody and have a great summer between rec and the pool.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 12-06

AN ORDINANCE TO SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 117 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "CLOTHING DONATION BINS"

Council President Whiting opened the Public Hearing on Ordinance 12-06

Seeing on 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 12-06 made by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Whiting directed roll call:

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

Ordinance 12-07

AN ORDINANCE TO SUPPLEMENT CHAPTER 279, ARTICLE II OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS"

Council President Whiting opened the Public Hearing on Ordinance 12-07

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 12-07 made by Councilman Toal, seconded by Councilman Barr

Discussion: None

Council President Whiting directed roll call:

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

INTRODUCTION OF PROPOSED ORDINANCES:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 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.

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

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the 2012 Capital Road Improvement Program (including roadway reconstruction and resurfacing and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township (entire lengths unless otherwise noted):

Liberty Street (from Broadway to Valley Road)
Canterbury Drive
Jupiter Street
Featherbed Lane

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$1,500,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of the Township, and (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the

Local Bond Law, and (3) the estimated cost of said purpose is \$1,500,000, and (4) \$210,000 of said sum is to be provided by a State grant hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,290,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$200,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$210,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,290,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose (other than the State grant hereinbefore appropriated, which shall be applied to the cost of said purpose but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

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

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the

payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

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

Moved by Councilman Toal, seconded by Councilman Barr

Discussion:

John Laezza: The ordinance we're introducing tonight is our annual road improvement ordinance with State Aid money. The streets are Liberty Street from Broadway to Valley Road, that's a substantial section of the town, Canterbury Drive, Jupiter Street and the completion of Featherbed Lane. If there are additional funds remaining after we go out for bids on this project considering the ordinance will be adopted in August and we can have the right to use additional monies to complete additional streets.

Councilman Toal: Thank you Madame President...ladies and gentlemen when you sit as a councilman and you go out door to door and say hello to everyone especially at election time one of the issues that come is "hey my street is a mess". Two of these streets on this list tonight...and what I try to say to you people come to me and say "hey listen my street is a mess Brian help me out it's terrible"...those two streets on there Canterbury and Jupiter, five years, it takes five years to get a street done. Winthrop took me seven years. Canterbury has grass growing in the middle of the street; the neighbors have to go out and mow it. It's taken me that long to get it done but we are getting it done and I do apologize. There's just one thing with government is the worse albatross sometimes but it also is a good albatross to get things done. It just takes forever and I do apologize to you the citizens on Canterbury and Jupiter Streets. It's like it's sinking for some reason. What I'm trying to say ladies and gentlemen we are getting there, we do not make false promises but we do try to get things done. Again I appreciate the administration for hearing me for how many time Mr. Laezza and to the Mayor that I've begged for Jupiter and Canterbury and they just said please lock the doors on this guy. But I appreciate it finally to getting it to see the light and getting the project done for these residents; they deserve that, thank you.

John Laezza: As you know Councilman Toal you can beg and plead all you want, twelve years ago we had a plan for every street, a plan that's on file with regard to the concerns of those streets at the time. We try to do the streets that are in need of the greatest repairs, so if it took seven years and that means your street could have waited seven years or five. Everyone wants a pretty street in front of their house; there is not enough money to do seventy miles of road every year, thank you.

Council President Whiting: But we do address potholes and anything else that needs addressing on a daily basis.

John Laezza: Continually ongoing maintenance we do.

Council President Whiting: So everybody has to realize that we don't wait until the grass grows in the middle of the street before we address these issues.

Council President Whiting directed roll call:

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

Public Hearing on August 20, 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 \$265,578.01 for the period ending July 13, 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 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 Councilwoman Albanese

Council President Whiting directed roll call:

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

RESOLUTIONS:

Council as the ABC Board

Resolution 12-92

BE IT RESOLVED by the Governing Body of the Township of Clark that the following license is hereby approved for annual renewal; Club License in the sum of \$188.00, be renewed for the Year 2012-2013, effective as of July 16, 2012.

2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

Moved by Councilman Barr, seconded by Councilman Kazanowski

Council President Whiting directed roll call:

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

Resolution 12-93

WHEREAS, the Governing Body of the Township of Clark deems it necessary and desirable to amend the 2012 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Increasing our Road Improvement for 2012 from \$1,000,000 to \$1,500,000

WHEREAS, N.J.A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark that the aforementioned change(s) be made to the Capital Budget of the year 2012.

Move by Councilman Toal, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 12-94

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS All members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 – to wit:

R.S.52:27BB-52 – “A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of

the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 12-95

WHEREAS the Township of Clark recognizes that good indoor air quality is essential to public employees’ health and productivity; and

WHEREAS written policies have been established by the Public Employees Occupational Safety and Health (PEOSH) Program to promote good indoor air quality for employees in township buildings.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby adopts the Public Employees Occupational Safety and Health (PEOSH) Program, Indoor Air Quality Standard and designates John Kristof, Senior Building Maintenance and Nancy Raymond, Health Officer as the person(s) responsible to ensure compliance; and

BE IT FURTHER RESOLVED that this Resolution along with the Written Indoor Air Quality Program be distributed to all township employees.

Resolution 12-96

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 1st quarter 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:

CLARK TOWNSHIP							
TAX REFUNDS 2012							
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	YEAR
30.04	72		Anindya Dixit	544	Oak Ridge Rd	\$2,000.00	2012
77	31		Marcos Esteves	32	King Street	\$ 503.54	2012
Total Refunds						\$2,503.54	

Resolution 12-97

WHEREAS Timothy Jones of TJC Homes LLC, 603 First Avenue, Raritan, New Jersey 08869 has requested the release of the Maintenance Guarantee for site work at Madison Hill Estates, Hartman Court in the amount of Thirty Thousand, Six Dollars and Eighty Four Cents (\$30,006.84) with interest earned and accrued and all remaining escrow; and

WHEREAS the Township Engineer has performed the final inspection and has found that all the work has been completed and deemed acceptable as per Township Standards and recommends release of the Maintenance Guarantee with interest and escrow to TJC Homes LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby concur with the Township Engineer and directs release of the Maintenance Guarantee with interest earned and accrued and all remaining escrow to TJC Homes LLC.

Resolution 12-98

WHEREAS an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the “Landlord” and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the “Tenant”; and

WHEREAS premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 a.m. through 2:30 p.m. commencing on September 1, 2012 and concluding on June 30, 2013 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an “as needed” basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement (attached hereto) on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

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

Discussion:

Councilwoman Albanese: I have a comment...I just want to thank Mr. Laezza and the entire finance team for an excellent job on the Audit. And for completing it on a timely basis and I think that came up recently questioned whether our financial statements were audited, yes they are audited by Wiss & Co and we have a clean opinion again thank you.

Councilman O'Connor: I was going to wait until the end but congratulations to Mr. Laezza and his entire staff on an outstanding job. Each year it seems that the auditing standards get more and more stringent. And for those who don't know Mr. Laezza, he has been in finance and accounting for a long, long time and probably wrote half of bills, resolutions and laws that are on the books. So he is a top-notch guy with a top-notch team and once again came out with flying colors. So John thank you and your staff.

Council President Whiting: I'm sure that's the sentiments of the whole council.

Council President Whiting directed roll call:

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

NEW BUSINESS ON THE CALENDAR:

Resolution 12-99

WHEREAS the Governing Body of the Township of Clark desires to retain the services of a third party administrator on behalf of the Township to administer the Township's Self Insured Retention (SIR); and

WHEREAS Inservco Insurance Service, Inc. has submitted a proposal in the amount of \$14,000.00 to provide for the claims administration of Worker's Compensation, Automobile Liability, General Liability, including Police Professional Liability and Workers' Compensation – Lost time and medical only submitted against the Township to the SIR; and

WHEREAS the Governing Body desires to retain Inservco Insurance Service, Inc. as the Township's third party administrator for claims administration made to the SIR for one (1) year beginning August 1, 2012 through July 31, 2013; and

WHEREAS said claims servicing organization's services constitute extraordinary unspecified services in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., authorizing the services without competitive bids, and

WHEREAS there are funds available in the 2012 budget as evidenced by the Finance Officer's Certification of Availability of Funds in Current Account 23-210-223 for said contract.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark hereby ratifies the contract with Inservco Insurance Service, Inc. as the claims servicing organization on behalf of the Township of Clark for a period of one (1) year commencing August 1, 2012 at an annual fee of \$14,000.00 for the SIR.

Motion to add to the Agenda was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

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

Council President Whiting directed roll call:

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

PUBLIC COMMENTS:

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

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

Council President Whiting directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza: One last comment I neglected to say...every year or so the State of New Jersey likes to check our records separately from our Audit to make sure that we comply with all the rules and regulations. They check all of our contracts to make sure that we bid them properly, we took the lowest responsible bidder, that they were covered by affirmative action laws, that the payrolls were done properly under the prevailing wage and I would like to say that the documents were well taken care of. Our Municipal Clerk had them all on file, so we came out with flying colors and I would like to thank the Municipal Clerk and the staff and the purchasing department for following up on all contracts that we’ve done for the township. It’s pretty nasty, they come in as a police and you know they wear the black uniforms and the high boots but we get through it, so thank you very much so I would like to commend the Clerk for that job.

Council President Whiting: And from the entire council thank you very much Edie to you and your staff.

Councilwoman Albanese: Thank you Madame President...about a month or two ago I received a postcard from a company called Principia Green Team. I assume that they sent this around to the different houses in the community. And what they do is it’s a private entity that recycles computer and electronic equipment. So if you are ever interested in it, they are located at 151 Westfield Avenue but you actually have to go down Richard Street. And they will take any computer towers, desk tops, lap tops, servers, you name it they pretty much accept it all. So if you don’t want to dispose of the items in the garbage, this is a good way to give it to a company that is recycling these computer items. So I’m just passing it out there for your information. I just want to thank the Police Chief for his report on the investigation being conducted and thank him for his diligent efforts. Finally I just want to...you may have notice the sign at town hall and also the banners flying at the police station for former Police Officer James Pflug who passed away. I just want to express my condolences to his family and that concludes my report thank you.

Councilman Barr: Thank you...I think Council President Whiting made a statement before and I think she was being a little lax when she said our recreation department is better than most surrounding towns, I think we are better than all of the surrounding towns. And you know how we were speaking about how the grass is growing in the cracks in the streets and all of that...why in this kind of weather we're having such a hard time growing our lawn and keeping it up and all that and yet grass grows in the hot macadam with no water and it's beautiful.

Councilman Kazanowski: Yes I would just like to compliment the police department, DPW and the fire department for a job well done on July 4th. I was out there in the mist of the crowds and boy it was packed. Everybody that I spoke to said it had to be like the biggest crowd of people we ever had in there and the firework display was outstanding this year. And hopefully we can do likewise for next year also thank you.

Councilman Mazzarella: Yes thank you just one comment...it's very, very hot out there, please to all of the residents be careful and make sure you drink a lot of water to hydrate yourself when you are out in the sun. And especially to the elderly people try to get some shade and you know if you have a neighbor that you know that's elderly please check up on them, it's very important especially in this heat, thank you see you next month.

Councilman O'Connor: Thank you...I wanted to remind everyone of the 4th Annual Waterson/Dunham Valor Ride on Sunday, July 29th. This event is sponsored by Clark PBA Local #125 and begins and ends at the Deutscher Club located at 787 Featherbed Lane in Clark. Registration is from 9-12, ride leaves at 12. This event is rain or shine and it includes a continental breakfast, police escorted ride, vendors, bbq, music and beverages. If you have any questions please reach out to Danny at (732) 259-3513 or email him at hoot0311@yahoo.com. You can pick up a registration form at police headquarters or print one off the internet by going to njpba.com, scroll to the bottom of the page to upcoming events and you will be able to click on to the event and print out the registration form. Of course if you show up the day of the event you can actually fill it out there as well and register on the spot. Registration again from 9-12, thank you and have a great summer.

Councilman Toal: Thank you Madame President...again graduation we talked about last month but again to all of those that have graduated in the Township of Clark congratulations. I was there for the fireworks, it was a big crowd and a good time and the weather held up and all. It was a nice event. It's nice that we are having good things happening in this town always. Have you noticed the new patrol units are out? We've picked up some new squad cars and they are totally different. So you will see them and that's your tax dollars at work for more safety and making sure this town is safe.

For those we've lost in the last month; Lois Severs, Michael O'Sullivan Jr., Sgt. James Pflug Clark PD retired, and Vera Pecoraro. Eternal rest to them and I will see you next month.

Township Clerk: Yes thank you...I just wanted to follow up on what Councilwoman Albanese said about that company. The Township of Clark's DPW also collects electronics the last Saturday of the month. So that is also an option. You can bring it to our DPW from 9-1 I believe.

Rich O'Connor: No report.

Council President Whiting: Well I don't have anything for this evening.

ADJOURNMENT:

A motion to adjourn was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll:

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