

**AGENDA
COUNCIL MEETINGS
315 WESTFIELD AVE., CLARK, NJ 07066
Workshop 7:00 pm
Regular 7:30 pm
July 16, 2012**

ROLL CALL:

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

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:

Mayor:

Township Officers: Police and Fire Reports for the month of June 2012 and the Clerk's Quarterly Report have been filed 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 SUPPLEMENT VARIOUS SECTIONS OF CHAPTER 117 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "CLOTHING DONATION BINS"**
- 2. AN ORDINANCE TO SUPPLEMENT CHAPTER 279, ARTICLE II OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS"**

INTRODUCTION OF PROPOSED ORDINANCES:

- 3. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 13, 2012 in the amount of \$265,578.01

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:

4. **Council as the ABC Board** Authorizing the annual renewal of the Liquor License for John L. Ruddy Post 7363 VFW for the 2012-2013 License Term
5. Amending the Capital Budget to increase 2012 Road Improvements from \$1,000,000 to \$1,500,000

CONSENT AGENDA RESOLUTIONS:

6. 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 2011 Annual Audit entitled General Comments and Recommendations
7. Adopting the Public Employees Occupational Safety and Health Program, Indoor Air Quality Standard for township buildings
8. Authorizing the Chief Financial Officer to refund overpayment of taxes in the amount of \$2,503.54
9. Releasing the Maintenance Guarantee to TJC Homes for site work on Hartman Court in the amount of \$30,006.84
10. Authorizing the Mayor to enter into a lease agreement with the Union County Educational Services Commission for use of the gymnasiums in the Municipal Building

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

PH # 1

Ordinance No. _____

Adopted _____

Introduced: June 18, 2012 Public Hearing: July 16, 2012

Motion: Mazzarella Motion: _____

Seconded: Barr Seconded: _____

AN ORDINANCE TO SUPPLEMENT VARIOUS SECTIONS OF
CHAPTER 117
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"CLOTHING DONATION BINS"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 117 of the Code of the Township of Clark entitled "Clothing Donation Bins" is hereby amended and supplemented in the following particulars:

SECTION 1: Section 117-7 entitled "Limitations on Locations and Numbers of Clothing Bins" is supplemented as follows:

- A. Clothing bins may be located only in those zones designated as Public Districts and Commercial Neighborhood zones as the same are defined in the Land Use and Development Ordinance of the Township of Clark;
- B. No more than *two* clothing bins, *6' x 6' x 5' in size*, regardless of ownership may be placed on any one lot in the Township of Clark and must be placed in such a manner that they abut one another. Said bins shall be located in such a manner as to be visible from the street;
- C. All clothing bins must be located in such a manner that they do not reduce the number of parking spaces required for the property below the minimum number of parking spaces required either by application of the parking requirements under the zoning ordinance, by a previously granted variance, by developer's agreement, or otherwise;
- D. Placement of clothing bins shall be such that they meet the minimum setback requirements for all accessory structures within the zone in which they are being placed, and otherwise meet all other zoning requirements for accessory structures within the zone in which they are being placed. *All such clothing bins shall be painted in earth tone colors of gray, black, green and brown so as to be non-obtrusive to the neighborhood;*

- E. There may be no more than three lots within any one zone upon which clothing bins may be placed, and clothing bins may not be placed upon any lot within 1,000 feet of a lot upon which one or more clothing bins exist;
- F. The Chief of Police or his designee shall refer each application to the Zoning Office, which shall be responsible to confirm compliance with this chapter by each owner of a clothing bin. The owner of any clothing bin shall provide the Chief of Police with an emergency phone number at which the owner can be reached 24 hours a day/seven days a week;
- G. The licensee shall arrange for the pick up and emptying of the contents of all bins permitted herein at least once per week; and
- H. All penalties and remedies set forth in this chapter shall be applicable to any violation of the regulations set forth herein.

SECTION 2: **SECTIONS 117-7, 117-8, 117-9, 117-10 are hereby re-designated as: 117-8, 117-9, 117-10 and 117-11**

SECTION 3: **Effective Date:** This Ordinance shall take effect upon adoption and publication according to law and shall be applied prospectively to those entities presently operating clothing donation bins, as each entity's permit renews on an annual basis.

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 8, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

SHEILA WHITING
 Council President

SALVATORE BONACCORSO
 Mayor

Ord12/6-18AmendCh117ClothingBins
 Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

PH # 2

Introduced: June 18, 2012 Public Hearing: July 16, 2012

Motion: Toal Motion:

Seconded: Barr Seconded:

AN ORDINANCE TO SUPPLEMENT CHAPTER 279, ARTICLE II OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWERS"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 279, Article II of the Code of the Township of Clark, is hereby supplemented as follows:

SECTION 1: Chapter 279, Section 25 entitled "Control of Business Sewers, Inspection," is enacted as follows:

Grease Traps:

- (1) Grease traps shall be installed by owners of all retail food establishments, commercial food processors, meat processors, or similar food preparers. The traps will be necessary for the proper handling of liquid wastes containing grease or other harmful ingredients, except that such grease traps shall not be required for private dwellings. Existing grease traps must conform to current plumbing code. Any new installations must apply for a permit through the Building Department of the Township of Clark.
(2) The aforestated establishments shall be required to treat their discharge with an approved bacteriological product which contains bacterial culture/enzymes to degrade organic materials and protect the environmental discharges into the sewer system and eliminate the control of grease in the sewer system.
(3) The grease trap shall be located so that they are readily and easily accessible for cleaning and inspection, and each establishment will be required to train and have personnel available who are able to open said traps for inspection by an authorized representative of the Township.
(4) The grease traps shall be continuously maintained in order to provide satisfactory and effective operation by the owner, at the owner's expense, and shall be of the size and type necessary for the efficient operation of the requirements of this ordinance.
(5) There shall be no bypass of the grease trap facilities which would allow the entry of untreated or partially treated waste to the public sewer system.
(6) The bacteriological products utilized must be free of wilting agents, additives and reducing agents, solvents or chemical degreasers.
(7) The bacteria shall be introduced in accordance with the manufacturer's instructions and introduced into the system after closing or during the period of time with the least amount of business activity, once during

every twenty-four (24) hour period, or as directed by the Township designee.

(8) The operator of the affected establishment shall provide a quarterly Certificate of Disposal as provided by the Township and shall include the bacterial agent purchased and utilized at the prescribed time; how much cooking oil purchased and how much disposed of. Required reports will commence September 2012 and subsequently December 2012, March 2013, June 2013 and every three (3) months thereafter.

(9) The Board of Health shall be designated to oversee, inspect and enforce the provisions of this ordinance.

SECTION 2: Violations:

(1) Minimal penalty for violation of this ordinance shall upon first conviction be One Thousand (\$1,000.00) Dollars.

(2) Repeat offenders shall pay a fine of not less than One Thousand Five Hundred (\$1,500.00) Dollars and shall be subject to imprisonment in the County Jail for up to thirty (30) days and a period of community service not exceeding sixty (60) days.

(3) In addition to the foregoing, any repeat offender shall be responsible for reimbursement to the Township of the cost of cleaning the affected area of the sewer system of any blockage.

SECTION 3: 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.

SECTION 4: Effective Date: This Ordinance shall take effect upon adoption and upon publication according to law.

Effective Date: August 8, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/6-18SupplementCh279GreaseTraps
Aye Nay Abstain Absent

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

INTRO

3

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: July 16, 2012 Public Hearing: August 20, 2012

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the 2012 Capital Road Improvement Program (including roadway reconstruction and resurfacing and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township (entire lengths unless otherwise noted):

- Liberty Street (from Broadway to Valley Road)
- Canterbury Drive
- Jupiter Street
- Featherbed Lane

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$1,500,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of the Township, and (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,500,000, and (4) \$210,000 of said sum is to be provided by a State grant hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,290,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$200,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$210,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said

officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,290,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose (other than the State grant hereinbefore appropriated, which shall be applied to the cost of said purpose but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to

reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/7-16BondOrd1.5million
Aye Nay Abstain Absent

4

TOWNSHIP OF CLARK

Resolution _____

July 16, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following license is hereby approved for annual renewal; Club License in the sum of \$188.00, be renewed for the Year 2012-2013, effective as of July 16, 2012.

2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16ABCRenewalVFW	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

5

TOWNSHIP OF CLARK
Resolution _____
July 16, 2012

Motion _____ Second _____

WHEREAS, the Governing Body of the Township of Clark deems it necessary and desirable to amend the 2012 Capital Budget by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Increasing our Road Improvement for 2012 from \$1,000,000 to \$1,500,000

WHEREAS, N.J.A.C. 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark that the aforementioned change(s) be made to the Capital Budget of the year 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16AmendCapitalBudget

Aye Nay Abstain Absent

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

CAG

TOWNSHIP OF CLARK
Resolution _____
July 16, 2012

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 2011 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.) 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

SHEILA WHITING
Council President

Res12/7-16Audit

Aye Nay Abstain Absent

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

CA 7

TOWNSHIP OF CLARK

Resolution _____

July 16, 2012

Motion _____ Second _____

WHEREAS the Township of Clark recognizes that good indoor air quality is essential to public employees' health and productivity; and

WHEREAS written policies have been established by the Public Employees Occupational Safety and Health (PEOSH) Program to promote good indoor air quality for employees in township buildings.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby adopts the Public Employees Occupational Safety and Health (PEOSH) Program, Indoor Air Quality Standard and designates John Kristof, Senior Building Maintenance and Nancy Raymond, Health Officer as the person(s) responsible to ensure compliance; and

BE IT FURTHER RESOLVED that this Resolution along with the Written Indoor Air Quality Program be distributed to all township employees.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16IndoorAirQuality	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CAS

TOWNSHIP OF CLARK

Resolution _____

July 16, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 1st quarter taxes; the Mayor has recommended to Council that such authorization be granted.

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

CLARK TOWNSHIP TAX REFUNDS 2012							
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	YEAR
30.04	72		Anindya Dixit	544	Oak Ridge Rd	\$2,000.00	2012
77	31		Marcos Esteves	32	King Street	\$ 503.54	2012
Total Refunds						\$2,503.54	

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16TaxRefunds

Aye Nay Abstain Absent

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

CA 9

TOWNSHIP OF CLARK

Resolution _____

July 16, 2012

Motion _____ Second _____

WHEREAS Timothy Jones of TJC Homes LLC, 603 First Avenue, Raritan, New Jersey 08869 has requested the release of the Maintenance Guarantee for site work at Madison Hill Estates, Hartman Court in the amount of Thirty Thousand, Six Dollars and Eighty Four Cents (\$30,006.84) with interest earned and accrued and all remaining escrow; and

WHEREAS the Township Engineer has performed the final inspection and has found that all the work has been completed and deemed acceptable as per Township Standards and recommends release of the Maintenance Guarantee with interest and escrow to TJC Homes LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby concur with the Township Engineer and directs release of the Maintenance Guarantee with interest earned and accrued and all remaining escrow to TJC Homes LLC.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16ReleaseMaintGuaranteeTJCHomes

Aye Nay Abstain Absent

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

CA 10

TOWNSHIP OF CLARK
Resolution _____
July 16, 2012

Motion _____ Second _____

WHEREAS an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the "Landlord" and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the "Tenant"; and

WHEREAS premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 a.m. through 2:30 p.m. commencing on September 1, 2012 and concluding on June 30, 2013 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an "as needed" basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement (attached hereto) on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/7-16 UCEducServCommGyms	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

LEASE AGREEMENT

THIS AGREEMENT made as of the day of , 2012, between the **TOWNSHIP OF CLARK**, having its office at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the "Tenant" and **UNION COUNTY EDUCATIONAL SERVICES COMMISSION**, a Commission of the State of New Jersey, having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the "Tenant":

WHEREAS the Landlord is the owner of premises located at 430 Westfield Avenue, Clark, New Jersey, commonly known as the Clark Township Municipal Building; and

WHEREAS the Landlord is desirous of letting a portion of the premises, and has determined that a portion of the foregoing premises will not be required for use during the period from September 1, 2012 to June 30, 2013 and

WHEREAS the Tenant is a public commission authorized to lease the property pursuant to NJRS 18A:20-8.2(2); and

WHEREAS the Tenant will use the Municipal Building to conduct Commission functions; and

NOW, THEREFORE in consideration of the foregoing and the mutual covenants hereinafter set forth, the parties agree as follows:

1. **PREMISES LET AND TERM**

The Landlord does hereby let and rent to the Tenant and the tenant does hire and take from the Tenant the following rooms located at the Clark Township Municipal Building, 430 Westfield Avenue, Clark, New Jersey:

The Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm, commencing on September 1, 2012 and concluding on June 30, 2013; together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an "as needed" basis, if available with usage to be approved upon the request of the Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

2. **RENT**

The Tenant shall pay to the Landlord as rent for the premises the sum of \$15,300.00 per annum, from September 1, 2012 to June 30, 2013, payable monthly in installments of \$1,530.00, September 2012 through June 2013.

3. **TERMS AND CONDITIONS**

(a) The parties agree that the Tenant shall have full use of the leased premises during the term of the lease between the hours of 8:30 am and 2:30 pm on regular school days as set forth in Item I.

(b) Tenant shall be responsible for the maintenance of order on the premises which shall be consistent with the use to which the demised area is place. Tenant will be responsible for maintenance of the exterior of the premises, heating and all utilities and scavenger services, but not telephone expenses, if applicable. The Tenant will be responsible for all cleaning services in the demised premises.

(c) Tenant will maintain fire insurance on the premises and Tenant will maintain and exhibit to the Landlord a liability policy in form and amount acceptable to the Landlord's insurance advisor. The Landlord will be named as a co-insured on the insurance policies of the Tenant.

(d) No alterations will be made within the building or on any of the grounds unless authorized in writing by the Tenant nor shall any equipment or signs be placed outside the building unless so authorized.

(e) Tenant has examined the premises and accepts the premises "as is".

(f) In case of fire or other catastrophe during the term of this lease which shall render more than twenty (20%) percent of the demised premises unusable, Landlord shall have the option to cancel this lease as of the date of the occurrence.

(g) Tenant shall pay the cost of repairing any damage to the premises caused by Tenant's negligence of its subtenants and pupils.

(h) If there is any default by Tenant in the performance of any of Tenant's obligations hereunder, Landlord, in addition to other remedies available to it, shall have the right to re-enter the premises and relet the same and receive the rents therefore and apply the same to Landlord's expenses in re-entering and second to payment of rents. Upon the occurrence of any default or upon institution of any bankruptcy or receivership proceedings by or against Tenant, the Landlord shall have the right to terminate this lease on thirty (30) days' written notice to the Tenant, provided said default is not cured by the Tenant within said thirty (30) day period.

(i) The Tenant shall at its own cost and expense obtain all necessary state, county and municipal permits as required by law, regulation and ordinance for the intended use of the premises.

(j) Tenant and Landlord shall have the right to terminate the within Lease Agreement only at the expiration of the term on this Agreement as set forth above upon sixty (60) days written notice to the Landlord and/or the Tenant. Said notice shall be by certified mail/return receipt requested. The rent, in accordance with the terms and conditions of this lease, shall be paid up to and including the date of termination.

(k) The Tenant agrees to and shall save, hold and keep harmless and indemnify the Landlord from any and all claims and liability for losses or damages to property or injuries to persons occasioned wholly or in part by or resulting from any acts or omission by the Tenant, its agents, servants, employees, licenses, at and alike, or any cause or reason whatsoever arising out of or by reason of the occupancy by the Tenant and the conduct of the Tenant's business.

(l) The Tenant agrees to, and shall hold harmless and indemnify the Landlord from and against any and all payments, expenses, costs, attorney's fees, and for any and all claims and liability for losses or damage to property or injuries to persons occasioned wholly or in part, by, or resulting from acts or omissions by the Tenant or the Tenant's agents, employees, guests, licensees, invitees, subtenants, assignees or successors, and for any cause or reason whatsoever, arising out of, or by reason of, the occupancy or business of the Tenant.

ATTEST:

TOWNSHIP OF CLARK, NEW JERSEY

Edith L. Merkel, Township Clerk

BY _____
Salvatore Bonaccorso, Mayor

ATTEST:

**UNION COUNTY EDUCATIONAL
SERVICES COMMISSION**

Robert A. Behot
Business Administrator/
Board Secretary

BY _____
William N. Presutti
Superintendent