

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.  
November 21, 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 Regular 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 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 Whiting

Council President Mazzarella directed roll call:

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

Mayor's Proclamation: Pancreatic Cancer Awareness Month

**MAYORAL PROCLAMATION  
"Working together for a cure"**

*Whereas, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States; and*

*Whereas, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and*

*Whereas, the Pancreatic Cancer Action Network is the first and only national patient Advocacy organization that serves the pancreatic cancer community in the Township of Clark, County of Union and nationwide by focusing its efforts on public policy, research funding,*

*patient services, public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and*

*Whereas, the good health and well-being of the residents of Clark, New Jersey, support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and*

*In Witness Whereof, the Mayor of the Township of Clark, County of Union, New Jersey, has hereunto set his hand and seal this 21st day of November, 2011; and*

**BE IT RESOLVED THAT I, Mayor Sal Bonaccorso hereby designate the month of November, 2011 “Pancreatic Cancer Awareness Month” in Clark, New Jersey.**

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

Council President Mazzarella directed roll call:

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

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:** Transcript on file in the Clerk’s office

**REPORT OF COUNCIL COMMITTEES:**  
Transcript on file in the Clerk’s office

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

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

**Ordinance 11-21**

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 2, ARTICLE 7 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CLARK**

Council President Mazzarella opened the Public Hearing on Ordinance 11-21

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

Council President Mazzarella directed roll call:

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

Motion to adopt Ordinance 11-21 made by Councilman Mazzarella, seconded by Councilwoman Albanese

Discussion: None

Council President Mazzarella directed roll call:

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

Ordinance Adopted

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**Ordinance 11-22**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW FOUR-WHEEL DRIVE POLICE UTILITY VEHICLES IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$180,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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**

Council President Mazzarella opened the Public Hearing on Ordinance 11-22

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

Council President Mazzarella directed roll call:

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

Motion to adopt Ordinance 11-22 made by Council President Mazzarella, seconded by Councilman Barr

Discussion:

Mayor Bonaccorso: Yes Mr. President... Captain Scherb's request as he explained to you in the Executive Session, a couple of our four-wheel drive vehicles are very old and he is recommending with the snow and usually snows we have anyhow but the extreme snow and flooding we've been having this will help our PD get to their residents' home, can handle more water height in a way of four-wheel drive is built. So upon his recommendation I thank Council for their support.

Councilman Kazanowski: Mr. President...that's for four vehicles right?

Mayor Bonaccorso: Yes.

Councilman Kazanowski: Okay.

No further discussion

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

Ordinance Adopted

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**Ordinance 11-23**

**AN ORDINANCE TO FIX THE SALARIES OF DEPARTMENT OF PUBLIC WORKS EMPLOYEES (BLUE COLLAR EMPLOYEES) FOR THE YEARS 2010 THROUGH 2015**

Council President Mazzarella opened the Public Hearing on Ordinance 11-23

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

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

Motion to adopt Ordinance 11-23 made by Councilman O'Connor, seconded by Councilwoman Whiting

Discussion:

Councilman Kazanowski: Mr. President...question for the BA...do we have a signed contract with DPW?

John Laezza: We do not.

Councilman Kazanowski: We do not... and how long has it been since we've had negotiation with them?

John Laezza: We've been negotiating with them for the past two years.

Councilman Kazanowski: Is there any reason why we have to proceed with this now without a contract. Maybe we can table this.

John Laezza: Basically I would say that we should adopt the ordinance. Because if and when the contract is adopted in order for us to accommodate where we are going in that area we need an ordinance to authorize a payment with that contract. The concern in the contract is minimal at best. I think the concern was to the 2% salary increase which is reflected in the salary ordinances are in place and they accepted. It's minuscule concerns that we have and I was on the phone with their Union Leader today and he can't understand what their problem is. Other towns are laying off DPW people, we are looking to higher some more but will not do it without a contract.

Mayor Bonaccorso: Money is not the issue and what this will do Rich it will enable us upon their agreement signed will give us the opportunity to hire immediately.

Councilman Kazanowski: So basically at present time the salary guide is not the issue.

Mayor Bonaccorso: Not the issue, no not even close, that's been agreed to for a long time.

Councilman Kazanowski: It's been agreed, okay.

Mayor Bonaccorso: It's another area that's different than salary.

Councilman Kazanowski: I was just concerned because we did do the police salary guide and we did have I believe we had contracts signed at that time. But there were no issues with the salary guide.

Mayor Bonaccorso: No because if there was it wouldn't be prudent for us to ask you to do this because we would have to come back and ask you to change it possibly.

Councilman Kazanowski: Well that's what my question was about.

Mayor Bonaccorso: We're sure about this, it's another area of concern that we are working on. And we do want it because of retirements and injury we would be able to hire a couple of men quickly to help again with the leaves and the snow if that's able to happen.

Councilman Kazanowski: And this salary guide will not go into effect until the contract is signed or negotiated.

John Laezza: Correct.

Councilman Kazanowski: In other words this would be ready to go whenever they sign it...okay...thank you Mr. President.

No further discussion

Council President Mazzarella directed roll call:

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

Ordinance Adopted

**INTRODUCTION OF PROPOSED ORDINANCES:**

Council President directed the Clerk to read the Ordinance by title:

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF FIRE DEPARTMENT COMMAND VEHICLE AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$40,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF CLARK.**

**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 acquire a Fire Department Command Vehicle and any ancillary costs related thereto.

**Section 2.** The sum of \$40,000 is hereby appropriated for the acquisition of a Fire Department Command Vehicle and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as “capital purpose”). Said appropriation shall be funded from the Capital Improvement Fund of the Township of Clark for the payment of the cost of said “capital purpose”.

**Section 3.** Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

**Section 4.** The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

**Section 5.** This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Barr, seconded by Council President Mazzarella

Discussion: None

Council President Mazzarella directed roll call:

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

Public Hearing December 19, 2011

**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 \$430,798.42 for the period ending November 21, 2011, seconded Councilwoman Albanese

Council President Mazzarella directed roll call:

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

**CITIZEN HEARING ON 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.

Jon-Henry Barr, 48 Skyline Dr.: Good evening Council President...I just wanted to address the Council on the very first item that was on the agenda, of course the recognition of Pancreatic Cancer. As everyone knows I lost my Father last month to Pancreatic Cancer. There are a lot of things that the government spends money on and Cancer research is one of them. One of the things that the Pancreatic Cancer Action Network has been trying to do is to give Pancreatic Cancer a proportionally fair amount of funding. It is not as well funded as other Cancers but it is the deadliest and it has a significantly large number of victims. It is very thoughtful and very kind of the Council to recognize Pancreatic Cancer and to join in the effort to see to it that Pancreatic Cancer is funded as well as the other Cancers that we are all trying to conquer. It's been a very emotional time...my Father as was pointed out did come to Council meetings and was very appreciative of the efforts that were being done in order to conquer Pancreatic Cancer. But I wanted to take the opportunity to thank the Council, the Mayor and the Clerk for doing this tonight. I don't want anyone to think that it's not considered and it's not really thought about, it's a very touching and a very important thing to do and knowing that there is a lot of other things you could be doing it's appreciated and I wanted to say thank you.

Marge Berson, 7 Winters Court: Good evening how are you. I have two questions on the resolutions that you are going to be discussing. The first was the cable television deregulation. What exactly is that?

John Laezza: Through legislation (tape inaudible) wisdom is trying to give Comcast and Verizon the opportunity to not pay local governments there proportional share of the revenue earned from the citizens. They also want the opportunity to take back our public television or have all municipalities pay for public television. It's now a free service that is given to each municipality, each of our Library and our Police Department get free internet at least one system. There's legislation there that would take that away, this is a support of legislation to make sure that the Governing Body knows that Governing Bodies are against what they have in this legislation, keeps what we have in place.

Marge Berson: Thank you. I'm curious about Verizon in Clark. I've been after Verizon to get FIOS in to our area for a couple of years now and they seem not very interested in doing that. Is there anything that we can do?

John Laezza: Basically Verizon has indicated that there's not sufficient request by the citizens of Clark for Verizon to come in. It's not sufficient to make it profitable for them is #1, #2 we told them if they want to come in they would have to do the same thing that they've done to Cranford and other communities and give us the ability to record TV 36 on Verizon cable and connect it and they do not want to do that. So we get cable from Comcast, Comcast seems to serve us well

and so that's Verizon's call. They will tell you on the telephone we don't want them, they won't tell you on the phone that they don't want to be cooperative with the township.

Marge Berson: Thank you. And the other question I'm not sure that it's relevant to this Developer's Agreement with 10 Westfield the 7-Eleven. This was discussed before and it's... I just wanted to know if the hours of operation are established in perpetuity for them coming in here because it seems like they had very long hours, I don't know if that's tied to the agreement or if it's something that the township can change if we don't like what's going on down there late at night.

John Laezza: Basically the hours of operation conform to the hours of operation of Dunkin Donuts, conform to the hours of operation for 7-Eleven and conform to the hours of operation for Shop Rite. Basically there's are two hours less than each of those stores. They will be open for cleaning up and for restocking their shelves but not for business, so they are a 22 hour opening rather than a 24 that the other stores have. But that was approved by the Planning Board, this accommodates that.

Marge Berson: Okay thank you.

Doug Ritter, 40 Tudor Dr.: Simple questions with the 7-Eleven...where was BL 105 L5?

John Laezza: It's on Westfield Avenue at the traffic light just before the Rahway line.

Mayor Bonaccorso: Next to Town Hardware.

Doug Ritter: And I see that you are going to approve funds for some Capital Road Improvements and I had asked a couple of months ago about Westfield Avenue between Raritan Road around Featherbed Lane back over to Raritan Road. Is that part of the plans of being repaved?

John Laezza: That's not part of this one, we have gone out for bid for that and that part will be paved and it will probably be done in the spring time.

Doug Ritter: Okay thank you.

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

Council President Mazzarella directed roll call:

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

**RESOLUTIONS:**

**Resolution 11-153**

**RESOLUTION SUPPORTING S-3062,**

**"Telecommunications-Cable Television Deregulation Ensuring Consumer Protection Act"**

**WHEREAS** at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

**WHEREAS** all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

**WHEREAS** Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

**WHEREAS** existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

**WHEREAS** recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and,

**WHEREAS** in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities,

**NOW, THEREFORE, BE IT RESOLVED** video franchise related revenue and benefits must not be reduced by the State, and

**BE IT FURTHER RESOLVED**, the Governing Body of the Township of Clark supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to [Senator Bob Smith](#), the primary sponsor of S-3062, the members of the [Senate Economic Growth Committee](#), [the Senate Leadership](#); Senator Nicholas Scutari, Assemblyman Jerry Green and Assemblywoman Linda Stender; the [Governor](#) of the State of New Jersey; and the [New Jersey State League of Municipalities](#).

Moved and seconded by Entire Council

Discussion: None

Council President Mazzarella directed roll call:

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

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**Resolution 11-154**

**AUTHORIZING PARTICIPATION IN THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM ACT OF THE STATE OF NEW JERSEY FOR LOCAL PRESCRIPTION DRUG COVERAGE**

**BE IT RESOLVED:**

1. the Township of Clark a participating employer in the Health Benefits Program, hereby elects to participate in the Local Prescription Drug Program provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer we will remit to the State Treasury all premiums on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulation duly promulgated thereunder.
3. We hereby appoint the Chief Financial Officer to act as Certifying Officer in the administration of this program.
4. This resolution shall take effect immediately and coverage shall be effective as of December 1, 2011 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

**BE IT FURTHER RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that a certified copy of this Resolution be forwarded to State of New Jersey, Department of the Treasury, Division of Pensions and Benefits Program, CN 299 Trenton, New Jersey 08625-0299.

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion:

Councilman Kazanowski: Mr. President...Mr. Laezza can you give a brief description of what this is because unfortunately I was not here at the Executive Session if this was discussed then.

John Laezza: Councilman, Council President and Members of Council...each year it is my responsibility to make sure that we get proper coverage for our Health Benefits Program for our employees at the most reasonable price. The State Health Benefits Prescription Plan is a substantial savings from the present Bollinger Plan that we have. As an example, a single person under the Bollinger Plan costs us four hundred and twenty-nine dollars a month per person, the State Health Benefits Plan will cost us one hundred and seventy dollars a month, the other plans will not be that dramatic, however, in putting this plan together the township will save about seventy thousand dollars in Prescription Health Benefits.

Councilman Kazanowski: And what about the eligibility of different prescriptions? Are they the same as we have presently?

John Laezza: The exact same thing that you presently have. It would be \$3.00 for generic and \$10.00 for brand, right now \$5.00 and \$15.00.

Councilman Kazanowski: So in other words whatever the municipal people are having now as prescriptions that wouldn't change, they would not be restricted.

John Laezza: Correct.

Councilman Kazanowski: And also with the payment I believe we pay Trenton for the premiums?

John Laezza: Yes.

Councilman Kazanowski: And they would take care of payment to the...

John Laezza: Same plan that you have. You don't have to take any money out of your pocket other than the \$3.00 and \$10.00.

Councilman Kazanowski: Right...because I know in our bill list we do have several places where we have to reimburse I guess the retirees for...

John Laezza: Well with that there are some retirees that did not get the money taken out of their pensions #1 and #2 if a retiree is over 65 and is on the Medicare Program, since we insist that they be on that program, the courts have indicated that because we insist that they have to go to Medicare and that reduces our premium for the State, the courts have held that it's our responsibility to reimburse them for what they take out of their Medicare, so that's what you see there.

Councilman Kazanowski: And has there be any notice to the (tape inaudible) and file about this or...

John Laezza: They have all gotten notifications.

Councilman Kazanowski: They all got notification of this and we have no complaints from them.

John Laezza: Well if we do we're not because their contract says we can give them anything that's substantially equivalent and this is the same thing.

Councilman Kazanowski: But as long as we don't take anything away from them.

John Laezza: Substantially equivalent is the term that the attorney's use and that's the term I'll use with you.

Councilman Kazanowski: Okay thank you.

Council President Mazzarella: This is an additional benefit Councilman because it is a lesser copay, is that true Mr. Laezza?

John Laezza: Yes, it's \$3.00 and \$10.00 instead of 5 and 15.

Councilman Kazanowski: So it's a benefit, a lesser copay, okay.

No further discussion

Council President Mazzarella directed roll call:

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

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**Resolution 11-155**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and/or Business Administrator to execute a Developer's Agreement with 10 Westfield, Limited Liability Company, Block 105, Lot 5, Clark, New Jersey 07066 to be occupied by a Seven Eleven Convenience Store d/b/a 7/11.

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

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**Resolution 11-156**

**WHEREAS** the Governing Body of the Township of Clark advertised for bids on October 20, 2011 for the 2011 Capital Roadway Improvement Program – Municipal Parking Lot Expansion – Sewer Improvements; and

**WHEREAS** eight (8) bid proposals were received on November 9, 2011 at 10:00 am in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were Stilo Paving & Excavating in the amount of \$82,200.15, Rock Solid Construction, Inc. in the amount of \$86,065.00 and Jo-Med Contracting Corp. in the amount of \$99,216.00; and

**WHEREAS** Stilo Paving & Excavating, 2907 South Clinton Avenue, South Plainfield, NJ, 07080 submitted the lowest proposal in the amount of \$82,200.15 which meets the needs of the Township as specified by the Township Engineer; and

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

**WHEREAS** the Township Engineer has presented written approval for the award of the bid to Stilo Paving & Excavating.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to Stilo Paving & Excavating in the amount of \$82,200.15; and

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

Moved by Council President Mazzarella, seconded by Councilwoman Albanese

Discussion: None

Council President Mazzarella directed roll call:

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

**Resolution 11-157**

**WHEREAS** Langan Engineering, on behalf of The Tomarc Company, has requested partial release of the Performance Guarantee for site work at 77 Central Avenue; and

**WHEREAS** the Performance Guarantee was previously reduced by Nine Hundred Thirteen Thousand, Sixty Seven Dollars and Forty Cents (\$913,067.40), representing completed work, the remaining Guarantee of Three Hundred Ninety One Thousand, Three Hundred Fourteen Dollars and Sixty Cents (\$391,314.60) is held as a cash deposit; and

**WHEREAS** the Township will retain on deposit Performance Guarantees in the amount of One Hundred Thirty Thousand, Four Hundred Thirty Eight Dollars and Twenty Cents (\$130,438.20) which the Township Engineer has determined to be sufficient to guarantee full performance and installation of all requisite improvements; and

**WHEREAS** the Township Engineer has recommended the reduction of the Performance Guarantee in the amount of Two Hundred Sixty Thousand, Eight Hundred Seventy Six Dollars and Forty Cents (\$260,876.40) and the retention of performance guarantees in the amount of One Hundred Thirty Thousand, Four Hundred Thirty Eight Dollars and Twenty Cents (\$130,438.20) which represents the original ten percent cash bond

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize a partial release of performance guarantees in the amount of \$260,876.40 to The Tomarc Company with the retention of performance guarantees in the amount of \$130,438.20 to guarantee the complete installation and construction of all improvements, said remaining performance guarantees to be released only upon final completion and approval by the Township Engineer together with posting of the requisite maintenance guarantee.

Moved by Councilman O'Connor, seconded by Councilwoman Whiting

Discussion: None

Council President Mazzarella directed roll call:

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

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 11-158**

**BE IT RESOLVED** the Township Council of the Township of Clark does hereby approve the Meeting Calendar for the Year 2012 outlined below.

**CLARK MUNICIPAL COUNCIL 2012 MEETING DATES  
Reorganization Meeting January 2, 2012  
315 Westfield Ave. - 7:00 PM**

**WORKSHOP MEETINGS 7:30 P.M**

430 Westfield Avenue  
Room 30

January 3 (Tuesday) \*  
February 6  
March 5  
April 2  
May 7  
June 4  
July 16 (7:00 p.m.)\*  
August 20 (7:00 p.m.)\*  
September 4 (Tuesday)  
October 1  
November 7 (Wednesday)  
December 3

**PUBLIC MEETINGS 7:30 P.M.**

315 Westfield Avenue  
Council Chambers

January 3 (Tues. - Reorg - 7:00pm)  
January 17 (Tuesday)  
February 21 (Tuesday)  
March 19  
April 16  
May 21  
June 18  
July 16  
August 20  
September 17  
October 15  
November 19  
December 17

\* Council Chambers, 315 Westfield Ave.

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**Resolution 11-159**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and Visiting Nurse and Health Service (VNHS) in the amount not to exceed \$3,170.00 for the period commencing January 1, 2012 and terminating on December 31, 2012, pending the approval of the 2012 Municipal Budget.

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**Resolution 11-160**

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2011 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make the following refunds:

TAX  
REFUNDS  
2011

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>#</b>	<b>ADDRESS</b>	<b>REFUND</b>
38.04	3	Kovatch, Lisa	198	Jupiter Street Clark, NJ 07066	2,597.45
93	7	Benson, Eric	14	Broadway Clark, NJ 07066	2,061.23
Total Refunds					\$4,658.68

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**Resolution 11-161**

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2011 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 - 2011**

REF	#	Account #	Name	#	Address	Reason	Refund
11R	29	4299-0	N D Laria	220	East Lane	overpayment	\$112.50
11R	30	1142-0	Thomas Scalea	67	Tudor Drive	overpayment	\$112.50
11R	31	130-0	Salvatore Fioravante	33	Limoli Lane	overpayment	\$112.50
11R	32	589-0	Manuel & Maria Lojo	118	Hillcrest Dr.	overpayment	\$173.73
							\$511.23

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**Resolution 11-162**

**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:

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**Resolution 11-163**

**WHEREAS** the Clark Special Events Committee in conjunction with the Department of Recreation desire to conduct a Community Bonfire; and

**WHEREAS** the Township has received a Certificate of Insurance for this activity under the Township's Community Insurance Policy along with the required consent and approvals of the Board of Education, Fire Department and Police Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the

supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School Girls' Softball Field on Wednesday, November 23, 2011 at 6:00 pm.

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

Council President Mazzearella directed roll call:

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

**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.

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

Council President Mazzearella directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Transcript on file in the Clerk's office

**ADJOURNMENT:**

Motion to adjourn was made by Councilman Kazanowski, seconded by Councilwoman Whiting

Council President Mazzearella directed roll call:

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