

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
June 15, 2015
7:30 PM**

ROLL CALL:

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

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 and Union County Local Source, 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.

Regular order of business suspended

Police Department: New Police Officer, Alexander Ruiz takes his Oath of Office
Mayor's recognition - Phil Colicchio

Regular Order of Business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire and First Aid Reports for the month of May 2015 have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

- 1. AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 33 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED STOP INTERSECTIONS**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through June 11, 2015 in the amount of \$318,288.59

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:

2. **Council as ABC Board:** Authorizing the annual renewal of the Alcoholic Beverage License for Chili's Grill and Bar for the 2015-2016 License Term
3. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$30,309.83 for the Clean Communities Grant
4. Approving the Release of the Performance Bond for block 52, lots 5.01 and 5.02 collectively and Accepting Individual Replacement Performance Bonds
5. Authorizing the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to bulky waste
6. Authorizing a refund in the amount of \$200.00 to St. John the Apostle School for overpayment of Raffle License fees

CONSENT AGENDA RESOLUTIONS:

7. Authorizing the purchase of three 2016 Ford Police Utility Interceptors in the total amount of \$79,519.25 through the Cranford Police Cooperative Pricing System
8. Authorizing the purchase and installation of equipment for three Police Vehicles through State Contract and the Morris County Co-op in the amount of \$34,512.21
9. Authorizing the Tax Collector to settle a tax appeal authorized by the Tax Court of New Jersey in the amount of \$11,076.04
10. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$531.97
11. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$4,065.80
12. Authorizing the Tax Collector to refund overpayments of 2015 taxes in the amount of \$5,086.58
13. Authorizing the Tax Collector to submit an application to the Director of the Division of Local Government Services to participate in the electronic tax sale pilot program
14. Authorizing the Tax Collector to charge a tax sale mailing fee not to exceed \$75.00, in accordance with State guidelines

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: May 18, 2015 Public Hearing: June 15, 2015

Motion: Barr Motion: _____

Seconded: O'Connor Seconded: _____

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 33
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED STOP INTERSECTIONS**

BE IT ORDAINED by the governing body of the Township of Clark that Section 33 of Chapter 347 of the Code of the Township of Clark is hereby supplemented as follows:

<u>SECTION 1:</u>	<u>Intersection</u>	<u>Stop Sign on</u>
	Runnymede Road and Lupine Way	Runnymede Road
	Runnymede Road and Liberty Street	Runnymede Road
	Park Ridge Drive and Oleander Way	Park Ridge Drive
	Malvern Drive and Lupine Way	Malvern Drive
	Malvern Drive and Liberty Street	Malvern Drive
	Oleander Way and Lupine Way	Oleander Way

SECTION 2: Inconsistent Ordinance

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

SECTION 3: Effective Date

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

Effective Date: July 8, 2015

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord15/5-18Ch347-33StopSigns
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Plenary Retail Consumption License whose submitted application form is complete in all respects including payment of the renewal fee to the Township in the sum of \$2,500.00 is hereby approved for annual renewal for the License Term 2015 – 2016, effective July 1, 2015 and expiring June 30, 2016.

2002-33-001-003 Brinker New Jersey Inc.
 t/a Chili's Grill & Bar
 225 Central Ave., Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15ABCRenewalBrinker
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

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 \$30,309.83 from the State of New Jersey, Clean Communities Grant and wishes to amend its 2015 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 2015 in the sum of \$30,309.83 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 \$30,309.83 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 certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-18Ch159CleanCommunities

Aye Nay Abstain Absent

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

4

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

Motion _____ Second _____

RESOLUTION APPROVING THE RELEASE OF THE PERFORMANCE BOND FOR BLOCK 52, LOTS 5.01 AND 5.02 COLLECTIVELY, AND ACCEPTING INDIVIDUAL REPLACEMENT PERFORMANCE BONDS FOR BLOCK 52 LOT 5.01 AND BLOCK 52 LOT 5.01 INDIVIDUALLY

WHEREAS, by Resolution dated December 4, 2014 the Township of Clark Planning Board ("Board") approved a subdivision of the property known as 290 Madison Hill Road, Block 52, Lot 5 (now Lots 5.01 and 5.02) for Mr. John Ruby and Mr. Patrick Ruby ("Applicants"); and

WHEREAS, as a condition of that approval the Applicants were required to post a performance bond to ensure that the improvements such as curbing, sidewalks, drywells, driveways and sanitary sewer connections would be completed, the Applicants posted a single bond in the amount of \$37,200.00 (90% Surety in the amount of \$33,480.00 and 10% cash in the amount of \$3,720.00) covering both new lots in compliance with that condition; and

WHEREAS, one of the subdivided lots (Lot 5.01) has now been sold and the new owner of the lot understandably desires to separate his obligations as to his lot from the obligations of Mr. John Ruby and his Lot 5.02; and

WHEREAS, at its meeting of June 4th 2015 the Board discussed this request and determined that the original performance bond should be released and replaced by two separate performance bonds that specify the improvements related to each of the particular lots, and properly divide the property owners responsibilities to their own respective lots, and recommended that the Township Engineer and Township Administrator work with the Applicants, the new owner and the Township Council to achieve that end; and

WHEREAS, the Council having discussed this matter at it meeting of June 15, 2015, and determining that two individual performance bonds will adequately protect the Township's interests agrees with the Board that the collective performance bond for Lots 5.01 and 5.02 can and should be replaced by two individual performance bonds, one for Lot 5.01 with 90% Surety in the amount of \$12,420.00, 10% cash in the amount of \$1,380.00 and an additional 5% for Engineering in the amount of \$690.00 one for Lot 5.02 with 90% Surety in the amount of \$21,060.00, 10% cash in the amount of \$2,340.00 and an additional 5% for Engineering in the amount of \$1,170.00 so that the total amount of the two bonds when added together will equal the amount of the original performance bond plus Engineering fees and the division of the costs to the respective lots having been reviewed and approved by the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED that the Township of Clark hereby releases the original collective performance bond for Block 52, Lots 5.01 and 5.02 in the amount of \$37,200 and adopts and approves the new performance bonds for Block 52 Lot 5.01 and the second performance bond for Block 52, Lot 5.02 in the amounts approved as set forth herein.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15PerformanceBond290MadisonHillRd-Ruby
Aye Nay Abstain Absent

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

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Governing Body of the Township of Clark on June 15, 2015

Edith L. Merkel, Township Clerk

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

5

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C generated within the township.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15 Shared Services Plainfield Municipal Utilities Auth.

Aye Nay Abstain Absent

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

6

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

Motion _____ Second _____

WHEREAS Saint John the Apostle School ("St. John's") held a fund raising event under Raffle License number RL14-84; and

WHEREAS a Report of Operations was submitted to the New Jersey Legalized Games of Chance Control Commission ("the State") by St. John's on April 30, 2015 as required by law; and

WHEREAS based on ticket sales, the fundraising committee calculated an additional fee of \$200.00 they believed was owed to the State as well as the Township; and

WHEREAS the State determined that the money was sent in error and subsequently returned the check to St. John's; and

WHEREAS St. John's submitted a written request to the township for a refund of the overpayment of \$200.00 paid to the Township; and

WHEREAS Township records confirm that the check was received May 7, 2015 and deposited May 8, 2015.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Chief Financial Officer is hereby authorized and directed to refund \$200.00 payable to St. John the Apostle – PFG, 571 Valley Road, Clark, New Jersey 07066.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15Refund-StJohnRaffle

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

CA 7

Motion _____ Second _____

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of three (3) 2016 Ford Police Utility Interceptor marked police vehicles for use by the Police Department; and

WHEREAS the Administration recommends an outright purchase payable upon delivery of the Police Vehicles:

Pricing of the Vehicles through the Cranford Police Cooperative Pricing System;
System Identifier 47-CPCPS
Dealer: Beyer Ford LLC, 170 Ridgedale Avenue, Morristown, New Jersey, 07962
Funded by: Police O/E Account #5-01-25-240-237
Two (2) Vehicles at \$27,362.25 each, One (1) Vehicle at \$24,794.75
Total equipment price \$79,519.25

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$79,519.25 funded by O/E Account 5-01-25-240-237 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase Three (3) 2016 Ford Police Utility Interceptor marked police vehicles from Beyer Ford LLC, of Morristown, New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15PoliceVehiclePurchase
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

CAS

Motion _____ Second _____

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 15-23; and

WHEREAS the Clark Police Department wishes to purchase and install equipment for Police Utility Vehicles from authorized vendors as follows:

Triangle Communications NJ State Contracts: #81331 and #81343
2362 Waldheim Avenue
Scotch Plains, NJ 07076-2052

and

Morris County Co-Op Contract #41

Equipment List:

Lighting, Sirens, Console Boxes, Computer Mounts, necessary to outfit three 2016 Ford Police Utility Interceptors

Total equipment and installation price not to exceed \$34,992.65 payable upon completion; and

WHEREAS the Business Administrator recommends the utilization of these contracts on the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these contracts in Police O/E Account # 5-01-25-240-237.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark that it hereby authorizes the purchase and installation of equipment for Police Utility Vehicles as described above.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15PoliceVehicleEquipPurchase
Aye Nay Abstain Absent

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

CA9

TOWNSHIP OF CLARK
Resolution _____
June 15, 2015

Motion _____ Second _____

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>
63/46	1005 Raritan Road	400,000	368,200	31,800	2012
63/46	1005 Raritan Road	400,000	300,500	99,500	2013

BE IT FURTHER RESOLVED, that a refund be issued in the amount of \$11,076.04.
(Principal amount of refund of taxes \$10,129.21 with 5% statutory interest of \$946.83)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15TaxAppealB63L46

Aye Nay Abstain Absent

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

CA 10

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2015 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 refund(s) as per the following schedule.

REF	#	Account #	Name	#	Address	Reason	Refund
15	10R	229-0	Roseann Pontoriero	56	Rutgers Road	overpayment	\$307.50
15	11R	4491-0	F Tenreiro	29	Linda Lane	overpayment	\$111.97
15	12R	541-0	Dominic Giafgalione	16	Kennedy Drive	overpayment	\$112.50
						Total Refunds	\$531.97

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15SewerRefunds

Aye Nay Abstain Absent

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

CA 11

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

Motion _____ Second _____

WHEREAS the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

WHEREAS the Business Administrator has reviewed 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

WILLIAM F. SMITH
Council President

Res15/6-15SewerAdj
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

CA 12

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2015 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 refund(s) in accordance with the following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
53	8		Dennis Stear	910	Raritan Road	\$503.07
77	47		Marie Barba	31	Plymouth Rd	\$250.00
14	6.01		James Clarke	89	Grove Street	\$802.74
31.03	23	C-023	Harriet Radinsky	23	Briarwood Path	\$1,243.05
33.02	24		Leslie Danis	69	Acorn Drive	\$42.26
66	2		Darlene Alicea	38	Dawn Drive	\$1,940.18
168	6		Thomas Smith	56	Parkway Drive	\$305.28
					Total Refunds	\$5,086.58

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15TaxRefunds

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

CA 13

Motion _____ Second _____

WHEREAS NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS the Director of the Division of Local Government Services has promulgated rules and regulation for pilot programs; and

WHEREAS the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS the Township of Clark wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in electronic tax sale program and submit same to the Director of the Division of Local Government Services.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15ElectronicTaxSaleProgram
Aye Nay Abstain Absent

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

CA 14

TOWNSHIP OF CLARK

Resolution _____

June 15, 2015

Motion _____ Second _____

WHEREAS the Township is required to hold an annual tax sale for delinquent municipal charges; and

WHEREAS in accordance with N.J.S.A. 54:5-38 the Township may charge a mailing fee not to exceed Seventy Five Dollars (\$75.00).

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector be authorized to charge a Tax Sale mailing fee not to exceed \$75.00 in accordance with State guidelines.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/6-15TaxSaleMailingFee
Aye Nay Abstain Absent

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