

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
March 18, 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.

Suspend the Regular Order of Business for:

Police Promotion: Daniel Pitts to Sergeant
Police Awards
Basketball Awards

Resume the Regular Order of Business

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire and First Aid Squad Reports for the month of February, 2013 as well as the Quarterly Health Report (4th Quarter 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 SUPPLEMENTING ORDINANCE 12-11 ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES**

PAYMENT OF CLAIMS:

Council President O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through March 14, 2013 in the amount of \$301,850.29

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 the Board of Health** Accepting and approving the 2012 Annual Health Status Report
3. Supporting Senate Bill S2094 and Assembly Bill A3128 amending the definition of hazardous substances within the spill compensation and control act, N.J.S.A. 58:10-23.11(b)

CONSENT AGENDA RESOLUTIONS – POOL UTILITY:

4. Approving the Pool Rules and Regulations for the 2013 season
5. Appointing Mike Kozlowski as Pool Director and Jessica Funk and Robert Cahill as Assistant Managers
6. Retaining PAIR Properties, LLC as the Pool Concessionaire

CONSENT AGENDA RESOLUTIONS:

7. Authorizing the Tax Collector to settle Tax Appeals as authorized by the Union County Board of Taxation
8. Authorizing the Chief Financial Officer to apply sewer account balance adjustments
9. Authorizing the purchase of two 2013 Ford Police Utility Interceptors in the amount of \$26,393.75 each through the Cranford Police Cooperative Pricing System
10. Authorizing the purchase and installation of equipment for two Police Vehicles through State Contract

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:

Intro #1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: March 18, 2013 Public Hearing: April 15, 2013

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE SUPPLEMENTING ORDINANCE 12-11
ENTITLED AN ORDINANCE TO FIX MINIMUM
AND MAXIMUM SALARIES**

WHEREAS said Ordinance reflects a change in salaries to be paid to certain employees of the Township for the year 2013 and forward.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers of the Township of Clark be and they are hereby authorized and directed to execute and deliver checks on Township funds for the purpose of paying the following annual salaries to the employees of the Township of Clark within the range as set forth below opposite each job classification as in such cases made. The Schedule of salaries hereinafter set forth shall be effective as of January 1, 2013 and may be amended for those who may exceed the maximum.

PART TIME HOURLY

	MINIMUM	MAXIMUM
Building Maintenance	13.00	25.00
Clerk Typist	13.00	25.00
Inspector	13.00	40.00
Bus Driver	15.00	22.00
*General Part Time Help	13.00	25.00

*Includes School Crossing Guards, Special Police Officers and Part Time Personnel other than those named herein.

Any ordinance inconsistent with the provisions contained herein is hereby repealed to the extent of such inconsistency.

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

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord 13/3-18 Salary Hourly

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

2

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

Motion _____ Second _____

WHEREAS in accordance with the New Jersey Administrative Code, Title 8, Chapter 52 entitled "Public Health Practice Standards of Performance for Local Boards of Health" the Clark Township Health Department hereby submits the 2012 Annual Health Status Report for acceptance and approval by the Governing Body; and

WHEREAS the Governing Body sitting as the Board of Health has reviewed the report and is in agreement with its contents.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts and approves the 2012 Annual Health Status Report for presentation to the residents of Clark in compliance with the New Jersey Administrative Code; and

BE IT FURTHER RESOLVED that copies of said report are available online at www.ourclark.com and in the Clerk's office, at no charge.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/3-18AnnualHealthReport

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

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

Motion _____ Second _____

**RESOLUTION SUPPORTING A BILL TO AMEND THE DEFINITION OF
HAZARDOUS SUBSTANCES WITHIN THE SPILL COMPENSATION AND
CONTROL ACT, N.J.S.A. 58:10-23.11(b)**

WHEREAS, the Township of Clark (Clark) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Clark is a named Third Party Defendant in the pending environmental litigation captioned NJDEP v. Occidental Chemical et al., bearing Docket No. ESX-L-9868-05; and

WHEREAS, in the pending litigation the Third Party Plaintiffs are seeking contribution, among other things, from Clark as a result of various alleged discharges of sewage and/or sewage sludge into the Arthur Kill, the Passaic River Basin, and Newark Bay Complex; and

WHEREAS, the Spill Compensation and Control Act (the "Act"), N.J.S.A. 58:10-23.11(b), currently contains a definition of hazardous substances that reads as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, this definition has been held by the New Jersey Courts to only apply to domestic sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant; and

WHEREAS, the legislative history for this section of the Act suggests that the Legislature intended for the definition to include all sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant, whether domestic or commercial; and

WHEREAS, the Legislature is now proposing an Amendment to Act that would clarify the definition of hazardous substance to read as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge, including, but not limited to, any domestic, commercial, or industrial wastewater, sewage, or sewage sludge collected by or expelled from a sanitary sewer system or a public sewage treatment plant, shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, the Legislature is also proposing an Amendment to Act that would define "Public sewage treatment plant" to read as follows:

"Public sewage treatment plant" means any publicly owned structure, device, or facility used to treat or process domestic, commercial, or industrial sewage, sewage sludge, or wastewater;

WHEREAS, Clark is in full support of the adoption of the proposed Amendment to the definition of hazardous substances under the Act and inclusion of a definition of "Public sewer treatment plant."

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of Township of Clark that the Township Council be and hereby supports the adoption of the amendment to N.J.S.A. 58:10-23.11(b), which clarifies the definition of hazardous substance by excluding any domestic, commercial and/or industrial sewage and sewage

sludge discharged to or through a public sewage system or to or through a public sewage treatment plant from the definition; and

BE IT FURTHER RESOLVED that the Municipal Clerk be and hereby is authorized to distribute copies of this Resolution to all appropriate officials and agencies including its Legislative Representatives, the Governor, and the Lieutenant Governor.

BE IT FURTHER RESOLVED that no further action of the Township Council shall be required in connection with this matter and this resolution shall take effect immediately.

Meeting date: March 18, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/3-18SupportS2094A3128AmendingSpillAct

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

Pool
CA 4

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

Motion _____ Second _____

WHEREAS the Pool Advisory Board discussed amendments to the Pool Rules and Regulations for 2013 and has recommended that the Governing Body adopt the changes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark acting as the Pool Utility that it hereby approves and adopts the Clark Community Pool Rules and Regulations for the 2013 season as amended.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/PoolRules&Regs

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

Pool
CA 6

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

Motion _____ Second _____

WHEREAS a contract was awarded to PAIR Properties, LLC on May 14, 2012 with the option to retain them as the Clark Community Pool Concessionaire for the Years 2012 through 2013; and

WHEREAS PAIR Properties, LLC (the Contractor) have exercised their option to be considered for the Pool Concessionaire at the Clark Community Pool for the Year 2013; and

WHEREAS the Township of Clark is desirous of retaining the services of the Contractor for the year 2013 at a fee of \$4,500.00 to be paid as herein set forth in the Agreement attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby retain PAIR Properties, LLC as the Pool Concessionaire at the Clark Community Pool for the Year 2013 and authorizes the Business Administrator and Township Clerk to execute the agreement.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/3-18PoolConsessionaire

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

CA 7

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

Motion _____ Second _____

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle Tax Appeals authorized by the Union County Board of Taxation for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>X</u>	<u>Rate</u>	<u>Refund</u>
70/28.01 C001	45 Central Avenue	4,717,500	4,617,600	99,900 (2011)	X	5%	\$ 7,878.34
70/28.01 C001	45 Central Avenue	4,717,500	4,295,600	421,900 (2012)	X	5%	\$32,119.25
91/3	5 Westfield Avenue	381,200	282,500 (2010)	98,700 (2010)	X	5%	\$ 7,889.32
91/3	5 Westfield Avenue	381,200	275,000 (2011)	106,200 (2011)	X	5%	\$ 8,381.23
91/3	5 Westfield Avenue	381,200	250,000 (2012)	131,200 (2012)	X	5%	\$ 7,733.70
Total Amount to be Refunded							\$64,001.84

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/3-18TaxAppealJudgments

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

48

TOWNSHIP OF CLARK
Resolution _____
March 18, 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

PATRICK O'CONNOR
Council President

Res13/3-18SewerAdj

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

SEWER BILLING ADJUSTMENT 2013												
CLARK TOWNSHIP												
REF	#	Account #	Name	#	Address	Reason	Original	Revised	Credit	Additional		
13	1	1772-0	Mr. & Mrs. Bizzoco	85	Stonehenge Terrace	pool	\$625.00	\$225.00	\$400.00			
13	2	1771-0	Nicole Thorn	79	Stonehenge Terrace	pool	\$905.00	\$225.00	\$680.00			
13	3	1260-0	Joseph & Jill Burkhard	35	Sandalwood Drive	pool	\$1,199.08	\$225.00	\$974.08			
13	4	1544-0	Thomas & Kelly Bowen	97	Hillcrest Drive	pool	\$1,105.00	\$225.00	\$880.00			
13	5	14585-0	Mr. & Mrs. Bothe	69	St. Germain	pool	\$745.00	\$225.00	\$520.00			
13	6	1672-0	JoAnn Beck	68	Armstrong Drive	scd	\$225.00	\$100.00	\$125.00			
13	7	13369-0	Anna Pikna	68	Malvern Drive	SCD Dis.	\$100.00	\$225.00	\$0.00	\$125.00		
13	8	12216-0	Daniel Flynn	13	Terry Lane	SCD	\$225.00	\$100.00	\$125.00			
13	9	15249-0	Century Court LLC	7	Cellar Avenue	APT RATE	\$8,016.70	\$5,850.00	\$2,166.70			
13	10	13137-0	Regina Bonito	8	Harold Avenue	SCD Dis.	\$100.00	\$225.00		\$125.00		
13	11	14764-0	Linda Flame	2340	Colonial Avenue	Well	\$500.00	\$225.00	\$275.00			
13	12	1233-0	Muriel Guskowski	361	Madison Hill Rd	Well	\$500.00	\$225.00	\$275.00			
13	13	13094-0	Rice Bowl	83	Westfield Avenue	APT RATE	\$528.84	\$675.00		\$146.16		
13	14	13610-0	George Sangiuliano	154	Westfield Avenue	APT RATE	\$4,029.48	\$900.00	\$3,129.48			
13	15	13611-0	George Sangiuliano	150	Westfield Avenue	APT RATE	\$4,657.80	\$900.00	\$3,757.80			
13	16	13612-0	George Sangiuliano	146	Westfield Avenue	APT RATE	\$5,286.00	\$900.00	\$4,383.00			
13	17	11157-0	Joseph MacDermant	34	Acorn Drive	pool	\$945.00	\$225.00	\$720.00			
13	18	15064-0	Christopher Steiner	12	Peter Circle	water iss	\$4,268.84	\$225.00	\$4,043.84			
13	19	14407-0	Raymond Varneckas	4	Oak Street	SCD Dis.	\$100.00	\$225.00		\$125.00		
13	20	12769-0	Joseph & Lisa Bill	42	Charles Street	pool	\$665.00	\$225.00	\$440.00			
					TOTALS		\$34,726.74	\$12,350.00	\$22,894.90	\$521.16		

CA 9

TOWNSHIP OF CLARK
Resolution _____
March 18, 2013

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 two (2) 2013 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 Vehicle:

Pricing of the Vehicle through the Cranford Police Cooperative Pricing System #101;
System Identifier 47-CPCPS
Dealer: Beyer/Warnock Fleet, 31 Williams Pkwy, East Hanover, New Jersey 07936
Funded by: O/E Account 3-01-25-240-237
Two (2) 2013 Ford Police Utility Interceptor marked police vehicles
Total equipment price \$52,787.50 (\$26,393.75 each)

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$52,787.50 funded by O/E Account 3-01-25-240-237 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 Two (2) 2013 Ford Police Utility Interceptor marked police vehicles from Beyer/Warnock Fleet, of East Hanover, New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/3-18PoliceVehiclePurchase
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
Smith _____
Toal _____
O'Connor _____

TOWNSHIP OF CLARK

Resolution _____

March 18, 2013

CA 10

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 13-36; 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 Contract #: 53763, 53771, 81327, 81331, 81343
2362 Waldheim Avenue
Scotch Plains, NJ 07076-2152
and
Morris County Co-Op Contract #41

Equipment List:
Lighting, Sirens, Cages, Mobile Radios, Console Boxes, Computer Mounts, Gun Racks, Fire Extinguisher Brackets, Push Bumpers necessary to outfit two 2013 Ford Police Utility Interceptors

Total equipment and installation price: \$31,149.86 (two vehicles at \$15,574.93 each) 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 OE Account # 3-1-25-240-237.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Clark Township 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

PATRICK O'CONNOR
Council President

Res13/3-18PoliceVehicleEquipment

Aye Nay Abstain Absent

Albanese
Barr
Kazanowski
Mazzarella
Smith
Toal
O'Connor