

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
September 19, 2011

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, filling in for 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 was made by Councilman Kazanowski, seconded by Councilwoman Whiting

Swearing in new Police Officers

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

Mayor Bonaccorso swore in: Patrolman Pedro Oliveira, Patrolman Kenneth Gaulette and Sergio Henriques. (Complete transcript available in the Clerk's office)

Motion to recess made by Councilman Kazanowski, seconded by Councilman Barr

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

Motion to Resume the Regular Order of Business made by Councilman Kazanowski, seconded by Councilman O'Connor

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP

OFFICERS: (Complete transcript available in the Clerk’s office)

Mayor Bonaccorso:

1. Hurricane Irene; thank all emergency services, staff and volunteers
2. Last month for branch clean-up
3. Last month for Bulky clean-up until January weather permitting
4. Leaf clean-up will start on October 24th
5. Music Feast; thanked Union County for a successful weekend
6. Madison Hill Road is opened as of tonight about 6:00 pm
7. Fox incident in the 3rd Ward

Township Clerk: Police and Fire reports; on file and open to the public

REPORT OF COUNCIL COMMITTEES:

(Complete transcript available in the Clerk’s office)

Councilman Barr: Fire Department activity during Hurricane Irene

Councilman Kazanowski: No report

Councilman O’Connor: FEMA disaster assistance; register at 1-800 621-FEMA or 3362

Councilman Toal:

1. Hurricane Irene; Thanked Fire Department and Emergency management
2. Miele’s Farm; Planning Board October 20th at ALJ 7:30 pm
3. Jason’s Friends Foundation Inc., Annual Motorcycle Run and Car Show, September 25, 2011

Councilwoman Whiting:

1. Recreation; new and returning fall and winter programs; www.ourclark.com or 732-428-8400
2. UNICO Italian Feast; 7th, 8th and 9th of October
3. CERT; Office of Emergency Management Jerry Fewkes is looking to run another fall Program

Council President Mazzarella: On behalf of the council extended appreciation for the efforts of all the volunteers and emergency services provided during the Hurricane

Mayor Bonaccorso: Council President may I please...I’m sorry, shame on me and forgive me with members here. Jerry also on the thank you’s go to your CERT volunteers, I know council of course knows but sometimes citizens see us here from time to time bringing new CERT members up who went through the program for this type of purpose during this kind of storm, one of them a friend here Joe Pubchara was there up at Brewer...Joe I don’t know how many hours you spent there but I probably can’t count that high, I mean every time I turned around you were there and trying your hand at cooking in there and feeding the people over in the Red Cross Shelter along with other of your teammates. So thanks again to you and all, that was just a great job by the CERT people and I beg your pardon for not putting you in the first time, so thank you.

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

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

Ordinance 11-17

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF FIRE DEPARTMENT EQUIPMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$25,700 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

Council President Mazzarella opens the Public Hearing on Ordinance 11-17

Seeing no one coming forward Councilman Kazanowski made a motion to close the Public Hearing, seconded by Councilman O'Connor

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

A motion to adopt Ordinance 11-17 was made by Councilman Barr, seconded by Councilwoman Whiting

Discussion: None

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

INTRODUCTION OF PROPOSED ORDINANCES:

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

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"

BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance 11-14 is hereby supplemented as follows:

SECTION 1: **Creation of Position:**

There is hereby created within the Department of Police the position of **Chief of Police**, who shall be appointed by the Mayor.

SECTION 2: **Powers and Duties:**

The Chief of Police shall be the Chief Operating Officer of the Police Department and his powers and duties shall be as follows:

- a. The Chief of Police or, in case of the Chief’s illness or absence, the officer next in the chain of command shall exercise control over the Department, its members and property, subject to the order of the Director of Police.
- b. The Chief’s entire time shall be devoted to the duties of the office. The Chief shall issue orders and instructions to the members of the Police Department and shall designate the day and night hours of duty of the members of the Department and assign the members thereto to the hours of duty so designated and shall make such reports in writing to the Director of Police, as he/she may require. The Chief shall have the power to suspend from duty any members of the Police Department upon charges preferred by the Director or third parties. The Chief shall report every such suspension to the Director of Police within 24 hours after it is made.
- c. The Chief of Police shall be directly responsible to the Director of Police as the Appropriate Authority for the efficiency and routine day to day operations thereof, pursuant to policies established by the appropriate authority under N.J.S.A. 40A:14-118.
- d. The Chief of Police shall be responsible for implementing the rules and regulations adopted and promulgated by the Appropriate Authority for the governing of the Police Department and for the discipline of its members.
- e. Subject to the direction of the Director, the Chief of Police shall enforce the rules and regulations for the contractual disposition and discipline of the department and for officers and employees.
- f. The Chief of Police, subject to the direction of the Director, shall maintain jurisdiction and control over the special police in their respective duties and responsibilities, and he may prescribe, administer, and enforce the rules of the department, if they pertain to the special police.
- g. It shall be the duty of the Chief of Police to cause the public peace to be preserved. The Chief of Police shall, whenever any violation of the laws of this State or of the ordinances of this Township shall come to

his/her knowledge, cause the requisite complaint to be made and see that evidence is procured for the prosecution of the offender. The Chief of Police shall obey the Police rules and shall, in subordination to the Director, in case of tumult, riot, emergency, insurrection or threatening's thereof take command in person of the policy and direct all Police operations. The Chief of Police shall attend at the Police Headquarters at such times as may be prescribed by the Director and he/she shall keep and make all such records and reports as may be required by the Director. The Chief of Police shall obey the direction of the Director and the rules, regulations and ordinances of the Township Council. The Chief of Police shall be responsible for the efficiency, conduct and good order of the Department and shall promptly report to the Director, in writing, all complaints made to him/her concerning policing.

- h. The Chief of Police shall promulgate and assign such duties as in his/her discretion are deemed necessary for subordinate personnel and such personnel shall perform such duties under the direction of the Chief of Police. (1990 Code § 2-13A/12)

SECTION 3: **Effective Date**

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

SECTION 4: **Inconsistent Ordinance**

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

Moved by Councilwoman Whiting, seconded by Councilman O'Connor

Discussion:

John Laezza: Council President and Members of Council basically when we repealed the ordinance two months ago we neglected to include a Chief of the Police Department so we are amending that prior ordinance setting up a Chief.

No further discussion

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

Public Hearing October 17, 2011

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

BE IT ORDAINED said ordinance reflects the changes in salaries paid to certain police personnel in accordance with Union Contracts adopted for the years 2010 through 2014; and

BE IT FURTHER ORDAINED all police personnel hired prior to January 1, 2006 are at Step 8 on the following wage scale; and

BE IT FURTHER ORDAINED the new pay scale for all police personnel hired after January 1, 2006 will be on the following wage scale:

| | <u>2010</u> | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|---------|-------------|-------------|-------------|-------------|-------------|
| Academy | \$25,000 | | | | |
| Step 1* | \$33,000 | | | | |
| Step 2 | \$40,064 | \$41,014 | \$44,014 | \$47,514 | \$48,464 |
| Step 3 | \$47,596 | \$48,546 | \$51,546 | \$55,046 | \$56,147 |
| Step 4 | \$55,128 | \$56,078 | \$59,078 | \$62,578 | \$63,830 |
| Step 5 | \$62,660 | \$63,610 | \$66,610 | \$70,110 | \$71,512 |
| Step 6 | \$70,192 | \$71,142 | \$74,142 | \$77,642 | \$79,195 |
| Step 7 | \$77,724 | \$78,674 | \$81,674 | \$85,174 | \$86,877 |
| Step 8 | \$85,258 | \$87,913 | \$92,671 | \$98,025 | \$99,985 |

2012 add longevity and college to base as set forth in contract
 2012 includes \$3,000 for the buyback of 6 Holidays included in base.
 2013 includes \$3,500 for the buyback of 7 Holidays included in base.

*Step 1 – shall be the salary for one (1) year following completion of the Academy and each step thereafter shall be for a period of one (1) year.

| | <u>2010</u> | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|-----------|-------------|-------------|-------------|-------------|-------------|
| Sergeants | \$93,505 | \$95,375 | \$103,792 | \$109,788 | \$111,983 |

Lieutenants \$99,810 \$101806 \$111,205 \$117,630 \$119,982

2012 and forward Sergeants salary is 12% above top grade Police Officer
 2012 and forward Lieutenants salary is 20% above top grade Police Officer
 2012 add longevity and college to base as set forth in contract

Detectives * \$1,500 \$1,500 \$1,500 \$1,500 \$1,500

* To be paid to all Police Officers regardless of rank while assigned Detective Duties, in addition to their Annual Salary.

The wage scale for all Police Officers hired after September 2, 2011 shall be as follows:

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|------------|-------------|-------------|-------------|-------------|
| First year | \$41,950 | \$44,950 | \$48,450 | \$49,919 |
| Step 1 | \$45,450 | \$48,450 | \$51,950 | \$52,989 |
| Step 2 | \$48,950 | \$51,950 | \$55,450 | \$56,559 |
| Step 3 | \$52,450 | \$55,450 | \$58,950 | \$60,129 |
| Step 4 | \$55,950 | \$58,950 | \$62,450 | \$63,699 |
| Step 5 | \$59,450 | \$62,450 | \$65,950 | \$67,269 |
| Step 6 | \$62,950 | \$65,950 | \$69,450 | \$70,839 |
| Step 7 | \$66,450 | \$69,450 | \$72,950 | \$74,409 |
| Step 8 | \$69,950 | \$72,950 | \$76,450 | \$77,979 |
| Step 9 | \$73,450 | \$76,450 | \$79,950 | \$81,549 |
| Step 10 | \$76,950 | \$79,950 | \$83,450 | \$85,119 |
| Step 11 | \$80,450 | \$83,450 | \$86,950 | \$88,689 |
| Step 12 | \$83,950 | \$86,950 | \$90,450 | \$92,259 |
| Step 13 | \$87,450 | \$90,450 | \$93,950 | \$99,985 |

Steps achieved on anniversary date of hire
 2012 includes \$3000 Holiday pay buyback for 6 days

2013 includes \$3,500 Holiday pay buyback for 7 days
2012 add longevity and college to base as set forth in contract
Sergeants equal 12% above salary step Police Officer holds upon promotion for each subsequent year.
Lieutenants equal 20% above salary step Police Officer holds upon promotion for each subsequent year.

The bi-weekly pay plan established for employees covered by this agreement which will normally produce 26 pays per year or 27 pays in the year in which 27 pay periods occur shall be maintained.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilman O'Connor, seconded by Council President Mazzarella

Discussion:

John Laezza: Council President and Members of Council...this ordinance we finally completed our negotiations with the police department. We have a memorandum of agreement written, this is the salary structure that accommodates that memorandum of agreement. The contract is in the hands of attorneys and they take a while to write. And so this is an introduction of an ordinance for their salaries so that we can pay them properly according to state law.

No further discussion

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

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 \$214,131.49 for the period ending September 15, 2011, seconded by Council President Mazzarella

Council President Mazzarella directed roll call:
Aye: 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.

Council President Mazzarella opened the Citizen Hearing on the Agenda

Seeing no one coming forward Councilman Kazanowski made a motion to close the Citizen Hearing on the Agenda, seconded by Councilman O'Connor

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

RESOLUTIONS:

Resolution 11-121

WHEREAS KCSM Corp., has filed a verified petition requesting authorization for the local issuing authority to consider a renewal application for Plenary Retail Consumption License No. 2002-33-004-006 for the 2011-2012 and 2012-2013 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS after considering all the facts and circumstances related to the inactive status of this license, the Director of the Division of Alcoholic Beverage Control finds that the petitioner has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license; and

WHEREAS a Special Ruling dated August 12, 2011 by the Director grants authorization for the Governing Body of the Township of Clark to consider the application for renewal of the subject license and to thereupon grant or deny said application in the reasonable exercise of its discretion; and

WHEREAS the renewal application form submitted by KCSM Corp. for License No. 2002-33-004-006 is complete in all respects.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that they hereby approve Plenary Retail Consumption License No. 2002-33-004-006 for renewal for the 2011-2012 license term.

Moved by Councilman Barr, seconded by Councilwoman Whiting

Discussion: None

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

Resolution 11-122

WHEREAS six (6) bids were received on August 10, 2011 from Ace Waste Services, Waste Management of NJ Inc., Giordano Company, Republic Services of NJ LLC, Crow Disposal and Regional Industries LLC, whose bids are attached hereto, at 10:00 am for Solid Waste Collection for Township Municipal Buildings and Clark Board of Education

Administration Building and Schools in accordance with specifications prepared by the Township Business Administrator; and

WHEREAS Ace Waste Services, 2101 Roosevelt Avenue, South Plainfield, NJ 07080 submitted the lowest responsible bid in the amount of \$217,920.00 for a five (5) year contract; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to the lowest responsible bidder, Ace Waste Services; and

WHEREAS the Clark Board of Education has agreed to pay its prorated share of the costs of such solid waste collection and will enter into an Interlocal Agreement with the Township; and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Accounts 26-310-218 and 42-102-223 as evidenced by the Certification of Availability of Funds for 2011 and is dependent upon continued funding in future budgets.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark hereby awards the contract for Solid Waste Collection for Township Municipal Buildings and Clark Board of Education Administration Building and Schools to Ace Waste Services in the amount of \$217,920.00 for a five (5) year contract.

Moved by Councilman O’Connor, seconded by Councilman Barr

Discussion: None

Council President Mazzarella directed roll call:

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

Resolution 11-123

WHEREAS Senate Bill No. 3014, entitled Caylee’s Law establishes penalties for failing to report to authorities or otherwise concealing the death or disappearance of a child; and

WHEREAS this Bill is in response to the tragic case of Caylee Anthony who was missing for 31 days before her disappearance was reported by her grandmother and whose mother was recently found not guilty of Caylee’s murder; and

WHEREAS Caylee’s mother lied to law enforcement concerning the whereabouts of her child, the bill addresses this situation by imposing new penalties on anyone who endangers the welfare of a child by failing to report that child’s death or disappearance or who conceals such death or disappearance; and

WHEREAS the Bill adds a provision to the state’s law on endangering the welfare of a child to make it a crime of the third degree for a person to fail to notify the appropriate law enforcement agency of the death or disappearance of a child under the person’s legal duty of care within 24 hours from when the person knew or should have known of that death or disappearance; and

WHEREAS the Bill also establishes as a crime of the second degree, concealing the death or disappearance of a child under a person’s legal duty of care.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby strongly urges the passage of Senate Bill No. 3014; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Honorable Governor, Chris Christie, Senators Thomas H. Kean, Jr. and Diane B. Allen, sponsors of the Bill, Senator Nicholas Scutari, Assemblyman Jerry Green, Assemblywoman Linda Stender and the New Jersey League of Municipalities.

Moved and seconded by Entire Council

Discussion:

Council President Mazarella: This puts stronger requirements on notification process for a child that has been missing. They have some other items within the body of that particular bill that’s pretty strong as well as to protect the welfare of our children.

No further discussion

Council President Mazarella directed roll call:

Aye: Barr, Kazanowski, O’Connor, Toal, Whiting, Mazarella

CONSENT AGENDA RESOLUTIONS:

Resolution 11-124

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

WHEREAS Scibal Associates has submitted a proposal in the amount of \$20,400.00 to provide for the claims administration of Worker's Compensation, Automobile Liability, General Liability, including Police Professional Liability and Workers’ Compensation – Lost time and medical only submitted against the Township to the SIR; and

WHEREAS the Insurance Commission of the Township of Clark recommends renewal of Scibal Associates as third party administrator; and

WHEREAS the Governing Body desires to renew Scibal Associates contract for the Township's third party administrator for claims administration made to the SIR for one (1) year beginning July 1, 2011 through June 30, 2012; and

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

WHEREAS there are funds available in the 2011 budget as evidenced by the Finance Officer's Certification of Availability of Funds in Current Account 23-210-223 for said contract.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark hereby ratifies the contract with Scibal Associates as the claims servicing organization on behalf of the Township of Clark for a period of one (1) year commencing July 1, 2011 at an annual fee of \$20,400.00 for the SIR.

Resolution 11-125

BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, New Jersey is desirous to enter into a Memorandum of Understanding and an Indemnification Agreement for leaf composting at the Union County Facility; and

BE IT FURTHER RESOLVED the Governing Body hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

Resolution 11-126

BE IT RESOLVED on the 19th day of September, 2011 by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual be appointed to serve as a representative to the New Jersey Municipal Self Insurer's Joint Insurance Fund:

Alternate Safety Delegate: Det. Sgt. Michael Pollock

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the administrators of the New Jersey Municipal Self Insurers' Joint Insurance Fund, the Safety Delegate and the Alternate Safety Delegate.

Resolution 11-127

WHEREAS Sangiuliano Associates, LLC requested the release of Performance Guaranty for improvements at 1139 Raritan Road on August 22, 2011 in the total amount of Two Hundred Twenty One Thousand Four Hundred Ninety Nine Dollars and 00/100 (\$221,499.00) posted in the form a Site Improvement Performance Bond issued by Hanover Insurance Company; and

WHEREAS the Engineering firm, T & M Associates 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 Guaranty in the amount of \$221,499.00; and

WHEREAS Section 32-16 of the Code of the Township of Clark requires the posting of a Maintenance Bond in an amount to be determined prior to the release of the Performance guaranty; and

WHEREAS the Township has determined that the Maintenance Bond required to be posted by the owner must be equal to 10% of the total Original Performance Guarantee in the amount of Twenty Four Thousand, Six Hundred Eleven Dollars and 00/100 (\$24,611.00); and

WHEREAS at the end of the one year period, a re-inspection will be performed at which time the Maintenance Guaranty may be returned.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark hereby ratifies the action taken by the Director of Finance regarding the release of Performance Guaranty in the total amount of \$221,499.00 as receipt of a Maintenance Bond totaling \$24,611.00 Hanover Insurance Company was hand delivered on September 13, 2011 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.

Resolution 11-128

WHEREAS The Open Public Records Act (NJSA 47:1A-et sec.) was adopted to ensure the public’s access to sufficient information and to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

WHEREAS since the adoption of OPRA, there have been an escalating series of requests by private sector firms from all over the nation for voluminous public records, already freely accessible to the general public through government websites, with the intent of selling said information to the general public for a profit; and

WHEREAS said information, primarily property records maintained by the Offices of the County Clerk has been freely available to the public on the websites since September 2010 pursuant to, P.L. 2010, Chapter 75; and

WHEREAS this information freely obtained for resale to the public involves a tremendous extra cost to the general public once upon its creation by employees, second upon extraction, copying and frequently, conversion to specific formats by government employees and thirdly by sale to the same public which has already paid twice for this information; and

WHEREAS this constitutes an additional substantial cost to the taxpayer solely to benefit a private entity; and

WHEREAS in the new renaissance of fiscal responsibility, unnecessary expenses by government entities should be strictly curtailed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey as follows:

1. That the current Open Public Records Act be amended to preserve its original intent and reduce expenses to the public by providing that in situations where the requested documents are already available to the public on a downloadable government website, regardless of the format, a referral of the requester to the said website shall fully comply with the OPRA obligation of the government unit, with no need to convert the data contained therein to any other format.
2. That a copy of this resolution be distributed to the Legislative Delegation representing the County of Union requesting the drafting and introduction of legislation.
3. That a copy be sent to the President of the New Jersey Senate and the Speaker of the New Jersey Assembly and all the local representatives urging adoption of such legislation and the Honorable Governor of the State of New Jersey, Chris Christie, urging him to sign and execute the same upon its adoption.
4. That a copy of this resolution be sent to all the Municipal Clerks in the County of Union urging them to adopt and distribute similar resolutions.

Resolution 11-129

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 | 18 | 3564-0 | Noelle Anderson | 122 | Broadway | overpayment | 164.87 |
| | | | | | Lefferts | | |
| 11R | 19 | 1817-0 | James Palermo | 22 | Lane | overpayment | <u>112.50</u> |
| | | | | | | | \$277.37 |

Resolution 11-130

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:

**SEWER BILLING ADJUSTMENT 2011
CLARK
TOWNSHIP**

| REF | # | Acct | Name | # | Address | Reason | Orig | Revised | Credit |
|-----|----|--------|------------------|-----|-------------|----------------------|------|---------|--------|
| 11 | 50 | 5247-0 | Cardoso, Jose | 103 | Fairview Rd | no bill generated | 0 | 225.00 | 0 |
| | | | | | Lexington | no bill | | | |
| 11 | 51 | 5246-0 | Heather Warszawa | 165 | Blvd | generated | 0 | 465.00 | 0 |

Resolution 11-131

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 according to the attached schedule:

Resolution 11-132

WHEREAS the Governing Body of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS the Governing Body further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS the Governing Body has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Governing Body does hereby authorize submission of an application for the Clark Municipal Alliance grant for calendar year 2012 in the amount of \$18,654.00.
2. The Governing Body acknowledges the terms and conditions for administering the Municipal Alliance grant, including the required amounts of 25% cash in the amount of \$4,664.00 and 75% in-kind matches in the amount of \$13,991.00, and the administrative compliance and audit requirements.

Resolution 11-133

WHEREAS it is necessary and desirable in order to insure the general health and welfare of the residents of the Township of Clark to provide uniform procedures for administering the issuance, renewal and revocation of licenses for the placement of clothing bins within the Township; and

WHEREAS the enabling legislation adopted as Ordinance 09-20 provides for enforcement by the Police Department and the Township Zoning Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operators having met all the requirements of Chapter IV, section 4-11 of the Revised General Ordinances of the Township of Clark are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Officer in Charge is hereby authorized and directed to issue permits to be displayed according to law effective through December 31, 2011.

Clothing Bin Operators

Location of Bins

Giving Back for America

1074 Raritan Road (1 Bin)

Resolution 11-134

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 19th day of September 2011.

Joshua Urbanovich
239 Lexington Blvd, Apt 11
Clark, NJ 07066

Resolution 11-135

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 Township of Cranford for Chief Financial Officer Services.

Resolution 11-136

WHEREAS Muddy Paws, LLC has requested the release of their Performance Guarantee for site work at 1057 Raritan Road in the amount of Six Thousand, Two Hundred Sixty Dollars and Sixty Cents (\$6,260.60) posted as cash; 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 32-16 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 Muddy Paws, LLC to be Six Hundred Twenty Six Dollars and Six Cents (\$626.06); and

WHEREAS Muddy Paws LLC may direct the Township to retain \$626.06 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 \$626.06 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.

Resolution 11-137

**Petition of Public Service Electric and Gas Company for a
Determination Pursuant to the Provisions of N.J.S.A. 40:55D-19
(North Central Reliability Project)**

WHEREAS, on May 26, 2011, Public Service Electric and Gas Company (“PSE&G or “the Company”) submitted a Petition with the New Jersey Board of Public Utilities (“BPU”) for a determination under N.J.S.A. 40:55D-19 that the proposed 230 kV North Central Reliability Project (“the Project”) is reasonably necessary for the service, convenience or welfare of the public; and

WHEREAS, such Petition remains pending before the BPU; and

WHEREAS, the Project will span fifteen (15) municipalities within the State of New Jersey; and

WHEREAS, Clark Township (“Municipality”) is one of these 15 municipalities along the route of the Project; and

WHEREAS, PSE&G and Municipality (“the Parties”) have reached an agreement under the terms set forth below that both Parties believe represents a fair and reasonable resolution that benefits both Parties.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts the aforementioned agreement with PSE&G and authorizes the Mayor and/or Business Administrator to execute the same.

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

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

NEW BUSINESS ON THE CALENDAR:

Resolution 11-138

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby re-appointed as a Member of the Hyatt Hills Golf Course Commission for a five year term effective September 21, 2011.

| <u>Name & Address</u> | <u>Term</u> |
|---|---------------------------------|
| Robert Kobryn 33 Victoria Drive Clark, New Jersey 07066 | Sept. 21, 2011 - Sept. 21, 2016 |

Motion to add to Consent Agenda made by Council President Mazzarella, seconded by Councilwoman Whiting

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

Motion to adopt made by Council President Mazzarella, seconded by Councilwoman Whiting

Discussion: None

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

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.

Natalie Belverio, 47 Richard St.: Transcript available in the Clerk's office

Joe Pubchara, 70 Sweetbriar Dr.: Transcript 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 O'Connor

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Transcript available in the Clerk's office

ADJOURNMENT:

A motion for adjournment was made by Councilman Kazanowski, seconded by Councilman O'Connor

Council President Mazzarella directed roll call:

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