

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
September 17, 2012
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazarella _____
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.

Suspend the Regular Order of Business:

1. Presentation – New Jersey State Association of Chiefs of Police
2. Clark Police Department: Promotion of Alan Scherb to Chief and
Appointment of Ricardo Oliveira as Police Officer
3. Presentation – by Pool Director, Mike Kozlowski to the Clark First Aid Squad

Resume the Regular Order of Business

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police and Fire Reports for the month of August 2012 - 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. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT, POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS, AND THE VOLUNTEER FIRST AID SQUAD AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$ 70,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK
2. AN ORDINANCE TO AMEND CHAPTER 170, SECTION 170-4 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED RETAIL FOOD ESTABLISHMENT LICENSING

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through September 13, 2012 in the amount of \$280,464.29

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:

3. Council as ABC Board: Approving the Person-to-Person Transfer of the Liquor License held by Steak & Ale to AGPC Management LLC
4. Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2013 NJDOT Municipal Aid Program
5. Authorizing the Chief Financial Officer to refund over payment of 3rd and 4th Quarter Taxes in the amount of \$11,362.24

CONSENT AGENDA RESOLUTIONS:

6. Authorizing the Mayor to sign an agreement with the County of Union for Leaf Composting
7. Award of Contract for 2012 Capital Road Improvement Program; Featherbed Lane, Canterbury Drive and Jupiter Street to Top Line Construction Corp. in the amount of \$608,741.36
8. Award of Contract for 2012 Capital Road Improvement Program; Hutchinson Street and Little League Parking Lot Improvement to Fischer Contracting in the amount of \$93,176.48
9. Award of Contract for 2012 NJDOT Roadway Improvement Program; Liberty Street from Valley Road to Broadway to Top Line Construction Corp. in the amount of \$307,781.76
10. Authorizing Release of Performance Guarantees for the 2011 NJDOT Roadway Improvement Program to Z. Brothers Concrete Contractors, Inc.
11. Renewing membership in the New Jersey Municipal Self Insurer's Joint Insurance Fund and authorizing the Mayor or Business Administrator to execute the agreement
12. Appointing Amalgamated General Agencies of Westfield as the Township's Risk Management Consultant and Authorizing the Mayor and/or the Business Administrator to execute an agreement for the year 2013

NEW BUSINESS ON THE CALENDAR:

Strongly disavowing the action purportedly to be undertaken by the RVSA which will join all industrial and commercial users within the Township of Clark to the DEP v Occidental lawsuit as fourth party defendants and demanding that the RVSA revisit this strategy

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 20, 2012 Public Hearing: September 17, 2012

Motion: Barr Motion: _____

Seconded: Mazzarella Seconded: _____

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT, POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS, AND THE VOLUNTEER FIRST AID SQUAD AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$ 70,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS 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 Volunteer Fire Department is hereby authorized to acquire PPE (Bunker Gear) and Hose in the total amount of \$ 20,000 and ancillary costs related thereto; the Township Police Department, Volunteer First Aid Squad, and Department of Public Works are hereby authorized to acquire Narrow Band Compliant Radio Equipment and any ancillary costs related thereto not to exceed the total amount of \$50,000,

Section 2. The sum of \$70,00 is hereby appropriated for the acquisition of said equipment and any 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 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 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 10, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/8-20CapitalFDPDDPWFirstAid	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

PH 2

Introduced: August 20, 2012 Public Hearing: September 17, 2012

Motion: Kazanowski Motion: _____

Seconded: Albanese Seconded: _____

**AN ORDINANCE TO AMEND CHAPTER 170, SECTION 170-4
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED RETAIL FOOD ESTABLISHMENT LICENSING**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 170, Section 170-4, Subsection B (1) and D be amended in the following particulars:

SECTION 1: Section 170-4, Subsection B, entitled Annual Fee, of the Code of the Township of Clark is hereby rescinded in its entirety and replaced as follows:

The annual licensing fee for retail food establishments shall be the sum of \$275.00 per year irrespective of the size of the establishment.

The fee for a temporary retail food establishment shall be \$100.00 per event provided, however, that any entity licensed by the Township of Clark as a retail food establishment within the Township of Clark shall not be required to pay an additional licensing fee.

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: October 10, 2012

ATTEST:

APPROVED:

EDITH L. MERKEL, Township Clerk

SHEILA WHITING, Council President

SALVATORE BONACCORSO, Mayor

Ord12/8-20AmendCh170Sec170-4RETAILFOODEST

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

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

3

Motion _____ Second _____

WHEREAS an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-33-007-004, heretofore issued to Steak and Ale of New Jersey, Inc., c/o Michelle H. Chow, Chapter 7 Trustee, held in pocket; and

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2012-2013; and

WHEREAS the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark does hereby approve, effective September 17, 2012 the transfer of the aforesaid Plenary Retail Consumption License to AGPC Management Limited Liability Company, c/o Attilio J. Guarino, 335 Green Valley Road, Staten Island, New York 10312 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to AGPC Management LLC, effective September 17, 2012."

BE IT FURTHER RESOLVED AGPC Management LLC has requested the license be placed in pocket at this time.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17PersontoPersonTransferS&AtoAGPC
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

September 17, 2012

4

Motion _____ Second _____

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2013 NJDOT Municipal Aid Program, project identified as MA-2013-Clark Township-00169

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Clark, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Business Administrator, Township Engineer and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Clark Township-00169 NJDOT Municipal Aid Program to the New Jersey Department of Transportation on behalf of the Township of Clark; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Council on this Seventeenth day of September, 2012.

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17NJDOTGrantAuth	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

5

TOWNSHIP OF CLARK

Resolution _____

September 17, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of the 3rd and 4th 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 refund:

BLOCK	LOT	QUAL	NAME	ADDRESS	REFUND	YEAR
70	28.01, C003		Tomarc Company, LLP	77 Central Ave.	\$ 11,362.24	2012
Total Refund					\$ 11,362.24	

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17TaxRefundTomarc

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

CAB

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

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

SHEILA WHITING
Council President

Res12/9-17UCLeafCompostingAgmt
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

C A 7

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on August 30, 2012 for the 2012 Capital Roadway Improvement Program (Featherbed Lane – Canterbury Drive – Jupiter Street); and

WHEREAS four (4) bid proposals were received on September 12, 2012 at 10:00 am in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Top Line Construction Corp. in the amount of \$608,741.36, Black Rock Enterprises, LLC in the amount of \$618,947.75, and Stilo Excavating in the amount of \$629, 405.00; and

WHEREAS Top Line Construction Corporation, 22 Fifth Street, Somerville, NJ 08876 submitted the lowest proposal in the amount of \$608,741.36 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 12-08 as attached hereto as a “Certification of Availability of Funds”; and

WHEREAS the Township Engineer has presented written approval for the award of the bid to Top Line Construction Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Top Line Construction Corporation in the amount of \$608,741.36 ; and

BE IT FURTHER RESOLVED by the Governing Body that award of bid is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17Award2012CapRoadFeatherbed
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

CA 8

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on August 30, 2012 for the 2012 Capital Roadway Improvement Program (Hutchinson Street and Little League Parking Lot Improvements); and

WHEREAS five (5) bid proposals were received on September 12, 2012 at 10:00 am in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Fischer Contracting in the amount of \$93,176.48, Stilo Excavating in the amount of \$95,803.20, and Black Rock Enterprises, LLC in the amount of \$104,628.70; and

WHEREAS Fischer Contracting, 10 Short Hills Lane, Scotch Plains, New Jersey 07076 submitted the lowest proposal in the amount of \$93,176.48 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 12-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the bid to Fischer Contracting.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Fischer Contracting in the amount of \$93,176.48; and

BE IT FURTHER RESOLVED by the Governing Body that award of bid is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17Award2012CapRoadHutchinson
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

September 17, 2012

CA 9

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on August 30, 2012 for the 2012 NJDOT Roadway Improvement Program (Liberty Street from Valley Road to Broadway); and

WHEREAS five (5) bid proposals were received on September 12, 2012 at 10:00 am in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Top Line Construction Corp. in the amount of \$307,781.76, Stilo Excavating in the amount of \$311,231.80 and Black Rock Enterprises, LLC in the amount of \$315,240.50; and

WHEREAS Top Line Construction Corp., 22 Fifth Street, Somerville, New Jersey 08876 submitted the lowest proposal in the amount of \$307,781.76 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 12-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the bid to Top Line Construction Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Top Line Construction Corp. in the amount of \$307,781.76; and

BE IT FURTHER RESOLVED by the Governing Body that award of bid is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17Award2012NJDOT

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

September 17, 2012

CA 10

Motion _____ Second _____

WHEREAS Z. Brothers Concrete Contractors, Inc. has requested the release of the Performance Guarantee posted for the 2011 NJDOT Roadway Improvement Program in the amount of One Hundred Thirty Nine Thousand, Nine Hundred Nine Dollars and Eighty One Cents (\$139,909.81) ; and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore recommends the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Z. Brothers to be Fourteen Thousand, Eight Hundred Ninety Five Dollars and Twenty Four Cents (\$14,895.24); and

WHEREAS at the end of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be released upon receipt of a Surface Guarantee in the amount of Seven Thousand, Four Hundred Forty Seven Dollars and Sixty Two Cents (\$7,447.62).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of the Performance Guarantee in the amount of \$139,909.81 upon submission of a Maintenance Guarantee in the amount of \$14,895.24 for a period of one year from October 26, 2011 at which time, after re-inspection, the Maintenance Guarantee may be released upon receipt of a Surface Guarantee in the amount of \$7,447.62 which will be held for a two year period.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17Release2011NJDOTZBrothers
Aye Nay Abstain Absent

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

CALL

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

Motion _____ Second _____

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND**

WHEREAS the Township of Clark is a member of the New Jersey Municipal Self Insurers' Joint Insurance Fund; and

WHEREAS said renewal membership terminates as of January 1, 2013, 12:01 a.m., unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Township of Clark agrees to renew its membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund for a period of three (3) years beginning January 1, 2013, and ending January 1, 2016 at 12:01 a.m. and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor/Business Administrator/Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Municipal Self Insurers' Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17JIFMembershipRenewal	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CA 12

TOWNSHIP OF CLARK
Resolution _____
September 17, 2012

Motion _____ Second _____

WHEREAS the Township of Clark has resolved to join the New Jersey Municipal Self Insurers' Joint Insurance Fund ("NJMSIJIF") following a detailed analysis; and

WHEREAS the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township of Clark does hereby appoint Amalgamated General Agencies as its Risk Management Consultant in accordance with the Fund's Bylaws; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator and Township Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement effective 01/01/13 to 12/31/13 annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17RiskMngmtConsultant'sAgrmt	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

TOWNSHIP OF CLARK

Resolution _____

September 17, 2012

*New
B...*

Motion _____ Second _____

WHEREAS, the Township of Clark is engaged in extensive litigation in the matter of the DEP, et al v. Occidental Chemical Corporation, et al; and

WHEREAS, it has come to the attention of the Township of Clark that the RVSA is intent on joining all industrial and commercial entities doing business in Clark which utilize the services of the RVSA as fourth party defendants to the foregoing litigation; and

WHEREAS, the RVSA will not discern on a factual basis between and among the entities which should or should not be joined but rather chooses to employ a shotgun approach to a serious problem, which approach is unacceptable to the Governing Body of the Township of Clark, and not in the interest of the Township of Clark or the potential defendants involved; and

WHEREAS, the action of the RVSA, if implemented, would cause virtually all of the industrial and commercial users of the RVSA services to retain counsel, notify their insurance companies, and be otherwise exposed to substantial costs which cannot be recouped; and

WHEREAS, the proposed action of the RVSA is anti-business and is contrary to the expressed policy of the Governor of the State of New Jersey in encouraging business expansion and the creation of new businesses and greater employment opportunities, which are necessary to assist in the State's economic recovery; and

WHEREAS, the purported action of the RVSA is fundamentally unfair and wrong and is not countenanced or condoned by the Governing Body of the Township of Clark.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that it does strongly disavow the action purportedly to be undertaken by the RVSA which will join all industrial and commercial users within the Township of Clark to the aforementioned lawsuit as fourth party defendants and it demands that the RVSA revisit this strategy for all the reasons referenced hereinabove.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/9-17RVSA-DEPvOccidental4thpartydefendants

Aye Nay Abstain Absent

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