

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
October 17, 2011

ROLL CALL:

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

Absent: Barr, 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 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 Councilman O'Connor

Council President Mazzarella directed roll call:

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

Presentation: Congratulating the Clark Public Library and its Board of Trustees on the 50th Anniversary of the opening of the Public Library

Resolution 11-143

WHEREAS the Mayor and the Entire Council of the Township of Clark is privileged to congratulate the Clark Public Library on the 50th Anniversary of its opening; and

WHEREAS the Township of Clark, although established in 1864 did not have its own Public Library until nearly 100 years later; and

WHEREAS a referendum was passed on November 8, 1960 to establish a public library and opened on November 6, 1961 in a small rented store at 17 Lincoln Boulevard; and

WHEREAS the library expanded rapidly and moved in April 1963 to larger quarters at 1069 Raritan Road; and moved again in August 1966 to its present facility at 303 Westfield Avenue; and

WHEREAS the library broke ground in 2005 to expand the current facility from 10,000 square feet to 20,000 square feet and reopened in 2006 with significant technological upgrades including, a computer training lab, meeting and study rooms and a dedicated teen area; and

WHEREAS the library today owns over 100,000 volumes, over 35 computers available to the public, free Wi-Fi access and remote access to the library’s collection; and

WHEREAS the library offers free cultural and educational programs to citizens of all ages and has become a favored community gathering space; and

WHEREAS the Clark Public Library has continued to expand and improve its services to all citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Clark do hereby wish to congratulate the Clark Public Library and its Board of Trustees on the 50th Anniversary of the opening of a Public Library in Clark Township.

Moved and seconded by the Entire Council

Council President Mazzarella directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

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

Council President Mazzarella directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP

OFFICERS: Transcript available in the Clerk’s office

REPORTS OF COUNCIL COMMITTEES:

Transcript available in the Clerk’s office

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 11-18

AN ORDINANCE TO SUPPLEMENT ORDINANCE NO. 11-14 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CLARK ENTITLED 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”

Council President Mazzarella opened the Public Hearing on Ordinance 11-18

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, Kazanowski, O'Connor, Toal, Mazzarella

Motion to adopt Ordinance 11-18 made by Council President Mazzarella, seconded by Councilman O'Connor

Discussion: None

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

Ordinance Adopted

Ordinance 11-19

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX THE SALARIES OF POLICE PERSONNEL FOR THE YEARS 2010 THROUGH 2014

Council President opened the Public Hearing on Ordinance 11-19

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

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

Motion to adopt Ordinance 11-19 made by Councilman O'Connor, seconded by Council President Mazzarella

Discussion: None

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

Ordinance Adopted

Ordinance 11-20

AN ORDINANCE ENTITLED AN ORDINANCE TO SIX MINIMUM AND MAXIMUM SALARIES

Council President Mazzearella opened the Public Hearing on Ordinance 11-20

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

Council President Mazzearella directed roll call:
Aye: Albanese, Kazanowski, O'Connor, Toal, Mazzearella

Motion to adopt Ordinance made by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Mazzearella directed roll call:
Aye: Albanese, Kazanowski, O'Connor, Toal, Mazzearella

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

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

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 2, Article 7 of the Revised General Ordinances of the Township of Clark shall be amended and supplemented, as follows:

SECTION 1: **Section 2-18.5** entitled "Powers and Duties" is amended and supplemented to read as follows: It shall be the duty of every member of the Fire Department to observe and enforce all laws, ordinances and department standard operating guidelines pertaining to his/her duty as a Fire Fighter. The Fire Fighter shall, under the supervision of the Director of Public Safety, be authorized and empowered, and it shall be his/her duty to perform all acts and things required by General Law, ordinances of the Township, and departmental standard operating guidelines of the Fire Department.

SECTION 2: **Section 2:18-7** entitled "Election of Officers" is amended and supplemented to read as follows: The Fire Department shall elect every two years from the resident members in good standing the Fire Chief, Assistant Fire Chief, three Deputy Chiefs, First and Second Captains, and First and Second Lieutenants. The foregoing officers shall all be residents of the Township of Clark during the duration of their appointment. In the event an officer elects, pursuant to the provisions of this paragraph, to relocate his/her residence from the Township of Clark, the rank of said officer shall be forfeited and he/she shall be reduced in rank to that of a Fire Fighter provided, however, that the member's new residence is within three (3) miles of the Clark Township municipal border. The biennial election shall be held during the month of November of every other year commencing December 19, 1967. The term of

office shall be from January 1 through December 31 of the next succeeding year. Officers shall be installed by the Township Clerk at the governing body's first regular monthly meeting in January of each year.

SECTION 3: Section 2-18.8 entitled "Fire Chief: Command Authority, Responsibilities, Sub-Section (b)(6) is revoked and deleted in its entirety.

SECTION 4: Section 2-18.13 entitled "General Provisions" is supplemented so as to provide in Section C: Any member who has served one year and has completed his/her requirements as a probationary Fire Fighter may move his/her residence from the jurisdiction limits of the Township of Clark with the prior approval of the Fire Chief, provided, however, that the member's new residence shall not be more than three (3) miles distance from the jurisdiction limits of the Township of Clark. Any member who has relocated his/her residence beyond the geographical limits provided for hereinabove shall be determined to have resigned as a member of the Clark Voluntary Fire Department.

Section 5: Section 2-18.4 is deleted in its entirety and shall be superseded by the provisions of N.J.S.A. 43:12-28.1, et seq in all particulars.

Section 6: All ordinances or any parts thereof inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 7: This ordinance shall take effect upon adoption and publication according to law.

Moved by Council President Mazzarella, seconded by Councilwoman Albanese

Discussion: None

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

Public Hearing on November 21, 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 \$257,160.31 for the period ending October 13, 2011, seconded by Councilwoman Albanese

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

Council President Mazzarella opened the Citizens Hearing on the Agenda

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

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

RESOLUTIONS:

Resolution 11-144

WHEREAS Mayor Sal Bonaccorso has appointed the following individual as a Member of the Library Board of Trustees.

Lisa Dunn 10/17/11 – 12/31/14
(filling the unexpired term of William Duffy)

WHEREAS this appointment requires the advice and consent of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby confirms the appointment of Lisa Dunn to the Library Board of Trustees whose term commences this 17th day of October 2011.

Moved by Councilwoman Albanese, seconded by Council President Mazzarella

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

Resolution 11-145

WHEREAS the Governing Body of the Township of Clark advertised for bids on August 25, 2011 for the 2011 Capital Roadway Improvement Program (Westfield Avenue/Old Raritan Road/Featherbed Lane); and

WHEREAS five (5) bid proposals were received on September 14, 2011 at 10:00 a.m. in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were S. Brothers Inc. in the amount of \$247,807.53, Black Rock Enterprise Inc. in the amount of \$255,289.95 and J.A Alexander Inc. in the amount of \$268,181.46; and

WHEREAS S. Brothers Inc., PO Box 317, South River, NJ submitted the lowest responsible bid in the amount of Two Hundred Forty Seven Thousand, Eight Hundred Seven Dollars and Fifty-Three Cents (\$247,807.53) 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 in Ordinance 11-12 as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS the Township Engineer has reviewed all the documents required by the bid specifications and recommends award of contract to S. Brothers of South River, New Jersey in the amount of \$247,807.53.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers Inc. in the amount of \$247,807.53 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Toal, seconded by Councilman O’Connor

Council President Mazzarella directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

Resolution 11-146

WHEREAS the Governing Body of the Township of Clark advertised for bids on August 25, 2011 for the 2011 Capital Roadway Improvement Program (Ivy Street., Joseph St., Acken Dr.); and

WHEREAS five (5) bid proposals were received on September 14, 2011 at 10:00 a.m. in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were S. Brothers Inc. in the amount of \$418,078.19, Black Rock Enterprise Inc. in the amount of \$422,102.85 and J.A Alexander Inc. in the amount of \$436,486.29; and

WHEREAS S. Brothers Inc., PO Box 317, South River, NJ submitted the lowest responsible bid in the amount of Four Hundred Eighteen Thousand, Seventy-Eight Dollars and Nineteen Cents (\$418,078.19) 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 in Ordinance 11-12 as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS the Township Engineer has reviewed all the documents required by the bid specifications and recommends award of contract to S. Brothers of South River, New Jersey in the amount of \$418,078.19.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers Inc. in the amount of \$418,078.19 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Toal, seconded by Councilman Kazanowski

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

CONSENT AGENDA RESOLUTIONS:

Resolution 11-147

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	20	1638-0	Robert Wills	22	State Street	overpayment	\$ 13.00
11R	21	1251-0	Paul Firetto	133	Thomas Drive	overpayment	\$ 112.50
11R	22	3755-0	Blanche Mandell	11	Prospect Street	overpayment	\$ 12.50
11R	23	920-0	Salvatore Malfatto	3	Bienko Court	overpayment	\$ 12.50
11R	24	4227-0	Howard Muringer	362	West Lane	overpayment	\$ 112.50
11R	25	965-0	Edward Matthews	51	Briarwood Path	overpayment	\$ 22.50
11R	26	1473-0	Daniel Orenberg	118	Jupiter Street	overpayment	\$ 112.50
11R	27	988-0	Joan Spanarkel	90	Sweet Briar Dr.	overpayment	\$ 112.50
11R	28	5122-0	M Kurzawski	23	Alice Lane	overpayment	\$ 86.04
							\$ 596.54

Resolution 11-148

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 following schedule:

**SEWER BILLING ADJUSTMENT
2011
CLARK
TOWNSHIP**

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit
11	52	1892-0	Margo Gottfried	12	Kenneth Pl.	water co error	1460.84	225.00	\$1235.84
11	53	304-0	Sandra Hernandez	196	Hawthorne Dr.	2010 usage	1915.00	313.12	<u>\$1601.88</u>
								\$2837.72	

Resolution 11-149

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 refund:

<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Name</u>	<u>Address</u>	<u>Refund</u>
131.01	2.01	Co004	Bryan Young	4 Cellar Ave. Clark, NJ	\$1,351.97

Resolution 11-150

WHEREAS the Township of Clark has resolved to join the New Jersey Municipal Self Insurers' Joint Insurance Fund ("NJMSIJIF") following a detailed analysis; and

WHEREAS the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township of Clark does hereby appoint Amalgamated General Agencies as its Risk Management Consultant in accordance with the Fund's Bylaws; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator and Township Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement effective 01/01/12 to 12/31/12 annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

Resolution 11-151

WHEREAS the Township of Clark is desirous to contract with the Clark Board of Education for Solid Waste Collection; and

WHEREAS the Clark Board of Education is willing to accept such agreement.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Mayor and/or Business Administrator to execute an Interlocal Services Agreement with the Clark Board of Education for Solid Waste Collection.

BE IT FURTHER RESOLVED that a duly executed copy of this Resolution be forwarded to the Clark Board of Education.

Motion to Adopt the Consent Agenda made by Councilman O’Connor, seconded by Council President Mazzarella

Council President directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

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.

Joseph Pubchara, 70 Sweetbriar Dr.: Two questions; 1. regarding Risk Management 2. CFO Transcript available in the Clerk’s office

Mayor Bonaccorso: Transcript of Mayor’s response available in the Clerk’s office

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

Council President Mazzarella directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Transcript available in the Clerk’s office

ADJOURNMENT:

Motion to adjourn meeting made by Councilman Toal, seconded by Councilman Kazanowski

Council President Mazzarella directed roll call:
Aye: Albanese, Kazanowski, O’Connor, Toal, Mazzarella

