

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
June 18, 2012  
7:30 PM**

**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 May 2012 have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF 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"

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through June 14, 2012 in the amount of \$199,497.24.

**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. **Council as ABC Board:**  
Authorizing the annual renewal of Alcoholic Beverage Licenses for 2012-2013
4. Appointing John Kurek, Michael Vaccaro and Anthony Giarrizzo as members of the Clark Volunteer Fire Department

5. Authorizing the Chief Financial Officer to refund massage therapist license fees to Hand and Stone in the amount of \$500.00

**CONSENT AGENDA RESOLUTIONS:**

6. Authorizing the Chief Financial Officer to refund overpayment of taxes in the amount of \$4,160.84
7. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$1,098.86
8. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$30,043.33
9. Authorizing the Mayor and Clerk to execute an agreement with the County of Union to modify the Interlocal Services Agreement dated June 2011

**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:**

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**TOWNSHIP OF CLARK**

**Ordinance No.** \_\_\_\_\_

**Adopted** \_\_\_\_\_

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

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ 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:

**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

*Amended #2*

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

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

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ 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 aforesated 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, enzymes, solvents or chemical degreasers.
- (7) The bacteria shall be introduced in accordance with the manufacturers 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 correction 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:

**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	_____	_____	_____	_____



- 2002-31-012-001     Clark Post #328 The American Legion  
t/a American Legion Clark Post 328  
78 Westfield Avenue, Clark, NJ 07066
  
- 2002-31-013-002     Deutscher Club Clark Inc.  
787 Featherbed Lane, Clark, NJ 07066
  
- 2002-31-015-001     Gran Centurions The  
440 Madison Hill Road, Clark, NJ 07066
  
- 2002-33-018-011     Central Blue – Maria Bridgman  
77 Central Ave., Clark, NJ 07066
  
- 2002-31-019-001     Columbian Club of Clark Inc.  
27 Westfield Ave., Clark, NJ 07066
  
- 2002-31-020-001     Polish Cultural Foundation Inc.  
177 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

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EDITH L. MERKEL, RMC  
Township Clerk

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SHEILA WHITING  
Council President

Res12/6-18ABC Renewals

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

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TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
June 18, 2012

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 18<sup>th</sup> day of June 2012.

John L. Kurek  
3 Hillside Avenue  
Clark, NJ 07066

Michael Vaccaro  
38 Thomas Drive  
Clark, NJ 07066

Anthony S. Giarrizzo  
50 James Avenue  
Clark, NJ 07066

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/6-18 Appoint Firefighters

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

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TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

June 18, 2012

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** Kimberly Cagle, owner of Westfield Wellness LLC d/b/a Hand and Stone Massage and Facial Spa, 77 Central Avenue, Clark, New Jersey 07066 has paid the \$100.00 application fee for each massage therapist she employs in accordance with the 2002 Code of the Township; and

**WHEREAS** under the 2012 Code of the Township of Clark a Local Massage Therapy License fee is no longer required; and

**WHEREAS** existing massage therapy establishments operate under the licensing authority of the State of New Jersey in accord with N.J.S.A. 45:11-60; and

**WHEREAS** a copy of the State License is to be maintained by the Municipal Clerk.

**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 refund One Hundred dollars (\$100.00) for each Massage Therapist approved after February 8, 2012, total refund in an amount not to exceed Five Hundred dollars (\$500.00) to Kimberly Cagle, c/o Hand and Stone Massage and Facial Spa.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/6-18RefundHandandStone

Aye Nay Abstain Absent

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

CA 6

TOWNSHIP OF CLARK  
 Resolution \_\_\_\_\_  
 June 18, 2012

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2<sup>nd</sup> 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:

TAX REFUNDS - 2012							
BLOCK	LOT	QUAL	NAME	#	ADDRESS	REFUND	YEAR
24	23		CORELOGIC	1	CORELOGIC DRIVE	2,270.48	2012
					MAIL CODE DFW1-3		
					WESTLAKE, TX 76262		
				4	ACKEN DRIVE		
164	34		FERDINANDI, LOUIS	218	EAST LANE	1,890.36	2012
					CLARK, NJ 07066		
			TOTAL REFUND			\$4,160.84	

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 SHEILA WHITING  
 Council President

Res12/6-18 Tax Refund

Aye Nay Abstain Absent

Albanese \_\_\_\_\_  
 Barr \_\_\_\_\_  
 Kazanowski \_\_\_\_\_  
 Mazzarella \_\_\_\_\_  
 O'Connor \_\_\_\_\_  
 Toal \_\_\_\_\_  
 Whiting \_\_\_\_\_

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

June 18, 2012

Motion \_\_\_\_\_ Second \_\_\_\_\_

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2012 sewer fees; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refunds as per the attached schedule.

CLARK TOWNSHIP  
SEWER REFUNDS - 2012

REF	#	Account #	Name	#	Address	Reason	Refund
12	17R	2243-0	Anthony Araneo	1142	Raritan Road	overpayment	627.50
12	18R	4540-0	Paul Drejai	29	Sycamore Rd	overpayment	93.86
12	19R	1921-0	Emergency Squad	875	Raritan Road	overpayment	252.50
12	20R	5112-0	Raymond Donahue	43	Alice Lane	overpayment	125.00
<b>Total Refunds</b>							<b>\$1,098.86</b>

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/6-18SewerRefunds

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

June 18, 2012

CAB

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:

**SEWER BILLING ADJUSTMENT 2012**

REF	Account #	Name	#	Address	Reason	Original	Revised	Credit	
12	50 696-0	Miele Greenhouse	982	Lake Ave	vacant	225.00	105.55	119.45	2011
12	51 696-0	Miele Greenhouse	982	Lake Ave	vacant	225.00	-	225.00	2012
12	52 695-0	Miele Greenhouse	982	Lake Ave	vacant	8,846.30	-	8,846.30	2011
12	53 695-0	Miele Greenhouse	982	Lake Ave	vacant	5,465.00	-	5,465.00	
12	54 1921-0	Clark Vol Emeg	875	Raritan Rd Madison	exempt	505.00	-	505.00	
12	55 1618-0	Count of Union	675	Hill Rd Madison	irrigation	12,474.10	225.00	12,249.10	
12	56 2861-0	Richard Jakubowski	928	Hill Rd Bradley	leak	425.00	225.00	200.00	
12	57 2851-0	Henry Varriano	10	Rd	leak	2,533.48	225.00	2,308.48	
12	58 5112-0	Raymond Donahue	43	Alice Lane	SCD	225.00	100.00	125.00	
								<u>30,043.33</u>	

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/6-18SewerAdj

Aye Nay Abstain Absent

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

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TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

June 18, 2012

Motion \_\_\_\_\_ Second \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
OF THE MUNICIPALITY OF CLARK TO EXECUTE AN AGREEMENT WITH  
THE COUNTY OF UNION TO MODIFY THE INTERLOCAL SERVICES  
AGREEMENT DATED JUNE 2011**

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

**WHEREAS**, the Emergency Shelter Grants program ("ESG") provided through Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act permits for substantial federal funds allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

**WHEREAS**, it is necessary to amend an existing Interlocal Services Agreement for the County of Union and its people to benefit from this program; and

**WHEREAS**, it is in the best interest of the Municipality of Clark and the County of Union in cooperation with each other to enter into a modification of the Interlocal Services Agreement pursuant to N.J.S.A. 40:8A-1.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Municipality of Clark that the agreement entitled "**COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,**" dated June 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2012-2013 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/6-18CDBGAuthExecuteAgrmnt  
Aye Nay Abstain Absent

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