

**AGENDA
COUNCIL MEETING**

315 WESTFIELD AVE., CLARK, NJ 07066

July 15, 2013

7:30 PM

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazzarella _____
Councilman Barr _____	Councilman Smith _____
Councilman Kazanowski _____	Councilman Toal _____
	Council President O'Connor _____

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 Local Source, 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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Business Administrator/Acting Mayor Meeting Summary:

Township Officers: Police, Fire and First Aid Reports for the month of June, 2013 as well as the Clerk's Quarterly Financial Report have been received and are open to the public

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No objections have been received in connection with the proposed Ordinances)

- 1. AN ORDINANCE TO PROVIDE FOR THE VACATION OF A PORTION OF THE STREET AND RIGHT-OF-WAY ON GRANDVIEW AVENUE FROM THE MUNICIPAL BORDER OF THE TOWNSHIP OF CLARK/TOWNSHIP OF WESTFIELD TO GEORGIA STREET IN THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY**
- 2. AN ORDINANCE TO AMEND CHAPTER 255, ARTICLE II OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROPERTY MAINTENANCE"**

PAYMENT OF CLAIMS:

Councilwoman Albanese, Member of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 11, 2013 in the amount of \$308,800.12

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.

RESOLUTIONS:

3. Authorizing the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. to administer the Self Insured Retention for a period of one (1) year at an annual fee of \$14,000.00
4. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$26,591.46 for the Clean Communities Grant
5. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$190,000.00 for the New Jersey Department of Transportation Trust Fund Authority Act
6. Award of Contract to Granada Construction Corp. for the 2013 NJDOT Roadway Improvement Program in the amount of \$317,023.90
7. Award of Contract to Granada Construction Corp. for the 2013 Capital Roadway Improvement Program in the amount of \$489,183.65

CONSENT AGENDA RESOLUTIONS:

8. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2012 Annual Audit entitled General Comments and Recommendations
9. Approving the 2012 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
10. Endorsing the submission of the recycling tonnage grant application and designating Scott McCabe to ensure that the application is properly filed
11. Authorizing the Chief Financial Officer to apply sewer account balance adjustments
12. Authorizing Municipal Consent for AT&T to install fiber optic cable in the Municipal Right-of-Way
13. Authorizing the Mayor to enter into a shared services agreement with the County of Union for printing and signage
14. Authorizing the Mayor to enter into a shared services agreement with the County of Union for Emergency Medical Basic Life Support Dispatch Services
15. Authorizing the Business Administrator to enter into a Professional Services Agreement with Scibal Assoc. dba Qual-Lynx to handle open claims with dates prior to August 1, 2012

NEW BUSINESS ON THE CALENDAR:

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.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

PH # 1

Introduced: June 17, 2013 Public Hearing: July 15, 2013

Motion: O'Connor Motion:

Seconded: Mazzarella Seconded:

AN ORDINANCE TO PROVIDE FOR THE VACATION OF A PORTION OF THE STREET AND RIGHT-OF-WAY ON GRANDVIEW AVENUE FROM THE MUNICIPAL BORDER OF THE TOWNSHIP OF CLARK/TOWNSHIP OF WESTFIELD TO GEORGIA STREET IN THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY

WHEREAS, the Governing Body of the Township of Clark has determined it to be desirable and appropriate for certain sections of the street and Right-of-Way on Grandview Avenue between Westfield/Clark Township Municipal Boundary and Georgia Street, to be vacated as the same would be in the general public interest of the Township of Clark; and

WHEREAS, N.J.S.A. 40:67-1(b) specifically authorizes the Township to vacate streets and Right-of-Ways where necessary and/or desirable to the public interest; and

WHEREAS, the Governing Body of the Township of Clark has examined the proposed vacation and has determined that the portion of the street and Right-of-Way proposed to be vacated would not have a negative impact upon the existing improved and dedicated street and that the vacated portion serves no useful or functional purpose.

NOW, THEREFORE, be it ordained as follows:

SECTION 1: The Governing Body of the Township of Clark hereby vacates those certain parts or the municipal street and Right-of-Way on Grandview Avenue from the Westfield/Clark Municipal Boundary to Georgia Street, as the same is hereinafter defined by metes and bounds:

DESCRIPTION OF PORTIONS OF GRANDVIEW AVENUE TO BE VACATED TOWNSHIP OF CLARK COUNTY OF UNION, NEW JERSEY

TRACT I

Beginning at the point of intersection of the southwesterly line of Grandview Avenue (66' Right-of-Way) and the northwesterly line of Georgia Street (50' Right-of-Way) and running thence:

1. Along the said southwesterly line of Grandview Avenue, North $52^{\circ}-55'-00''$ West a distance of 220.00' to the point of intersection of the said southwesterly line of Grandview Avenue and the southeasterly line of Carolina Street (50' Right-of-Way), thence
2. Along the northeastwardly prolongation of the said southeasterly line of Carolina Street, North $37^{\circ}-05'-00''$ East a distance of 8.00' to a point, thence
3. South $52^{\circ}-55'-00''$ East a distance of 221.34' to a point in the northeastwardly prolongation of the aforementioned northwesterly line of Georgia Street, thence
4. Along the said northeastwardly prolongation of the northwesterly line of Georgia Street, South $46^{\circ}-36'-00''$ West a distance of 8.11' to the aforementioned intersection of the southwesterly line of Grandview Avenue and the northwesterly line of Georgia Street, the point and place of beginning.

Contains: 1,765.4 square feet or 0.04 acres.

Subject to an 8.0' wide easement, along the entire length of the vacation, to the Township of Clark for future construction and maintenance of the existing storm sewer system along Grandview Avenue.

Subject to any and all further easements, reservations and restrictions of record.

TRACT II

Beginning at the point of intersection of the northeasterly line of Grandview Avenue (66' Right-of-Way) and the northwesterly line of Georgia Street (50' Right-of-Way) and running thence:

1. Along the said northeasterly line of Grandview Avenue, North $52^{\circ}-55'-00''$ West a distance of 231.06' to the point of intersection of the said northeasterly line of Grandview Avenue and the southeasterly line of Carolina Street (50' Right-of-Way), thence
2. Along the northeastwardly prolongation of the said southeasterly line of Carolina Street, South $37^{\circ}-05'-00''$ West a distance of 8.00' to a point, thence
3. South $52^{\circ}-55'-00''$ East a distance of 229.72' to a point in the southwestwardly prolongation of the aforementioned northwesterly line of Georgia Street, thence
4. Along the said southwestwardly prolongation of the northwesterly line of Georgia Street, North $46^{\circ}-36'-00''$ East a distance of 8.11' to the aforementioned intersection of the northeasterly line of Grandview Avenue and the northwesterly line of Georgia Street, the point and place of beginning.

Contains: 1,843.1 square feet or 0.04 acres.

Subject to any and all easements, reservations and restrictions of record.

TRACT III

Beginning at the point of intersection of the southwesterly line of Grandview Avenue (66' Right-of-Way) and the northwesterly line of Carolina Street (50' Right-of-Way) and running thence:

1. Along the said southwesterly line of Grandview Avenue, North 52°-55'-00" West a distance of 155.42' to a point in the Municipal Boundary Line between the Township of Clark and the Town of Westfield, thence
2. Along the said Municipal Boundary Line, North 35°-37'-30" East a distance of 8.00' to a point, thence
3. South 52°-55'-00" East a distance of 155.62' to a point in the northeastwardly prolongation of the aforementioned northwesterly line of Carolina Street, thence
4. Along the said northeastwardly prolongation of the northwesterly line of Carolina Street, South 37°-05'-00" West a distance of 8.00' to the aforementioned intersection of the southwesterly line of Grandview Avenue and the northwesterly line of Carolina Street, the point and place of beginning.

Contains: 1,244.2 square feet or 0.03 acres.

Subject to any and all easements, reservations and restrictions of record.

TRACT IV

Beginning at the point of intersection of the northeasterly line of Grandview Avenue (66' Right-of-Way) and the northwesterly line of Carolina Street (50' Right-of-Way) and running thence:

1. Along the said northeasterly line of Grandview Avenue, North 52°-55'-00" West a distance of 157.10' to a point in the Municipal Boundary Line between the Township of Clark and the Town of Westfield, thence
2. Along the said Municipal Boundary Line, South 35°-37'-30" West a distance of 8.00' to a point, thence
3. South 52°-55'-00" East a distance of 156.90' to a point in the northeastwardly prolongation of the aforementioned northwesterly line of Carolina Street, thence
4. Along the said northeastwardly prolongation of the northwesterly line of Carolina Street, North 37°-05'-00" East a distance of 8.00' to the aforementioned intersection of the northeasterly line of Grandview Avenue and the northwesterly line of Carolina Street, the point and place of beginning.

Contains: 1,256.0 square feet or 0.03 acres.

Subject to any and all easements, reservations and restrictions of record.

SECTION 2: Expressly reserved from the provisions of this Ordinance are all the rights and privileges possessed by public utilities as defined in RS 48:2-13 and by any cable television company as defined in the Cable Television Act P. L. 1972 C. 186 (C-48:5A-1 et seq.) to maintain, repair, or replace the existing facilities in, adjacent to or under the street, highway, lane, alley, square, place, park or any part thereof to be vacated; all easements of record existing in favor of the Township of Clark or any third parties, all of which are expressly preserved.

SECTION 3: The Tax Assessor is hereby directed to adjust the land assessment of each of the adjoining property owners benefited hereby in such amount as may be appropriate in order to include the additional lands each has derived as a result of the vacation.

SECTION 4: A hearing on the vacation of the Right-of-Way as heretofore referenced shall be conducted by the Governing Body of the Township of Clark prior to the adoption of this Ordinance.

SECTION 5: Any Ordinances or parts thereof inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

SECTION 6: This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: August 7, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

SALVATORE BONACCORSO
Mayor

Ord13/6-17GrandviewRight-of-Way
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
Smith _____
Toal _____
O'Connor _____

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

PH #2

Introduced: June 17, 2013 Public Hearing: _____

Motion: Mazarella Motion: _____

Seconded: Smith Seconded: _____

AN ORDINANCE TO AMEND CHAPTER 255, ARTICLE II OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROPERTY MAINTENANCE"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 255, Article II, Section 255-9 of the Code of the Township of Clark entitled "Property Maintenance" is hereby amended in the following particulars:

SECTION 1: Sub-Section 255-9 is repealed in its entirety.

SECTION 2: Sub-Section 255-9 entitled "Residential/Commercial Violations and Penalties" is restated as follows:

A. Residential Use Defined: A Residential use means any building used to provide living facilities for one or more families but not including boarding houses, rooming houses, motels, hotels, or townhouses or condominiums in a planned development.

(1) Should the enforcement authority, after conducting an inspection of Residential premises, determine that there exists a violation of the terms and conditions of this Article, the enforcement authority shall, prior to the issuance of any summons hereunder, issue to the owner of said Residential property a written order to correct the stated violation within five (5) calendar days. Failure of the owner to comply with such an order to correct such violation shall result in the issuance of a summons pursuant to the provisions hereof and the imposition of the penalty set forth in Section D hereof.

(2) In the event there shall be a second violation by the property owner of the provisions of this Ordinance within the same calendar year of the first violation, the enforcement authority shall not be required to issue a written order to correct the stated violation but shall issue a summons for the repeated violation forthwith.

B. Commercial Use Defined: A Commercial use is defined as any use other than a Residential use as defined hereinabove.

(1) Should the enforcement authority, after conducting an inspection of commercial premises, determine that there exists a violation of the terms and conditions of this Article, the enforcement authority shall issue a summons for same forthwith and shall not be required to issue a prior

notice to correct the violation to the property owner prior to issuing a summons.

C. Notice: Any notice required hereunder shall be by personal service or certified mail and, upon the failure of personal service or service by certified mail, by regular mail or leaving a copy of the notice at the property address.

D. Penalty:

(1) The penalty for violation of this Ordinance by a Residential property owner shall be a warning for the first offense; a penalty in the amount of \$250.00 for the second offense; and a penalty of \$500.00 for any third or subsequent offenses.

(2) The penalty for violation of this Ordinance by a Commercial property owner shall be the amount of \$500.00 for the first offense, and \$1,000.00 for any second or subsequent offense.

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

SECTION 4: **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Effective Date: August 7, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

SALVATORE BONACCORSO
Mayor

Ord13/6-17AmendCh255PropMaintenance
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

3

Motion _____ Second _____

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 Inservco Insurance Services, Inc. has submitted a proposal in the amount of \$14,000.00 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 Governing Body desires to retain Inservco Insurance Services, Inc. as the Township's third party administrator for claims administration made to the SIR for one (1) year beginning August 1, 2013 through July 31, 2014; 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 2013 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, County of Union, State of New Jersey hereby authorizes the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. as the claims servicing organization on behalf of the Township of Clark for a period of one (1) year commencing August 1, 2013 at an annual fee of \$14,000.00 for the SIR.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Inservco

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$26,591.46 from the State of New Jersey, Clean Communities Grant and wishes to amend its 2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$26,591.46 which is now available as a revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Clean Communities Grant

BE IT FURTHER RESOLVED that the like sum of \$26,591.46 be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (a) Operations Excluded from CAPS
 - State and Federal Programs Off-set by Revenues:
 - Clean Communities Grant

BE IT FURTHER RESOLVED that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Chapt159CleanCommunities

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

5

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

Motion _____ Second _____

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$190,000.00 from the State of New Jersey, Department of Transportation and wishes to amend its 2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$190,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

New Jersey Department of Transportation Trust Fund
Authority Act

BE IT FURTHER RESOLVED that the like sum of \$190,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(c) Capital Improvements – Excluded from “CAPS”

Public and Private Programs offset by Revenues:

New Jersey Department of Transportation Trust Fund Authority Act

BE IT FURTHER RESOLVED that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Chapt159NJDOTTrustFund

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

6

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on June 27, 2013 for the 2013 NJDOT Roadway Improvement Program: Westfield Avenue (Raritan Road to GSP Bridge); and

WHEREAS five (5) bid proposals were received on July 11, 2013 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Granada Construction Corp. in the amount of \$317,023.90, Top Line Construction in the amount of \$363,117.39 and Black Rock Enterprises, LLC in the amount of \$371,411.05; and

WHEREAS Granada Construction Corp., 147 Thomas Street, Newark, New Jersey 07114 submitted the lowest responsible bid in the amount of \$317,023.90 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 the 2013 Municipal Budget as amended to include a special item of revenue in the amount of \$190,000.00 from the New Jersey Department of Transportation Trust Fund and Bond Ordinance 13-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Granada Construction Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Granada Construction Corp. in the amount of \$317,023.90; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Award2013NJDOT

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

7

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on June 27, 2013 for the 2013 Capital Road Improvement Program; Schmidt Lane, Clauss Road Plymouth Road, Poplar Terrace, Terry Lane, Myra Place, Janie Lane; and

WHEREAS five (5) bid proposals were received on July 11, 2013 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Granada Construction Corp. with a base bid in the amount of \$370,374.90 and alternate in the amount of \$118,808.75, Black Rock Enterprises, LLC with a base bid in the amount of \$411,742.05 and alternate in the amount of \$127,674.00, and JA Alexander Inc. with a base bid in the amount of \$444,347.14 and alternate in the amount of \$134,365.63; and

WHEREAS Granada Construction Corporation, 147 Thomas Street, Newark, NJ 07114 submitted the lowest responsible bid in the amount of \$370,374.90 base and \$118,808.75 alternate 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 Bond Ordinance 13-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Granada Construction Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Granada Construction Corporation in the amount of \$370,374.90 base and \$118,808.75 alternate; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Award2013CapRoad

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

CAS

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Audit-GroupAff

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

CA9

Motion _____ Second _____

RESOLUTION APPROVING THE 2012 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2012; and

WHEREAS the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

WHEREAS the Governing Body has received the 2012 Annual Audit – Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2012 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15AnnualAuditCorrtActionPlan2012

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Smith	_____
Toal	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

July 15, 2013

CA10

Motion _____ Second _____

WHEREAS the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS a resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Clark Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Public Works Supervisor, Scott McCabe to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15Recycling Tonnage

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CA 11

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

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.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15SewerAdj

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CA 12

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

WHEREAS as a telecommunications utility, AT&T Corp. on behalf of itself and its subsidiaries, including AT&T Communications of New Jersey, L.P., Teleport Communications America, LLC and Teleport Communications New York (collectively referred to herein as "AT&T") has been authorized by the Board of Public Utilities to provide local telecommunications services throughout the State of New Jersey; and

WHEREAS pursuant to such authority, AT&T may locate, place, attach, install, operate and maintain fiber optic facilities within the municipal, county and state right-of-way for the purpose of providing telecommunications services; and

WHEREAS in accordance with N.J.S.A. 48:3-19, AT&T has requested the consent of Clark Township to locate, operate and maintain fiber optic cable within the municipal right-of-way.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby grants AT&T its municipal consent for the non-exclusive use of the Public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to execute the Rights-of-Way Use Agreement subsequent to the filing of plans for approval by the Governing Body in the best interest of the Municipality and its citizens.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15AT&T-MunicipalConsent

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CA 13

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

WHEREAS the County of Union entered into a contract with Xerox Capital Services LLC for the period of January 1, 2013 through December 31, 2017 to provide document management and daily operations services to operate the County Print Shop housed at 179 West Grand Street, Elizabeth; and

WHEREAS the County also runs the Sign Shop housed at 2 Broad Street, Elizabeth and at 2371 South Avenue, Scotch Plains to design, create, print, deliver and install all County signage; and

WHEREAS the County desires to extend the Print Shop and Sign Shop services to all municipalities within the County as a "Shared Service" pursuant to N.J.S.A. 40A:65-4 and as more fully set forth in the Shared Services Agreement; and

WHEREAS the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Shared Services Agreement for Printing and Signage with the County of Union; and

WHEREAS pursuant to N.J.S.A. 40A:65-5(a) a local unit authorized to enter into an agreement under section 4 of P.L. 2007, c.63 (C.40A:65-4) may do so by the adoption of a resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it hereby authorizes and directs the Mayor to sign the Shared Services Agreement for Printing and Signage with the County of Union on behalf of the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15UCSharedServ-PrintandSign

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CA14

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

WHEREAS the Township of Clark has expressed an interest in joining with the County of Union in establishing a shared telecommunications service to dispatch EMS vehicles and equipment in the municipality or the immediate vicinity thereof; and

WHEREAS both parties acknowledge that the implementation of a shared dispatch service will require the municipality's integration with the County's computer-aided dispatch system; and

WHEREAS in order to facilitate the continuity of operations between both Parties, the County will also provide ancillary services necessary for addressing emergency services.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes and directs the Mayor to enter into a Shared Services Agreement with the County of Union to provide Emergency Medical Basic Life Support Dispatch Services in the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15UCSharedServ-EMSDispatch

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CA 15

TOWNSHIP OF CLARK
Resolution _____
July 15, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes and directs the Business Administrator to enter into a Professional Services Agreement with Scibal Associates, Inc., dba Qual-Lynx, 100 Decadon Drive, Egg Harbor Township, New Jersey 08234 to handle open claims with dates of loss prior to August 1, 2012 for a one year period commencing July 1, 2013.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council Vice President

Res13/7-15ProfServQual-Lynx

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____