

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
May 21, 2012**

ROLL CALL:

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

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County LocalSource, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

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

Council President Whiting directed roll call:

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

Certificates of Appreciation: Cub Scout Pack 145 and Troop 145 under the direction of Cub Master Scott McCabe

C.E.R.T. Presentation by Jerry Fewkes

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

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)

Mayor Bonaccorso:

1. Congratulated the high school youth of Clark – safe, sober, well behaved

2. Graduation time - Please have a sober, safe and enjoy the beginning of your adulthood in a proper manner. And please ladies and gentlemen careful on the roads with school letting out and summer beginning, it will be here before we know it and I can't believe it.

3. Two months ago our Township Attorney gave a report on the Newark Bay lawsuit which involves Clark and about 79 other towns. It's a very long entailed process but he tried to explain to you that night what was going on. If you never heard it maybe you would want to go to the Library and rent the disc, I believe it was two months ago, and you can hear what's going on and we got kind of dragged into something. And on the heels of that we had a meeting here that I called with Mayor Pat Quattrocchi of Garwood inviting other Mayors, Attorneys, Engineers, Members of the DEP and State Attorney General's Office. And they came for a Q and A and to find out more about what was going on. Myself and Mayor Quattrocchi unfortunately were the only two Mayors who attended. I have spoken to others in the meantime and just to inform the town, we sent a letter down to the DEP Commissioner Bob Martin's office requesting a meeting with myself, Mr. Triarsi and Mr. Laezza on some of our questions and concerns that we have. We would like to speak to the Chief Commissioner one on one. It's been about two weeks. We are waited for a response and when that occurs and we'll go down I will be glad to report back to the community. That concludes my report for this evening.

Township Clerk: April reports from the police and fire department have been filed and are open to the public

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese:

Library:

- Children ages 2 ½ thru 5 - program called "Get up and Go" - 30 minute program and it combines music, movements including parachute play activities
- Lego Club - grades 1 thru 6
- "Garden in a Glove" - ages 8 thru 12
- Father's Day there will be craft for grades K thru 5 on Wednesday, June 13th
- Adults we have our movies back. Held on Monday and Wednesday at 1:00 pm and Tuesday evenings - list at the Library or online
- Teenagers - soap making - Thursday, May 24th
- Books for the summer reading program for the summer requirements -theme this year is "Dream Big, Read"

Councilman Barr: Monday, May 28th is Memorial Day - parade will step off on the corner of Nassau and Westfield Avenue at 9:30 and it will continue to ALJ High School. Streets from Liberty to Raritan Road will be close at 9:00 am - let's not forget what this is about, this is honoring all those who paid the ultimate sacrifice and who gave their lives so we can be here today doing what we're doing or doing whatever we want to do. If you are not a participant, please be a spectator.

Councilman Kazanowski: No report this evening

Councilman Mazzarella: No report Madame President

Councilman O'Connor: No report this evening

Councilman Toal: Saturday, June 2nd and Sunday, June 3rd the Clark Historical Society - Union Army Camp and Civil War Reenactment at the Dr. Robinson Plantation

Council President Whiting:

- Clark Community Pool: Memberships available - come by and see the facility - swim lessons and swim team positions still open go to www.ourclark.com download a PDF file that will be the application or you can go see Ralph Bernardo in our recreation department.
- Recreation: spots still open for summer camp as well as summer tennis camp, adult tennis and women’s softball
- Ralph asked me to tell you that he can get a substantial discount on Hershey Park, Sesame Place, Morey Piers, and Great Adventures tickets

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 \$279,049.44 for the period ending May 17, 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 Citizens Hearing of the Agenda

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

Council President Whiting directed roll call:

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

RESOLUTIONS:

Resolution 12-70

Resolution Opposing Senate Bill 1451

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

WHEREAS, the governing body of the Township of Clark agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian

does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to lay off municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the Township of Clark strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Clark, County of Union, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 22nd State Legislative District, Senator Nicholas Scutari, Assemblywoman Linda Stender, Assemblyman Jerry Green, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey.

Moved and seconded by Entire Council

Discussion:

Council President Whiting: Mr. Laezza would you be able to give a synopsis on Resolution 12-71 and Resolution 12-72

John Laezza: the state legislature decided that they want to impose more restrictions/hardships mandates on local governments without promptly funding them for one thing; the open public meetings act and the open public records act in each of these two resolutions which would basically disrupt the operation of council meetings, disrupt the processes to a degree that if there's a sub-committee that is not non-voting sub-committee and that they wanted to discuss something in private, that they would have to put that on the agenda and then they would have a sub-committee meeting. There are concepts that if the citizens want to bring up anything at a public meeting we could discuss it but you as council could not act upon it because you didn't properly notify the rest of the community. So they are trying to change the process of government while they in Trenton have zero transparency on anything they do at all. All five hundred and sixty-six units of government are opposing this. It's not a problem that the Township of Clark has because any requests that we've had for open public records have been met within the seven day timeframe that's required. Our meetings have been opened to the public, I think in the twelve years we may have had three or maybe four closed sessions with regard to personnel matters or litigation that was still in process. We are much more open and it's not that we are opposing the openness of government; we are opposing the imposition that they want to bring to all local governments to try to impede it and at the same time restricting how much money we can put in the budget to accommodate those needs.

Council President Whiting: Thank you Mr. Laezza. I think as Mr. Laezza said this whole council is very much in favor of open government and transparency. Everything we do is always up front. Actually a lot of the stipulations that they put in these bills we already execute at our meetings. But most of the things that they're putting in these bills exclude the legislature, they were only for local municipalities or some people had to follow the rules and other people didn't. So what we are doing is opposing the whole thing in its entirety.

No further discussion

Council President Whiting directed roll call:

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

Resolution 12-71

Resolution Opposing Senate Bill 1452

WHEREAS legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

WHEREAS the governing body of the Township of Clark agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well-established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well-established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS the provisions of S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to lay off municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS while the governing body of the Township of Clark strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Clark, County of Union, and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the State 22nd Legislative District, Senator Nicholas Scutari, Assemblywoman Linda Stender, Assemblyman Jerry Green, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Moved and seconded by Entire Council

Council President Whiting directed roll call:

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

Resolution 12-72

RESOLUTION IN SUPPORT OF PHASED-IN FUNDING RESTORATION

WHEREAS taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

WHEREAS the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State’s diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

WHEREAS consideration of Senate Bill 1900 and its companion Assembly Bill 2921 has been postponed due to a May 15, 2012 Treasury Department announcement that April Tax Collections were below expectations leaving State revenue behind the Treasurer’s February estimates; and

WHEREAS S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

WHEREAS the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

WHEREAS the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

WHEREAS if consideration of these Bills resumes, the restoration of \$66.2 million this year would be a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years would make a big difference in municipalities all around New Jersey; and

WHEREAS the bill would apply the protection of the ‘poison pill’ to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and encourages consideration of this legislation as soon as it is practical to do so; and

BE IT FURTHER RESOLVED that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and

BE IT FINALLY RESOLVED that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Nicholas Scutari, our Assemblyman Jerry Green and Assemblywoman Linda Stender, and to the New Jersey League of Municipalities.

Moved and seconded by Entire Council

Discussion:

John Laezza: Madame President and Members of Council...once again in the last seven/eight years...maybe ten years, the State of New Jersey and various Governors of both political parties have balanced the state budget on the backs of 566 units of government in the State of New Jersey by using the energy receipts that increase every year because of utilization of energy by the public and what energy has to pay to the public and to the state for use of those lines. They probably have accommodated in excess of six hundred and sixty-one million dollars over those last ten years. The League of Municipalities on behalf of local governments; and Councilman Mazzarella and I are on that League Committee on each of these various matters and have requested once again that they restore those revenues to local governments to relieve property taxes. The legislation that we're supporting was basically pulled since the April tax collections in Trenton were down by two hundred and thirty-eight point one million dollars. However, the budget committee is still looking as to how they can restore it over a five year period trying to give us maybe sixty-two million dollars in various communities over the next five years to accommodate the restorations. This money is to go to local governments just for the relief of property taxes and not for any other purposes and so that we are supporting it with the other 565 municipalities.

Council President Whiting directed roll call:

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

Resolution 12-73

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 21st day of May, 2012 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 2012 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 2012 is hereby set at \$55,545,066.89
- 3. In accordance with law the third installment of 2012 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.

Move by Councilman O’Connor, seconded Councilwoman Albanese

Discussion: None

Council President Whiting directed roll call:

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

Resolution 12-74

A RESOLUTION TO AFFIRM THE TOWNSHIP OF CLARK’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS it is the policy of the Township of Clark to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS the governing body of the Township of Clark has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Township of Clark that:

Section 1: No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township’s business or using the facilities or property of the local Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township’s web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township’s commitment to the implementation and enforcement of this policy.

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion: None

Council President Whiting directed roll call:

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

Resolution 12-75

WHEREAS as set forth in the New Jersey Solid Waste Management Act, each municipality is expected to appoint an official representative and an alternate to the Solid Waste Advisory Committee; and

WHEREAS Mayor Bonaccorso made appointment(s) to the Union County Solid Waste Advisory Committee (SWAC) at the Township Reorganization Meeting held January 3, 2012; and

WHEREAS the Union County Solid Waste Advisory Council has requested that the appointments be made by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Mayoral appointments to the Union County Solid Waste Advisory Committee are hereby ratified and effective commencing January 3, 2012 and concluding December 31, 2012:

Official Representative Councilman Brian Toal

Alternate Representative Councilman Frank Mazzarella

Moved by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

Abstain: Toal

Resolution 12-76

WHEREAS a recommendation has been made to adopt minor amendments to the 2012 Pool Rules and Regulations; and

WHEREAS an Open House is scheduled at the pool facility for May 19, 2012.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark acting as the Pool Utility that it hereby approves the recommendations and adopts the Clark Community Pool Rules and Regulations for the 2012 season as amended, effective May 19, 2012.

Moved by Council President Whiting, seconded by Councilman Kazanowski

Discussion: None

Council President Whiting directed roll call:

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

Resolution 12-77

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 12-21; and

WHEREAS the Clark Police Department wishes to purchase and install equipment for Police Utility Vehicles from authorized vendors as follows:

Triangle Communications 2362 Waldheim Avenue Scotch Plains, NJ 07076-2152	NJ State Contract #s: 81331, 81327, 81343 Lighting, cages, installation P.O. #12-01390	Total: \$37,415.76
Blue Line Emergency Lighting P.O. Box 191 Beachwood, NJ 08722	NJ State Contract #81308 Console boxes, computer mounts P.O. #12-01391	Total: \$ 3,747.60
Motorola Solutions, Inc. c/o PierCon Solutions, LLC 63 Beaver Brook Road, S-201 Lincoln Park, NJ 07035	NJ State Contract #53804 Mobile Radios P.O. #12-01392	Total \$ 8,062.40
Mobile Techtronics 1127 Lake Avenue Clark, NJ 07066	No State Contract Installation of mobile radio P.O. #12-01393	Total \$ 900.00

WHEREAS the Business Administrator recommends the utilization of these contracts on the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these contracts in Capital Account # C-04-11-022-000.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Clark Township that it hereby authorizes the purchase and installation of equipment for Police Utility Vehicles as described above.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Discussion: None

Council President Whiting directed roll call:

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

Resolution 12-78

WHEREAS Kerry Ingredients & Flavours, 100 Hollister Road, Teterboro, New Jersey 07608 has requested the release of the Maintenance Bond for Minor Site Improvements at their Terminal Avenue, Clark, New Jersey property in the amount of Five Thousand Dollars (\$5,000.00) held in the form of cash 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 the release of the Maintenance Bond with interest and escrow to Kerry Ingredients & Flavours.

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 the release of the Cash Maintenance Bond with interest earned and accrued and all remaining escrow to Kerry Ingredients & Flavours, 100 Hollister Road, Teterboro, New Jersey 07608.

Moved by Councilman Barr, seconded by Councilman Kazanowski

Discussion: None

Council President Whiting directed roll call:

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

Resolution 12-79

WHEREAS Ginesi Builders Inc. has requested the release of the remainder of the Performance Guarantee for site work at 588 Madison Hill Road in the amount of Fourteen Thousand, Five Hundred, Forty-nine Dollars and Four Cents (\$14,549.04) posted as cash, as described in Resolution 08-152 as adopted on October 20, 2008; 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 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Ginesi Builders Inc. to be Four Thousand, Eight Hundred Forty-nine Dollars and Sixty Eight Cents (\$4,849.68); and

WHEREAS Ginesi Builders Inc. may direct the Township to retain \$4,849.68 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 \$4,849.68 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 Toal, seconded by Councilman Kazanowski

Discussion: None

Council President Whiting directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 12-80

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

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

**CLARK TOWNSHIP
SEWER REFUNDS - 2012**

REF	#	Account #	Name	#	Address	Reason	Refund
12	11R	60-0	Jean & Raymond Peplowski	270	Laurel Lane	overpayment	34.05
12	12R	4859-0	Matthew Jadro	1722A	Westover Rd	overpayment	10.01
12	13R	3090-0	Susan Pavese	67	Westfield Rd	overpayment	848.48

12	14R	2065-0	Anthony Araneo	805	Raritan Rd	overpayment	1,832.50
12	15R	5219-0	Colony Manor	71-81	Broadway	overpayment	484.02
12	16R	1217-0	719 Raritan Rd	719	Raritan Rd	overpayment	592.94
							<u>\$3,802.00</u>

Resolution 12-81

WHEREAS the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

WHEREAS the Business Administrator has reviewed the attached list and approved the sewer fee adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule:

Resolution 12-82

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 refund:

BLOCK	LOT	QUAL	NAME	#	ADDRESS	REFUND	YEAR
165	25.02		Mary Rossi	87	Emerson Road	\$ 741.67	2012
			Refund Amount			\$ 741.67	

Resolution 12-83

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby confirms the appointments of the following members of the Municipal Alliance Committee for 2012:

NAME	TITLE/SECTOR
Ernie Spies	Coordinator
Ron Ferrara	Student Assistance Coordinator /Parent-Teacher Association
Victor DeMarzo	Youth
William Buczynski	Youth
Ralph Bernardo	Senior Citizen
Phyllis Cupo	Senior Citizen

Resolution 12-84

WHEREAS Thomas Faria has requested the release of the Performance Guarantee posted for site work at Featherbed Lane School and Camp, Block 53, Lots 29.02, 31 and 32 in the amount of Thirty Nine Thousand, Seventy Two Dollars and Twenty Four Cents (\$39,072.24); 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 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Thomas Faria to be Four Thousand, Three Hundred Forty One Dollars and Thirty Six Cents (\$4,341.36); and

WHEREAS Thomas Faria has directed the Township to retain \$4,341.36 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

WHEREAS at the end 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 in the amount of \$39,072.24 and retaining the Maintenance Guarantee in the amount of \$4,341.36 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.

Motion to adopt Consent Agenda made by Councilman Toal, seconded by Councilwoman Albanese

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 public portion of the meeting

Seeing no one 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)

Mayor Bonaccorso: Council voted on some equipment for new police cars - new style - Ford has ended the production on Crown Victoria police cars and we went to this new SUV type Ford Interceptor police car. One of the reasons why we picked it #1 we believe it was very comfortable and very safe for our officers who are in them ten and three quarters hours a day. But also this is going to help us to respond during flooding and during snow storms. And after last year, I think that we were all convinced that we had enough of that. They are up a little bit higher which will help us go through certain streets that get flooded here during heavy rains. So maybe in three weeks or so when they are out in the street you are going to take notice and that's what I'm talking about, it's a little bit different than what we have but it's still going to be I think even more efficient to serve the residents of this town.

Again congratulations to all the graduates of the upcoming Class of 2012 this year. From preschool right on up through college...good luck to you all, summer is just right around the corner, the Memorial Day Parade on Monday, I mean that's the kickoff and its here before you know it. So I'm excited myself about seeing some warmer dryer weather and hopefully we will have a nice happy safe summer here in the Township of Clark. Have a good night, thank you very much.

Councilwoman Albanese:

- Civil War 150th Anniversary reenactment. Scott McCabe and the scouts participate as well as the Historical Society in setting up this program - it's really a great event. There's a lot of documentation and history about what it was like to fight in the war and the fellows who are there studied it and they can answer an unbelievable amount of questions. It's just really a great program. Also on Saturday night they are having candlelight tours from 8:30 to 10:00, so that's available and also the program's available Saturday from 10 to 5 and then Sunday from 10 to 3. So I'm hoping that the history

teachers in the schools get all the kids out for this really great program and having the park nearby they do some live reenactments.

- Thank you to the Boy Scouts for all their efforts in what they did and then also congratulation to all the C.E.R.T. members.
- Reminded the students that are graduating if they are 18 to go out to register to vote, it's a pretty excited year because it's a Presidential Election.

Councilman Barr:

- Volunteer Fire Department hose testing. Done twice a year by law and all the hoses are tested under high pressure to make sure that they are ready for any emergencies. Self-Testing saves approximately \$4,500 per year
- Explained discussion process at Council Workshop meetings

Councilman Kazanowski:

- Congratulate Jerry's C.E.R.T.'s team on a job well done
- Thanked the Boy Scouts and Cub Scouts of Cub Pack 145 and Troop 145 for their work at the Clark Pool
- One of my constituents Theresa Loon, documentary director and she is having a documentary show this holiday weekend and it's called "Every day is a Holiday" it's about the memoirs of her father that was a Chinese American that was in the Japanese War Camp during World War II - to be aired on WNET Channel 13 on Sunday, May 27th at 2:30 pm and also again on Channel 21 at WLIW at 5:30 pm on the same date.

Councilman Mazzarella: Reminded residents to please slow down driving through our community. You may have noticed that on occasion you have seen police cruisers at various intersections, you will be ticketed if you speed, so please slow down and be aware of your surroundings and most importantly be aware of the pedestrians and the children because we really don't want to have a fatality, nobody does. So with that have a safe month and see you next month thank you.

Councilman O'Connor:

- Boy Scout Troop 145 will be holding a golf outing on Monday, June 25th at the Bella Vista Country Club in Marlboro, NJ and registration is at 8:00 am, shot gun start 9:00 am. For more information or to register contact Ted McGowan at proconstruction1@aol.com. Thanks for everything that you do for the community
- Thanks to Al Barr for all the work he is doing with the Memorial Day Parade - every year Al does a lot of work planning where the people are going to be in the parade and he puts out all of the invitations and everyone waits to the last minute to get back to him. In fact he has a cut-off date that continually changes and tonight I actually went to him and said "someone got an invitation and they haven't gotten back to you yet, can they still get in" and he said yeah. So Al you put up with a lot with always giving back to the community, so thank you very much for that and again hopefully the parade turns out to be great which I know it will since it is every year, so thank you very much.

Councilman Toal:

- Thanked Jerry Fewkes for work during Hurricane Irene (recounted story) It just shows what you've done and the dedication to this community for the last the last 25 + years. But that love and dedication to the community and what you are teaching these other residents to do to give back to the community and be there at that time of need.
- To Scott and Pack 145 you are teaching the kids how to do it for tomorrow and giving back to the community and that's the most important thing I thank you for, instilling not just the history but how to do the values of being a good citizen and a good Clarkite, the most important thing. Again thank you for everything you do.
- Happy 103rd birthday to Frances Bristol, Frances Bristol has been in this town since the mid 1940's and she is turning 103 this week. She is still active and lives in a house in Clark
- To those we've lost Vincent Flanagan of St. Agnes; Jean Rathain also a 103 from the Osceola Family Church up on Raritan Road near the Winfield Park Dam.
- Be involved and go out to these wonderful functions, Dr. Robinson and other activities in the town, Relay for Life, come out and support the community and be a part of it.

John Laezza: No comments thank you

Captain Scherb: No comments thank you

Scott McCabe: No comments thank you

Township Clerk: Yes just two brief comments...Councilwoman Albanese mentioned about registering the 18 year olds to vote, I have those forms in my office. I can mail them or we can email them however way you want to get them. And also we went over a lot of resolutions quickly but anybody who wants to see them they are up on our website.

Council President Whiting: Relay for Life - June 8th. Please come out and join this wonderful event. It's a great cause and we raise a lot of money. If you are interested in joining us for the night, for the hour or for the day come on by, we can always use help anytime Friday in setting up or breaking down on Saturday.

ADJOURNMENT:

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

Council President Whiting directed roll call:

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

