

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
September 16, 2013
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazarella _____
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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Business Administrator Meeting Summary:

Township Officers: Police, Fire and First Aid Reports for the month of August, 2013 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 CHAPTER 227 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "NUISANCES, PUBLIC HEALTH"**
- 2. AN ORDINANCE TO AMEND CHAPTER 195, SECTION 160 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PERMITTED SIGNS"**
- 3. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A FIRE CODE ENFORCEMENT VEHICLE AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$50,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through September 12, 2013 in the amount of \$198,323.64

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. Joining the Union County Board of Chosen Freeholders in declaring September 20th POW/MIA Remembrance Day
5. Authorizing the Mayor to sign an agreement with the County of Union for Leaf Composting
6. Award of Contract for the Collection and Disposal of Leaves to Riversedge Contracting in the amount of \$2.67 per cubic yard
7. Award of Contract for Recycling Collection to Giordano Company for five years

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:

PH 1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: August 19, 2013 Public Hearing: _____

Motion: Mazzarella Motion: _____

Seconded: Barr Seconded: _____

**AN ORDINANCE TO AMEND CHAPTER 227
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"NUISANCES, PUBLIC HEALTH"**

BE IT ORDAINED by the Governing Body of the Township of Clark that 227 of the Code of the Township of Clark entitled "Nuisances, Public Health" which adopted the Public Health Nuisance Code of New Jersey (1953) is hereby amended in the following particulars:

SECTION 1: Sections 2.1(a) and 2.1(b) are repealed in their entirety.

SECTION 2: Section 2.1(c) through Section 2.1(f), are restated and shall remain in full force and effect.

SECTION 3: Section 2.1(g) is amended and supplemented to read as follows: "The existence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this section shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes. This section shall not apply to fountains or swimming pools which maintain adequate circulation to precluded the breeding of mosquitoes.

SECTION 4: Section 2.1(h) through Section 2.1(i), are restated and shall remain in full force and effect.

SECTION 5: Section III entitled "Proper Heating of Apartments", Section IV entitled "Prohibition of Certain Noises and Sounds", Section V entitled, "Prohibited Lease or Rental of Certain Buildings", and Section VI entitled "Spitting Prohibited" are repealed in their entirety.

SECTION 6: Section VII entitled "Inspection of Premises", Section VIII entitled "Abatement of Nuisances", Section IX entitled "Recovery of Costs by Board of Health" and Section X, are restated and shall remain in full force and effect.

SECTION 7: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

SECTION 8: **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: October 9, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

PATRICK O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord13/8-19AmendChap227NuisancesPublicHealth
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

PH 2

Introduced: August 19, 2013 Public Hearing: _____

Motion: Barr Motion: _____

Seconded: Smith Seconded: _____

**AN ORDINANCE TO AMEND CHAPTER 195, SECTION 160
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"PERMITTED SIGNS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 195, Section 160 of the Code of the Township of Clark entitled "Permitted Signs" be and the same is hereby amended and supplemented in the following particulars:

Chapter 195-160.1 Banners Defined

SECTION 1: Definition

A banner is a temporary sign of cloth, vinyl or similar material that celebrates an event, season, community, neighborhood, or district, and is sponsored by a recognized community agency or organization or local business.

SECTION 2: Approvals

- (1) All banners shall require the approval of the Zoning Officer upon a formal application made not less than seventy-two (72) hours prior to the desired time of placement, together with the payment of an application fee in the amount of \$75.00.
- (2) Banners shall only be permitted to be placed in non-residential zones.
- (3) Banners shall be erected and may remain in place for a period not to exceed fourteen (14) days and on not more than two (2) occasions per year.
- (4) Banners shall be no more than two (2') feet wide and in cases where the banner is affixed to a building, no longer than $\frac{3}{4}$ of the width of the side of the building to which it is affixed. Stand alone banners shall not exceed eight (8') feet in height.
- (5) Multiple banners are allowed provided that the sum total of the visible area of the banner does not exceed 50 square feet in area.

SECTION 3: Prohibitions.

The following types of banners shall not be permitted in any zone:

- (1) Fluttering, moving or rotating banners.
- (2) Any banner erected, constructed, or maintained which obstructs or Interferes with an fire escape, window, door, or opening used as a means of egress or ingress or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation.
- (3) Any banner which is of such form, character, or shape as to be likely to confuse or distract the attention of the operator of a motor vehicle including, but not limited to, banners visible from the street using the word "stop" or "danger" or any other word, phrase, symbol, or character with the effect of simulating a public safety warning or traffic sign.
- (4) Any series of two or more banners placed in a line parallel to the roadway, or in a similar fashion, all carrying a single advertising message, part of which is contained on each banner or when the use of multiple banners exceeds 50 square feet in area.
- (5) Banners which in any way simulate official, directional, or warning signs erected or maintained by the State of New Jersey, a county or municipality thereof, or by any railroad or public utility or similar agency concerned with the protection of the public health or safety.
- (6) Banners not associated with a business on the same property.
- (7) Roof banners and banners on the side of any structure extending above the edge of the roof.
- (8) Banners on railroad or vehicular overpasses.
- (9) Banners which obstruct driving vision, traffic signals, sight triangles, and traffic direction and identification signs.

Nothing in this section shall be construed to prohibit banners erected by the Township itself or authorized by the Mayor and Council.

SECTION 4: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

SECTION 5: **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: October 9, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord13/8-19AmendChap195Banners
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

PH 3

Introduced: August 19, 2013 Public Hearing September 16, 2013

Motion: Barr Motion: _____

Seconded: Smith Seconded: _____

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A FIRE CODE ENFORCEMENT VEHICLE AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$50,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire a Fire Code Enforcement Vehicle and any ancillary costs related thereto.

Section 2. The sum of \$50,000 is hereby appropriated for the acquisition of a Fire Code Enforcement Vehicle and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Effective Date: October 9, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord13/8-19CapOrdFireCodeEnfrmntVehicle

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
September 16, 2013

4

Motion Entire Council Second Entire Council

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholder of the County of Union, on Friday, September 20, 2013, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

WHEREAS Friday, September 20, 2013 has been declared "POW/MIA Remembrance Day" in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

WHEREAS in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, beginning at 11:15 a.m. All residents of Union County are urged to make a special effort to give thanks and remember the sacrifices made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 20, 2013 be declared "**POW/MIA REMEMBRANCE DAY**" in the Township of Clark, County of Union, New Jersey; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution, suitably prepared, be forwarded to the Union County Board of Chosen Freeholders, the Clark American Legion and John L. Ruddy Post #7363 VFW.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/9-16POW/MIARemembrance

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

5

TOWNSHIP OF CLARK
Resolution _____
September 20, 2013

Motion _____ Second _____

BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, New Jersey is desirous to enter into a Memorandum of Understanding and an Indemnification Agreement for leaf composting at the Union County Facility; and

BE IT FURTHER RESOLVED the Governing Body hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/9-16UCLeafCompostingArgmnt

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

TOWNSHIP OF CLARK
Resolution _____
September 16, 2013

6

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on August 22, 2013 and received one (1) bid for Collection and Disposal of Leaves on September 5, 2013 at 10:00 a.m.; and

WHEREAS the lowest responsible bidder was Riversedge Contracting, LLC, 3092 Hutchinson River Road, Phillipsburg, NJ 08865 in the amount of \$2.67 per cubic yard; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Riversedge Contracting, LLC, not to exceed budget appropriation of \$32,040.00; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2013 Municipal Budget, Account Number 26-306-223.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Riversedge Contracting, LLC in the amount of \$2.67 per cubic yard subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/9-16AwardLeaves

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

TOWNSHIP OF CLARK
Resolution _____
September 16, 2013

7

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark authorized the Business Administrator to solicit bids for Recycling Collection and Marketing of recycling materials within the Township; and

WHEREAS one (1) bid was received on September 5, 2013 at 10:00 a.m. in accordance with specifications prepared by the Business Administrator; and

WHEREAS Giordano Company, 142-156 Frelinghuysen Ave., Newark, New Jersey 07114 submitted the lowest responsible bid in the amount \$78,972.00 for the first year, \$78,972.00 for the second year, \$78,972.00 for the third year, \$82,000.00 for the fourth year and \$82,000.00 for the fifth year, subject to the final adoption of subsequent year budgets; and

WHEREAS the Chief Financial Officer has ascertained funds will be available in Recycling Account #26-307-223.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract for Recycling Collection and Marketing to Giordano Company for a period of five years subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/9-16AwardRecycling5yr

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