

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
June 6, 2011**

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer.

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda 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.

INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO REPEAL IN ITS ENTIRETY
CHAPTER 2, SECTIONS 2-16.1 TO 2-16.14
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK
ENTITLED "DIVISION OF POLICE"
AND TO CREATE A NEW SECTION TO BE ENTITLED
"DEPARTMENT OF POLICE"**

BE IT ORDAINED by the Governing Body of the Township of Clark, as follows:

SECTION 1: **Repealer**

Section 2-16.1 through and including Section 2-16.14 of the Revised General Ordinances of the Township of Clark are hereby repealed in their entirety and replaced with the following new ordinances creating the Department of Police.

SECTION 2: **Establishment of Department**

There is hereby established within, by and for the Township of Clark, the Department of Police, which shall also be known as the Police Department, the head of which shall be the Police Director.

SECTION 3: Functions:

The Department of Police shall:

- a. Preserve and protect the public peace and enforce all penal laws and ordinances effective within the Township.
- b. Administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, and to make rules and regulations, not inconsistent with the Charter, ordinances and General Law for such purposes.
- c. Remove all nuisances in the public streets, parks, and other public places, inspect and observe all places of business requiring any State or municipal license or permit.
- d. Provide proper Police attendance and protection at fires. (1990 Code S-2-13A.1)
- e. Enforce and prevent the violation by any person of the laws and ordinances in effect within the Township, and apprehend and arrest in accordance with law all persons lawfully charged with the violation of any law or ordinance for the suppression of punishment of crimes or offenses.
- f. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments.
- g. Operate a training program to maintain and improve the Police efficiency of the members of the Department.
- h. Construct, install, repair and maintain all facilities of the Police signal system and the Police radio system.

Section 4: **Administration and Discipline; Bureaus**

- a. The administration and discipline of the Department of Police shall be subject to the Charter and ordinances of the Township, and to applicable General Law.
- b. The Police Director shall, from time to time, make such rules and regulations concerning the management of the Department as he/she may find necessary for the proper regulation of the Department and the same, when promulgated, shall be binding upon each member or employee of the Department. The Director shall also serve as the hearing officer for all disciplinary hearings within the Department.
- c. Within the Department, there shall be the following bureaus:
 - 1. Detective Bureau;
 - 2. Traffic Safety Bureau;
 - 3. Youth Aid Bureau;
 - 4. Record Bureau and as more particularly set forth in this chapter. (1990 Code 2-13A.3)

SECTION 5: **Rules and Regulations Adopted**

The Township hereby adopts, for the purpose of prescribing rules and regulations governing the Police Department of the Township, the Code known as "Police Manual, 1996" of which Code not less than three (3) full copies have been filed in the Office of the Township Clerk, and not less than one (1) copy in the Office of the Police Director, and which is hereby adopted and incorporated as if the same were fully set forth herein at length. (1990 Code Section 2-13A.4; Ord. No. 97-06 Section 2).

SECTION 6: **Police Director: Qualifications and Compensation**

The Police Director shall be appointed by the Mayor with the advice and consent of Council and shall serve, at the pleasure of the Mayor, during the term of office of the Mayor appointing him/her and until the appointment and qualification of a successor. The Police Director shall, prior to his appointment, have at least five (5) years law enforcement experience in a responsible capacity in the administration of public safety. He/She shall be qualified by virtue of training and experience for the position. The Mayor may, with the consent of Council, waive any of the requirements set forth above when, in their collective judgment, the best interest of the Township is being served

thereby. The Director's compensation shall be such sum annually as shall be negotiated and fixed by ordinance.

SECTION 7: Police Director: Powers and Duties

The Police Director shall:

- a. Be the head of and Chief Executive Officer of the Police Department directly responsible to the Mayor of the Township of Clark for the Police Department's efficiency and day-to-day operations and shall carry out the powers and duties established under N.J.S.A. 40A:14-118 and in accordance with applicable case law and the Attorney General guidelines and directives.
- b. Be designated as the Appropriate Authority as provided in the New Jersey Statutes. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations and the overall policy for the government of the Police Department and for the discipline of its members in accordance with the N.J.S.A. 40A:14-118 and applicable case law and Attorney General guidelines and directives.
- c. The Police Director may delegate such of his/her authority as he/she deems necessary for the efficient operation of the Police Department. Such authority shall be exercised under the Director's direction, control and supervision.
- d. Determine the policy and direction of the Police Department.
- e. Organize the Police Department subject/pursuant to the Table of Organization as set forth herein.
- f. Provide recommendations to the Mayor and Council for the establishment of ordinances to assist in the governance and management of the Police Department.
- g. Provide an annual report to the Mayor and Council concerning the state of the Police Department and criminal activity within the Township.
- h. Report to the Mayor and Township Administrator, as and when requested.

- i. Issue special emergency directives as necessary to protect the health, safety, and welfare of the Township in an emergency.
- j. Receive from the Police Department daily reports or other periodic reports as designated by the Police Director including, but not limited to:
 - 1. Budgets and expenses;
 - 2. Manpower allocations, including overtime, vacation, sick, and compensatory time accumulation and usage reports for all personnel;
 - 3. Accident reports;
 - 4. Incident reports;
 - 5. Personnel related issues.
- k. Examine the operations of the Police Department and the performance of any officer or member thereof.
- l. Adopt and promulgate standard operating procedures for the efficient operation of the Police Department.
- m. Prescribe the duties and assignments of all subordinates and other police personnel.
- n. Be provided with the powers and duties necessary to the exercise of his/her responsibilities as outlined in paragraph (b) of this section and in accordance with all relevant State law(s), the Attorney General guidelines and directives, and any other relevant law(s). Nothing herein contained in this section shall limit or prevent the Police Director from exercising and/or carrying out the rights, powers and duties afforded in accordance with applicable State law, the Attorney General guidelines and directives, and any other relevant law(s).
- o. Nothing herein contained shall prevent the Appropriate Authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the Appropriate Authority to act to provide for the health, safety and/or

welfare of the municipality in an emergency situation through special emergency directives.

SECTION 8: Police: Qualifications for Appointment

a. No person shall be appointed as a member of the Police Department unless he/she:

1. Shall be a citizen of the United States and a resident of the State of New Jersey, as required by N.J.S.A. 40A:4-122 et seq., and N.J.S.A. 40A:14-123.1.
2. Must be sound in body and of good health sufficient to satisfy a physician of the State of New Jersey selected by the Township and the requirements of the Police and Firefighter’s Retirement System that he/she is eligible for membership in such retirement system, which facts shall be certified by the physician.
3. Shall be of sound mental fitness to perform the varied and rigorous duties of a Police Officer. This shall be evidenced by a written certificate of a satisfactory psychological examination by a professional chosen by the Township.
4. Ability to read, write, speak, understand, and communicate in English sufficiently to perform duties of this position. American Sign Language or Braille may also be considered as acceptable forms of communication.

Persons with mental or physical disabilities are eligible as long as they can perform the essential functions of the job after reasonable accommodation is made to their known limitation. If the accommodation cannot be made because it would cause the employer undue hardship, such persons may not be eligible.

b. No person shall be appointed who has been convicted of a crime involving moral turpitude or who is less than eighteen (18) years of age or more than thirty-five (35) years of age; provided, however, that nothing herein contained shall be construed to prohibit the appointment of a person over the age limit who can qualify under and by virtue of the terms and provisions of N.J.S.A. 38:23A-2. (1990 Code Section 2-13A.10).

SECTION 9: Detective Bureau.

- a. *Composition; Supervision by Police Director.* There shall be a Detective Bureau, which shall be under the supervision of the Police Director. The Detective Bureau shall consist of the head of the Bureau and such other members of the Police Department as shall be assigned to detective duty by the Director. The Director shall be in supervisory charge of the Detective Bureau and he/she is authorized to assign any member of the Police Department to detective duty in plainclothes. The Director is also authorized to assign any member of the Police Department working in the Detective Bureau back to uniform duty.

- b. *Designation of Head; Duties.* The head of the Detective Bureau shall be designated by the Police Director and shall have charge of all the business of the Bureau under the direct supervision of the Director. It shall be his/her duty to:
 - 1. Give special attention to the business of the Bureau.
 - 2. See that all cases coming to the attention of the Bureau are properly and promptly attended to.
 - 3. Keep the Director informed of all the activities of the Bureau.
 - 4. Submit to the Director, in writing, a report of each case processed by the Bureau from any source.
 - 5. Keep a copy of every written report made by him/her or any member of the Bureau in a file which is to be kept in the Bureau.

- c. *Duty Detectives Not to Leave Township Without Permission.* Any member of the Police Department assigned to detective duty shall not leave the Township during his/her hours of duty, without the permission of the Director or such superior officer as may be in charge of the Police Department at the time. (1990 Code Section 2-13A.5).

SECTION 10: Traffic Safety Bureau

- a. *Composition; Supervision of Police Director.* There shall be a Traffic Safety Bureau, which shall be under the supervision of the Police Director. The Traffic Safety Bureau shall consist of the head of the Bureau and such other members of the Police Department as assigned by the Police Director.

b. *Designation of Head; Duties.* The head of the Traffic Safety Bureau shall be designated by the Police Director and shall be an Officer of superior rank. Such Superior Officer shall have charge of all the business of the Traffic Safety Bureau under the direct supervision of the Police Director. It shall be the duty of the Superior Officer to:

1. Give special attention to the business of the Traffic Safety Bureau.
2. See that all matters pertaining to traffic safety be properly and promptly attended to.
3. Keep and maintain all records, charts, graphs, maps and statistics as required by the Police Director to properly conduct the activities of the Traffic Safety Bureau.
4. Be responsible for all traffic counts required by the Police Director, together with a statistical record of the happenings of motor vehicle accidents and their locations, including estimated amount of damages and personal injuries.
5. Exercise supervision over all subordinates, which shall also include school crossing guards. (1990 Code Section 2-13A.6).

SECTION 11: Youth Aid Bureau

- a. *Composition; Supervision by Police Director.* There is hereby created within the Police Department of the Township a Youth Aid Bureau, which shall be under the supervision of the Police Director. The Youth Aid Bureau shall consist of such member or members of the Police Department as assigned by the Police Director.
- b. *Designation of Head; Bureau.* The head of the Youth Aid Bureau, known as the Youth Aid Officer, shall be designated by the Police Director. It shall be the duty of the Youth Aid Bureau Officer to:
 1. Investigate all cases of delinquency and all cases of crimes against the State of New Jersey and the Township, except violations of Title 39 of the Motor Vehicle Laws of New

Jersey by youths seventeen (17) years of age who hold a valid New Jersey driver's license.

2. Collect data and statistics concerning youth activities in the Township for the purpose of preventing delinquency.
3. Develop a liaison with the youth of the Township and the Township school administrator, as well as all recreational agencies, public, private, and religious, in an effort to coordinate and cooperate with them in all projects concerning the welfare of all youths under the age of eighteen (18) years in the Township.
4. Prepare all juvenile court matters and follow them through the juvenile adjudication proceeds.
5. Prepare and submit a monthly report to the Police Director covering all pertinent and confidential information concerning youth activities and statistics and shall submit recommendations for improving youth relations and preventing youth delinquency.
6. Refer all youth neglect cases and maladjusted youth behavior cases to the proper agencies.
7. Attend all local, County and State conferences, seminars, lectures, etc. as pertains to juvenile youth activities.
8. Perform any and all duties of the Police Department, when necessary. (1990 Code Section 2-13A.7)

SECTION 12: Personnel

a. The Department of Police shall consist of the following regular personnel:

- | | |
|--------------------|---|
| i. Police Director | 1 |
| ii. Chief | 1 |
| iii. Captain | 1 |
| iv. Lieutenants | 2 |

- v. Sergeants 6
- vi. Police Officers 30

b. Detectives shall be appointed from among the above-listed personnel on an as needed basis with the recommendation of the Police Director and the approval of the Administration. (1990 Code Section 2-13A.8; Ord. No. 91-18 Section 1; Ord. No. 95-09 Section 2; Ord. No. 97-16 Section 1; Ord. 97-18 Section 1)

SECTION 13: Police Officers: Classification; Probationary Period

b. The classification of Police Officer shall be as follows:

Entry Level Probationary, period of one (1) year including required training;

Step 1 To top step as negotiated in PBA Local 125 Contract with Management.

SECTION 14: Fees for Police Services

a. Definitions. As used in this subsection:

Requesting Agency shall mean any person, public or private, desiring to use such special escort service.

Special Escort Service shall mean the provisions of Special Police protection for any person, public or private, for the purpose of transporting money or other valuable goods within the boundaries of the Township.

b. Special Escort Service.

1. Administration. The Desk Officer shall record all requests received for escort service and shall file daily reports with the Police Director. The Police Director shall cause monthly bills to be forwarded to each requesting agency detailing the date, destination and total cost. All bills are payable before the tenth day of the following month. Failure of using agency to pay the monthly bill in accordance with the terms of this Article will constitute grounds for the termination of such special escort service until all bills are satisfied. Checks in payment shall

be made payable to "Police Department, Township of Clark." A report of receipts and a check representing total receipts shall be filed with the Township Treasurer on a monthly basis.

- 2. Fee. The cost of special escort service rendered by the Police Department to any person is as set forth in subsection 2-65.3, Fees for Municipal Services.
- c. Copies of Public Records. The charges as set forth in subsection 2-65.3, Fees for Municipal Services, shall be made by the Record Bureau of the Police Department for the furnishing of photographs, Photostats, or other duplications of public records of the Police Department.
- d. Collection. All charges and fees shall be collected by the Officer in charge of the Record Bureau of the Police Department or his/her designated agent.
- e. Disposition. Within forty eight (48) hours, all charges and fees collected under this subsection shall be delivered to the Township Treasurer and thereafter deposited by him/her in the appropriate account of the Township. (1990 Code Section 2-13A.13; Ord. No. 93-05)

SECTION 15: Miscellaneous Regulations

- a. Emergency Defined. Whenever the term "Emergency" appears in the rules and regulations of the Police Department, the meaning shall be as follows:

Emergency shall mean and include any unusual conditions caused by fire, weather or any circumstances or situation including shortages in departmental personnel caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the Director of Public Safety.

- b. Personnel: Assignment to Private Gatherings; Payment.
 - 1. Any organization or person desiring Police service at private gatherings shall make such a

request to the Police Director. The Police Director shall have the right to assign voluntary off-duty Police Officers or Special Officers to such private gatherings.

- 2. The organization or person so requesting this Police service shall pay the Township of Clark, and, in turn, the Township of Clark will pay the Police/Special Officers, a sum equal to the prevailing rate paid to Township Police Officers. (1990 Code Section 2-13A.14; R. 98-175; Ord. 09-02)

SECTION 16: Special Law Enforcement Officers

- a. Definition. As used in this section:

Special Law Enforcement Officer shall mean any person appointed pursuant to N.J.S.A. 40A:14-146.8 et seq., t temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department, or to provide assistance to the Police Department during unusual emergency circumstances.

- b. Creation of Position. The Township Council may appoint Special Law Enforcement Officers as it deems necessary for the preservation of peace and good order in the Township of Clark. They shall be under the supervision and direction of the Police Director, or in the absence of the Police Director, the Chief Law Enforcement Officer designated by the Police Director.

- c. Qualifications. No person may be appointed as a Special Law Enforcement Officer unless such person:

- 1. Is a resident of the State of New Jersey during the term of the appointment.
- 2. Residents of the Township of Clark shall be given preference for appointments as Special Officers. Non-residents certified as Special Officers by the New Jersey Police Training Commission may be considered for

- appointment at the discretion of the appointing authority.
3. Is able to read, write and speak the English language well and intelligently and has a high school diploma or equivalent.
 4. Is sound in body and of good health.
 5. Is of good moral character.
 6. Has not been convicted of any offense involving dishonesty which would make him/her unfit to perform the duties of the Office of Special Law Enforcement Officer.
 7. Has successfully undergone similar psychological testing that is required of all full-time Police Officers.
 8. Complies with all other requirements set forth in N.J.S.A. 40A:14-146.8 et seq., the administrative rules and regulations of the Department of Law and Public Safety and the general ordinances of the Township of Clark.
- d. Classification. Special Law Enforcement Officers shall be classified as belonging to either Class One or Class Two, based upon the duties to be performed by each Class, as follows:
1. Class One.
 - (a) Class 1-A. Officers of this Class shall be authorized to perform routine traffic detail, spectator control, and similar duties as may be assigned by the Police Director or, in the absence of the Police Director, the Law Enforcement Officer designated by the Police Director.
 - (b) Class 1-B. Class 1-B Officers shall have the same powers as Class 1-A Officers and in addition, shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of Township ordinances, and violations of N.J.S.A. 39:1-1 et seq.
 - (c) Firearms. The use of a firearm by a Class One Special Law Enforcement Officer shall be strictly prohibited. No

Class One officer shall be assigned any duty which may require the carrying or use of a firearm.

2. Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time Police Officer. The use of a firearm by a Class Two Special Law Enforcement Officer may be authorized only after the Officer shall have been fully certified as successfully completing training, as prescribed by the Police Training Commission established in the Police Department.
- e. Training Course. No person shall commence duties as a Special Law Enforcement Officer until having successfully completed a training course approved by the Police Training Commission. In addition, no Class Two Special Law Enforcement Officer shall be issued a firearm prior to having successfully completed the basic firearms course required by the Police Training Commission for permanent, regularly appointed Police and annual requalification examinations.
- f. Persons Ineligible for Appointment. No person shall be eligible to serve as a Special Law Enforcement Officer in the Township of Clark if that person intends to serve as a Special Law Enforcement Officer in another municipality; nor shall any permanent, regularly appointed full-time Police Officer be permitted to simultaneously serve as a Special Law Enforcement Officer in the Township. No Public Official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township or supervision of the Police Department shall be appointed as a Special Law Enforcement Officer.
- g. Fingerprints. Every applicant appointed to the position of Special Law Enforcement Officer shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

- h. Powers and Authority. The Police Director or in the absence of the Police Director, such other Law Enforcement Officer designated by the Police Director, may authorize Special Law Enforcement Officers when on duty to exercise the same powers and authority as permanent, regularly appointed Police Officers, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations not consistent with the certification requirements of N.J.S.A. 40A:14-146.8 et seq., as may be established by the Revised General Ordinances of the Township of Clark.
- i. Appointment; Term; Revocation. A Special Law Enforcement Officer may be appointed for a term not to exceed one (1) year. The powers and duties of a Special Law Enforcement Officer shall cease at the expiration of the term to which the Special Law Enforcement Officer shall have been appointed. At the expiration of such term, the Township Council shall have absolute discretion in determining whether to reappoint. The appointment of a Special Law Enforcement Officer may be revoked by the Police Director for cause, and after an administrative hearing, unless the appointment is for four (4) months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require the reappointment upon the expiration of the terms. Such Special Law Enforcement Officers shall not be classified as regular members of the Police Department entitled to tenure and other benefits of the Police Department. They shall receive such compensation for their services as recommended by the Police Director and set forth in the Township of Clark Salary Ordinance.
- j. Duty Times. A Special Law Enforcement Officer shall be deemed to be on duty only while performing the public safety functions on behalf of the Township pursuant to N.J.S.A. 40A:134-146.8 et seq., and when receiving compensation, if any, from the Township at the rates or stipends as established by ordinance. A Special Law Enforcement Officer shall not be deemed to be on duty while performing private security duties for private employers which duties are not assigned by the Police Director or his/her designee, or while

receiving compensation for those duties from a private employer. A Special Law Enforcement Officer may, however, be assigned by the Police Director, or his/her designee, to perform public safety functions for a private entity if the Police Director, or his/her designee, supervises the performance of the public safety functions. If the Police Director, or his/her designee, assigns a public safety duty and supervises the performance of those duties, then, notwithstanding that the Township is reimbursed for the cost of assisting a Special Law Enforcement Officer at a private entity, the Special Law Enforcement Officer shall be deemed to be on duty.

- k. Hours of Employment. Except in periods of emergency, in which event there shall be no limitation as to hours per week, no Special Law Enforcement Officer may be employed for more than twenty (20) hours per week. An emergency shall be defined as any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of Law Enforcement personnel, as shall be determined by the Police Director, or his/her designee. Vacations, shortages in Police personnel caused by vacancies unfilled by the Township Council for more than sixty (60) days or any other condition which could reasonably have been anticipated or foreseen shall not constitute an emergency. However, an emergency may continue when a vacancy remains unfilled for more than sixty (60) days and when, on application of the Township Council, the County prosecutor grants an extension for one (1) or more sixty (60) day periods upon a showing by the Township Council of a diligent, good faith effort to fill the vacancy.

- l. Supervision; Conduct. A Special Law Enforcement Officer shall be under the supervision and direction of the Police Director or his/her designee, and shall perform all duties solely with the Township of Clark, unless in fresh pursuit of any person, pursuant to N.J.S.A. 2A:156-1 et seq. A Special Police Officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed Police Officers of the Township, as well as all rules and regulations applicable to the conduct and decorum of Special Law Enforcement

Officers. (1990 Code Section 2-13A.11; Ord. No. 92-12 Section 1,2)

SECTION 17: INCONSISTENT ORDINANCES

Any ordinance inconsistent with the provisions contained herein are repealed to the extent of such inconsistency and any reference to the designation Chief of Police in the Revised General Ordinances of the Township of Clark shall mean the Police Director.

SECTION 18: EFFECTIVE DATE

This ordinance shall take effect upon final adoption and publication according to law.

Moved by Councilman Barr, seconded by Councilwoman Whiting

Discussion:

Mayor Bonaccorso: The full text of the Mayor’s discussion/explanation is available by request in the Clerk’s office or by e-mail to clerk@ourclark.com

Council President Mazzarella directed roll call:

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

Public Hearing will be June 20, 2011

**AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2-15 OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK
ENTITLED “DEPARTMENT OF PUBLIC SAFETY”**

BE IT ORDAINED by the Governing Body of the Township of Clark that Article 2-15 of the revised ordinance of the Township of Clark is hereby amended as follows:

SECTION 1: **Section 2-15.1** entitled “Organization” is amended as to delete therefrom in sub-paragraph “a” the phrase “Division of Police.”

SECTION 2: In other respects, the provisions of Section 2-15.1 are reaffirmed and restated.

SECTION 3: This Ordinance shall take effect upon adoption and upon publication according to law.

Moved by Councilwoman Albanese, seconded by Councilman Barr

Discussion: None

Council President Mazzearella directed roll call:

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

Public Hearing will be June 20, 2011

**AN ORDINANCE TO AMEND ORDINANCE #02-15 ADOPTED
AUGUST 19, 2002**

BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance No. 02-15 adopted August 19, 2002 is hereby amended, as follows:

SECTION 1: Delete the reference to “Chief of Police” in Section 1, line 5, and replace with the following: “Police Director or Officer in Charge.”

SECTION 2: **Effective Date**

This Ordinance shall take effect upon adoption and upon publication according to law.

SECTION 3: **Inconsistent Ordinance**

Any ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion: None

Council President Mazzearella directed roll call:

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

Public Hearing will be June 20, 2011

RESOLUTIONS:

Resolution 11-80

WHEREAS the Township of Clark is unable to certify the tax rate at this time and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS the Municipal Tax Collector/Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, on this 6th day of June, 2011 as follows:

1. The Township of Clark Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2011 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2011 is hereby set at \$53,784,794.14
3. In accordance with law the third installment of 2011 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion: None

Council President Mazarella directed roll call:

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

Resolution 11-81

WHEREAS the Governing Body of the Township of Clark advertised on April 21, 2011 and received two (2) bids for Single Axle Dump Truck with Appurtenances on May 11, 2011 at 10:00 am; and

WHEREAS the two (2) lowest responsible bidders were Mid-Atlantic Truck Centre, Inc. 525 Linden Avenue West, Linden, NJ 07036 in the amount of \$116,877.00

and Brown Truck Group, 963 Rt. 173 PO Box 98, Bloomsbury, NJ 08804 in the amount of \$122,577.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Mid-Atlantic Truck Centre, Inc. in the amount of \$116,877.00; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$116,877.00 funded by Bond Ordinance 11-13 as attached hereto as a "Certification of Availability of Funds".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Mid-Atlantic Truck Centre, Inc in the amount of \$116,877.0000 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion: None

Council President Mazzarella directed roll call:

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

Resolution 11-82

WHEREAS the Governing Body of the Township of Clark advertised on April 21, 2011 and received two (2) bids for 2011 Wheel Loader Backhoe on May 11, 2011 at 10:00 am; and

WHEREAS the two (2) lowest responsible bidders were Jesco, Inc. 118 St. Nicholas Ave., South Plainfield, NJ 07080 in the amount of \$94,947.00 and Trico, 200 Ryan Street, South Plainfield, NJ 07080 in the amount of \$95,330.00; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Jesco, Inc. of South Plainfield, NJ in the amount of \$94,947.00; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$94,947.00 funded by Bond Ordinance 11-13 as attached hereto as a "Certification of Availability of Funds".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Jesco, Inc. in the amount of \$94,947.00 subject to review of the bid by the Township Attorney who will draw up the contract.

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

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

Resolution 11-83

WHEREAS on August 19, 2002 the office of the Deputy Custodian of Government Records for Police Matters was established by ordinance designating the Chief of Police or such other official as the Governing Body may from time to time appoint pursuant to the provisions of N.J.S.A. 47:1A-1 et seq.; and

WHEREAS the Chief of Police has retired effective June 1, 2011; and

WHEREAS Alan Scherb has taken the Oath of Office as Provisional Captain, Officer in Charge effective June 1, 2011.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark in the County of Union, State of New Jersey that it hereby appoints Alan Scherb as the Deputy Custodian of Records for Police Matters effective retroactively to June 1, 2011.

Moved and seconded by Entire Council

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

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 else coming forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilman Barr

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

The full text of the Mayor and Council's comments is available by request in the Clerk's office or by e-mail to clerk@ourclark.com

ADJOURNMENT

Motion to adjourn was made by Councilman Kazanowski, seconded by Councilman Barr

Council President Mazzearella directed roll call:

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