

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
March 19, 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 February 2012 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 Ordinances)

- 1. AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CLARK, CHAPTER 325, ARTICLE V THEREOF, ENTITLED LIMOUSINES, TO CHANGE THE FEES FOR A LICENSE TO OPERATE**
- 2. AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

INTRODUCTION OF PROPOSED ORDINANCES:

- 3. AN ORDINANCE TO SUPPLEMENT CHAPTER 347-36A OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "TURN PROHIBITIONS"**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through March 15, 2012 in the amount of \$366,815.74

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. Authorizing the Mayor or Business Administrator to execute an agreement with Monmouth Ocean Hospital Services Corp. for 911 Emergency Medical call screening and dispatch services
5. Authorizing the Business Administrator to execute an agreement with Shamrock Enterprises Ltd. for Professional Planning Services at the rate of \$130.00 per hour

Council sitting as the Swim Pool Utility:

6. Appointing Mike Kozlowski as the Pool Director, Kaitlin Mooney and Jessica Funk as Assistant Managers and authorizing the Council President to enter into an employment contract with each of these employees
7. Authorizing the re-advertisement of bids for the Pool Food Concession
8. Award of Contract for the Opening and Closing of the Pool to Aquatic Service Inc. in the amount of \$24,942.00 for 2012 and \$26,200.00 for 2013

CONSENT AGENDA RESOLUTIONS:

9. Endorsing the submission of the recycling tonnage grant application and designating Scott McCabe to ensure that the application is properly filed
10. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$50.00
11. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$7,005.70
12. Authorizing the Chief Financial Officer to refund overpayment of taxes in the amount of \$8,375.49

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: February 21, 2012 Public Hearing: March 19, 2012

Motion: O'Connor Motion: _____

Seconded: Mazzarella Seconded: _____

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CLARK,
CHAPTER 325, ARTICLE V THEREOF, ENTITLED LIMOUSINES, TO CHANGE
THE FEES FOR A LICENSE TO OPERATE**

BE IT ORDAINED by the Governing Body of the Township of Clark, as follows:

Section 1. Sections 325-32A and 325-32B of Chapter 325, Taxicabs and Limousines are hereby amended to change the fees of \$60.00 for a limousine license, \$20.00 for a limousine driver's permit and \$10.00 for an insurance certificate to read as follows:

§ 325-32 Fees

The fee for a Limousine License shall be payable to the Township in accordance with the fees as set forth in N.J.S.A. 48:16-17, as said Statute may be amended from time to time.

Section 2. Effective date

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

Effective Date: April 11, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/2-21AmendCh325LimousineFees
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: March 5, 2012 Public Hearing: March 19, 2012

Motion: O'Connor Motion: _____

Seconded: Mazzarella Seconded: _____

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 1.0% increase in the budget for said year, amounting to \$152,122.69 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2012 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$532,429.42 and that the CY 2012 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Effective Date: April 11, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/3-5ExceedBudgetAppr	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

Introduced: March 19, 2012 Public Hearing: April 16, 2012

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347-36A OF THE CODE
OF THE TOWNSHIP OF CLARK ENTITLED "TURN PROHIBITIONS"**

BE IT ORDAINED by the Governing Body of the Township of Clark as follows:

SECTION 1: Section 347-36A of the Code of the Township of Clark is hereby supplemented as follows:

Left turn is prohibited from 162 Central Avenue onto Raritan Road.

SECTION 2: **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 3: **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

Ord12/3-19NoLeftTurn-Exxon
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

March 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and/or Business Administrator to execute an Agreement with The Monmouth Ocean Hospital Services Corporation (MONOC) located at 4806 Megill Road, Neptune, New Jersey 07753 to provide 911 Emergency Medical Telephone Call Screening and Dispatch Services commencing April 2, 2012 and terminating December 31, 2013.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19AuthMONOCagreement
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
O'Connor _____
Toal _____
Whiting _____

TOWNSHIP OF CLARK
Resolution _____
March 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to execute an Agreement with Kevin O'Brien, P.P. of Shamrock Enterprises, Ltd., Madison House, Suite B, 866 Madison Avenue, Rahway, New Jersey 07065 for Professional Planning Services at the rate of One Hundred Thirty Dollars (\$130.00) per hour.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19AuthProfPlannerAgmt
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
O'Connor _____
Toal _____
Whiting _____

TOWNSHIP OF CLARK
Resolution _____
March 19, 2012

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on February 23, 2012 for receipt of bids on March 7, 2012 at 10:00 am for Operating and Maintaining of the Pool Food Concession Stand; and

WHEREAS no bidders responded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the re-advertisement of bids for the Pool Food Concession.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19Re-bidPoolConcession	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
March 19, 2012

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on February 23, 2012 and received one (1) bid for Specifications and Obligations for the Pool Maintenance for Seasons 2012 and 2013 on March 7, 2012 at 10:00 am; and

WHEREAS the one (1) bidder was Aquatic Service Inc. in the amount of \$24,942.00 for 2012 and \$26,200.00 for 2013; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Aquatic Service Inc. in the amount of \$24,942.00 for 2012 and \$26,200.00 for 2013; and

WHEREAS the Chief Financial Officer has ascertained funds will be available subject to the adoption of the 2012 and 2013 Municipal Budgets.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that they hereby award a contract to Aquatic Service, Inc. in the amount of \$24,942.00 for 2012 and \$26,200.00 for 2013 subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/AwardPoolMaintenance

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

March 19, 2012

Motion _____ Second _____

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

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

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

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

WHEREAS a resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Clark Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19RecyclingTonnage

Aye Nay Abstain Absent

Albanese

Barr

Kazanowski

Mazzarella

O'Connor

Toal

Whiting

TOWNSHIP OF CLARK
Resolution _____
March 19, 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 1	4206-0	Antonio Ferreira	318	West Lane	overpayment	\$ 25.00
12 2	3852-0	Pedro Matos	21	Picton Street	overpayment	\$ 25.00
						\$ 50.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19SewerRefunds

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
March 19, 2012

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

SHEILA WHITING
Council President

Res12/3-19SewerAdj

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

**SEWER BILLING ADJUSTMENT 2012
CLARK TOWNSHIP**

REF	# Account	# Name	# Address	Reason	Original	Revised	Credit	Additional
12	1 4401-0	Bryan Stanislawski	2 Pine Street	new homeowner	760.68	380.34	\$ 380.34	2011
12	2 3557-0	Martin Feeney	135 Nassau Street	leak	2,225.00	785.00	\$ 1,440.00	
12	3 3094-0	Mook Chin	83 Westfield Avenue	apt rate-mixed use	1,456.36	675.00	\$ 781.36	
12	4 2030-0	Frank Jannucci	400 Madison Hill Rd	pool issue	1,695.72	556.20	\$ 1,139.52	
12	5 4232-0	Brandon Bennett	304 Parkway Drive	disallow scd	100.00	225.00		125.00
12	6 4401-0	Bryan Stanislawski	2 Pine Street	new homeowner	945.00	225.00	\$ 720.00	2012
12	7 917-0	Joseph Melchionna	1116 Lake Avenue	house demo	225.00	0.00	\$ 225.00	
12	8 4764-0	Linda Flame	2340 Colonial Drive	billed as well	500.00	225.00	\$ 275.00	
12	9 3449-0	Francisco Antunez	53 Fulton Street	water co credit	828.04	259.56	\$ 568.48	
12	10 4577-0	Joseph Marchese	116 Emerald Place	plumbing issue	1,145.00	345.00	\$ 800.00	
12	11 2545-0	David Calo	63 King Street	broken pipe	1,145.00	469.00	\$ 676.00	
Total Adjustments							\$ 7,005.70	

TOWNSHIP OF CLARK

Resolution _____

March 19, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2010, 2011 and 2012 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:

BLOCK	LOT	QUAL	NAME	#	ADDRESS	REFUND	YEAR
6	4		Russo, Nicholas	8	Owens Drive Warren, NJ 07059	\$ 18.40	2011
				25	Schwin Drive		
30.07	42		Li, Guifeng	100	Meadow Road	\$ 14.26	2011
40	51		Giordano, Marilyn	551	Madison Hill Rd	\$ 247.89	2010
52	20.11		Shackleton, Judith	474	Madison Hill Rd	\$ 74.92	2011
82	5		Gardner, Jennifer	16	Prescott Turn	\$1,643.23	2012
88	9		Mortagua, Jorge	59	Cornell Drive	\$ 29.76	2010
88.01	30.06		Hudziak, Richard	36	Adams Street	\$4,367.43	2010
163	7		Volpe, Gloria	3799	S Banana River Blvd Unit 828 Cocoa Beach, FL 32931	\$ 146.41	2011
				213	East Lane		
73	7		Mason, Eric	272	Westfield Ave	\$1,833.19	2012
			Refund Amount			\$8,375.49	

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/3-19TaxRefunds

Aye Nay Abstain Absent

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