

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
November 19, 2012
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____ Councilman Mazzearella _____
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.

Regular Order of Business Suspended

**Mayor's Presentation: Recognition of Hurricane Sandy Recovery Efforts
Mayor's Proclamation: Pancreatic Cancer Awareness Month**

Regular Order of Business Resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police and Fire Reports for the month of October 2012 as well as the Quarterly Health Department Report have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through November 16, 2012 in the amount of \$172,947.03

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:

1. Authorizing Municipal Consent for Cross River Fiber to install fiber optic cable in the Municipal Right-of-Way
2. Appointing Gail Paterno as an Alternate Deputy Registrar to fill the unexpired term of Pat Korley ending December 31, 2014
3. Opposing S-1534 and A-2586 Exempting Private Universities from the Municipal Land Use Law
4. Authorizing the transfer of funds within the 2012 Municipal Budget

CONSENT AGENDA RESOLUTIONS:

5. Authorizing the Business Administrator and Health Officer to enter into an Agreement with the Union County LINC Agency for Public Health Preparedness, Health Threats and Emergencies
6. Approving the Council Meeting Calendar for 2013
7. Approving the Employee Holiday Calendar for 2013
8. Entering into an Interlocal Services Agreement with the City of Linden for Animal Control Services
9. Authorizing the Health Officer to enter into an agreement with the Visiting Nurse and Health Service
10. Award of Contract to Giordano Company for the Collection and Disposal of Grass Clippings in the amount of \$81,000 for 2013 and \$85,000 for 2014
11. Authorizing the Clark Special Events Committee and the Department of Recreation to conduct a Community Bonfire
12. Authorizing the Mayor to execute a Developer's Agreement with Quick Chek Corporation to maintain the property located at 182 – 190 Westfield Ave.

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:

Mayoral Proclamation

Pancreatic Cancer

WHEREAS in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS approximately 1130 deaths will occur in New Jersey in 2012; and

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Clark and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS the Pancreatic Cancer Action Network and its affiliates in Clark support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS the good health and well-being of the residents of Clark are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

THEREFORE BE IT RESOLVED THAT I, Mayor Sal Bonaccorso and the Township Council designate the month of November 2012 as "Pancreatic Cancer Awareness Month" in Clark.

Mayor Sal Bonaccorso
November 19, 2012

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

WHEREAS as a telecommunications utility, Cross River Fiber LLC, Cross River Fiber Inc. d/b/a Cross River Fiber NJ Inc. (collectively referred to herein as "Cross River Fiber") has been authorized by the Board of Public Utilities to provide local telecommunications services throughout the State of New Jersey; and

WHEREAS pursuant to such authority, Cross River Fiber may locate, place, attach, install, operate and maintain fiber optic facilities within the municipal, county and state right-of-way for the purpose of providing telecommunications services; and

WHEREAS in accordance with NJSA 48:3-19, Cross River Fiber has requested the consent of Clark Township to locate, operate and maintain fiber optic cable within the municipal right-of-way.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby grants Cross River Fiber its municipal consent for the non-exclusive use of the Public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to execute the Rights-of-Way Use Agreement subsequent to the filing of plans for approval by the Governing Body in the best interest of the Municipality and its citizens.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19CrossRiverFiber-MunicipalConsent
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
O'Connor _____
Toal _____
Whiting _____

2

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby appoint Gail Paterno as an Alternate Deputy Registrar of Vital Statistics for the Township of Clark to fill the vacancy created by Patricia Korley effective this 19th day of November 2012 for the unexpired portion of the three (3) year term ending December 31, 2014, pursuant and subject to the provisions of N.J.S.A. 26:8-11 et seq.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19ApptAltDepRegistrar	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

Motion _____ Second _____

RESOLUTION OPPOSING S-1534 AND A-2586 EXEMPTING PRIVATE UNIVERSITIES FROM THE MUNICIPAL LAND USE LAW

WHEREAS the State Senate passed S-1534; and

WHEREAS the State Assembly has introduced for consideration A-2586; and,

WHEREAS said bills are mirror-image measures that would exempt private universities from the New Jersey Municipal Land Use Law, NJSA 40:55D-1 et seq; and

WHEREAS planning and zoning by municipalities is of fundamental interest to municipalities, and their residents as an appropriate means to manage and control land use; and

WHEREAS exempting private universities from the Municipal Land Use Law would adversely affect land use controls that now protect municipalities, and their residents; and

WHEREAS exempting private universities from the Municipal Land Use Law would damage the self-determination of municipalities and inhibit the role and participation of residents; and

WHEREAS there is no rational basis to exempt private colleges and universities from the Municipal Land Use Law since it creates a disparity between these private institutions and non-profit institutions, private businesses and residents; and

WHEREAS shifting the authority to private colleges and universities in the determination of land uses further burdens taxpayers to meet the cost impacts incurred as a result of the additional, unbridled development.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark that it strongly opposes S-1534 and A-2586 and hereby urges our State representatives vote against this legislation; and

BE IT FURTHER RESOLVED that copies be forwarded to the New Jersey State League of Municipalities, Senator Nicholas Scutari, Assemblyman Jerry Green and Assemblywoman Linda Stender, the members of the Assembly Higher Education Committee, the Speaker of the Assembly and the Governor of the State of New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19OpposeS1534A2586

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

November 19, 2012

4
Revised

Motion _____ Second _____

WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2012 budget appropriations in accordance with the following schedule of transfers.

CLARK TOWNSHIP
BUDGET APPROPRIATIONS 2012

		<u>From</u>	<u>To</u>
Current			
31-435-223	Street Lighting	80,000.00	-
31-460-223	Gas & Diesel Fuel		20,000.00
26-290-200	Streets & Roads	_____	<u>60,000.00</u>
Total		<u>80,000.00</u>	<u>80,000.00</u>

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19BudgetTransfers

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

CAS

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby authorizes the Business Administrator and Health Officer to enter into an Agreement between the Union County LINCS Agency and the Clark Health Department for Public Health Preparedness and Response to Bioterrorism Outbreaks of Infectious Disease and other Public Health Threats and Emergencies effective this 19th day of November 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19AuthUCLINCSAgrmnt	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CAG

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED the Township Council of the Township of Clark does hereby approve the Meeting Calendar for the Year 2013 outlined below.

CLARK MUNICIPAL COUNCIL 2013 MEETING DATES
Reorganization Meeting January 1, 2013
315 Westfield Ave. - 12:00 Noon

WORKSHOP MEETINGS 7:30 P.M
430 Westfield Avenue
Room 30

PUBLIC MEETINGS 7:30 P.M.
315 Westfield Avenue
Council Chambers

January 7
February 4
March 4
April 1
May 6
June 3
July 15 (7:00 p.m.)*
August 19 (7:00 p.m.)*
September 3 (Tuesday)
October 7
November 4
December 2

January 22 (Tuesday)
February 19 (Tuesday)
March 18
April 15
May 20
June 17
July 15
August 19
September 16
October 21
November 18
December 16

* Council Chambers, 315 Westfield Ave.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19MeetingDates2013
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
O'Connor _____
Toal _____
Whiting _____

CAT

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, will constitute the official Township employee holiday calendar for the year 2013.

New Year's Day	Tuesday	01/01/2013
Martin Luther King Jr. Day	Monday	01/21/2013
Presidents Day	Monday	02/18/2013
Good Friday	Friday	03/29/2013
Memorial Day	Monday	05/27/2013
Independence Day	Thursday	07/04/2013
Labor Day	Monday	09/02/2013
Columbus Day	Monday	10/14/2013
Veteran's Day	Monday	11/11/2013
Thanksgiving Day	Thursday	11/28/2013
Day after Thanksgiving	Friday	11/29/2013
Christmas Day	Wednesday	12/25/2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19Holidays2013

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

C A 8

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to N.J.S.A. 40:8A-1 et. seq. does hereby enter into an Interlocal Services Agreement with the City of Linden Board of Health, 301 North Wood Avenue, Linden, New Jersey 07036 for Animal Control Services for a fee of \$23,400.00 per annum, to be effective January 1, 2013 through December 31, 2013.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19 AnimalControl	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CAG

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and Visiting Nurse and Health Service (VNHS) for the period commencing January 1, 2013 and terminating on December 31, 2013, pending the approval of the 2013 Municipal Budget.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19 VNHS

Aye Nay Abstain Absent

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

CA 10

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on October 18, 2012 and received one (1) bid for the Collection and Disposal of Grass on November 8, 2012 at 10:00 a.m.; and

WHEREAS Giordano Company, 142-156 Frelinghuysen Avenue, Newark, New Jersey 07114 was the sole responsible bidder with a lump sum bid of Eighty One Thousand Dollars (\$81,000) for 2013 and Eighty Five Thousand Dollars (\$85,000) for 2014; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Giordano Company of Newark, New Jersey in the above stated amount; and

WHEREAS the Chief Financial Officer has ascertained funds will be available subject to the adoption of the 2013 and 2014 Municipal Budgets.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Giordano Company in the amount of \$81,000 for 2013 and \$85,000 for 2014 subject to review of the bids by the Township Attorney who will draw up the contract; and

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized and directed to execute said contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19AwardGrass

Aye Nay Abstain Absent

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

CA 11

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

WHEREAS the Clark Special Events Committee in conjunction with the Department of Recreation desire to conduct a Community Bonfire; and

WHEREAS the Township has received a Certificate of Insurance for this activity under the Township's Community Insurance Policy along with the required consent and approvals of the Board of Education, Fire Department and Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School Girls' Softball Field on Wednesday, November 21, 2012 at 6:00 pm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19Bonfire	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CA 12

TOWNSHIP OF CLARK
Resolution _____
November 19, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and Township Clerk to execute a Developer's Agreement with Quick Chek Corporation, a corporation having its principal office located at 3 Old Highway 28, Whitehouse Station, New Jersey 08889, to keep and maintain the property designated as Block 133 Lot 15, with a street address of 182-184-190 Westfield Avenue, Clark, New Jersey, free of litter, weeds and debris in accordance with all applicable Township Ordinances.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/11-19AuthQuickChekDevAgrmnt	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____