

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
July 20, 2015  
7:30 PM**

**ROLL CALL:**

Councilwoman Albanese \_\_\_\_\_ Councilman Mazzarella \_\_\_\_\_  
Councilman Barr \_\_\_\_\_ Councilman O'Connor \_\_\_\_\_  
Councilman Hund \_\_\_\_\_ Councilman Toal \_\_\_\_\_  
Council President Smith \_\_\_\_\_

**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 and Union County Local Source, 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

Police Department: New Police Officers, Dominick Giusti, Mark Detore and Ronny Taborda take their Oath of Office

Regular order of business resumes

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Police, Fire and First Aid Reports for the month of June, 2015 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 Ordinance)

- 1. AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 45 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED TRAFFIC CONTROL SIGNALS**

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 2. AN ORDINANCE AMENDING CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK RELATED TO INFILTRATION AND INFLOW**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 13, 2015 in the amount of \$322,782.01

**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:** Authorizing the annual renewal of the Alcoholic Beverage License for the Holiday Inn for the 2015-2016 License Term
4. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$75,000 for the Critical Facilities Generator Project
5. Authorizing the Mayor and/or Business Administrator to execute a Sub-Grant Agreement with the New Jersey Office of Emergency Management for the Hazard Mitigation Grant Program
6. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2014 Annual Audit entitled General Comments and Recommendations
7. Approving the 2014 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
8. Authorizing Final Payment to Black Rock Enterprises LLC for the 2014 Capital Roadway Improvement Project in the amount of \$9,190.69
9. Authorizing the Business Administrator to enter into a Professional Services Agreement with Scibal Assoc. dba Qual-Lynx to handle open claims with dates prior to August 1, 2012
10. Appointing Austin Pencinger as a member of the Clark Volunteer Fire Department

### **CONSENT AGENDA RESOLUTIONS:**

11. Authorizing the Mayor and Clerk to Execute an Agreement with Union County to Modify the Cooperative Agreement for the Community Development Block Grant program dated June 2011
12. Authorizing the Mayor to enter into a lease agreement with the Union County Educational Services Commission for use of the gymnasiums in the Municipal Building
13. Affirming the renewal agreement with Liberty Power, supplier of electricity, for a 12 month period at a rate of 0.09833/kWh
14. Authorizing the Tax Collector to settle tax appeals authorized by the Tax Court of New Jersey for three properties in the total amount of \$16,457.81
15. Authorizing the Tax Collector to transfer overpayment of 2015 taxes in the amount of \$2,461.13
16. Appointing John Laezza as Acting Township Clerk in the absence of Township Clerk Edith Merkel

### **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: July 6, 2015 Public Hearing: July 20, 2015

Motion: O'Connor Motion: \_\_\_\_\_

Seconded: Barr Seconded: \_\_\_\_\_

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 45  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED TRAFFIC CONTROL SIGNALS**

**BE IT ORDAINED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey as follows:

**SECTION 1.** That the following Traffic Control Signal Installation shall be installed and operated at the following mentioned intersection and as per the designated plan:

<u>LOCATION</u>	<u>DESIGNATED PLAN/DATE</u>	<u>REVISED TIMING DIRECTIVE DATE</u>
Raritan Road (CR607) at Driveway for Hyatt Hills Golf Course and Clark Commons Shopping Center	As-built 07/06/15	07/06/15

**SECTION 2.** That the Traffic Control Signal installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control devices and Title 39 of the Revised Statutes; shall conform to the design and shall be maintained and operation, as authorized by the NJ Department of Transportation.

**SECTION 3.** That all prior ordinances or resolutions or portions thereof of the Township of Clark inconsistent herewith be and they are hereby repealed.

**SECTION 4.** That this ordinance shall become effective upon adoption and publication as required by law and upon the approval of the Commissioner of the Department of Transportation.

**SECTION 5.** That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not effect the validity of the remaining portion hereof.

**SECTION 6.** When the Ordinance is finally adopted, the Township Clerk is to send a certified copy to Thomas O. Mineo, P.E., Union County Engineer, 2325 South Avenue, Scotch Plains, NJ 07076 and to Chris Barretts, Manager, Bureau of Traffic Engineering and Safety Programs, NJ Department of Transportation, 1035 Parkway Avenue, Trenton, NJ 08625

**SECTION 7.** This ordinance shall take effect upon adoption and upon publication according to law.

Effective Date: August 12, 2015

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**WILLIAM F. SMITH**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord15/7-6Ch347Sec45TrafficSignalControls

Aye Nay Abstain Absent

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

*Intro 2*

**TOWNSHIP OF CLARK**

**Ordinance No.** \_\_\_\_\_

**Adopted** \_\_\_\_\_

Introduced: July 20, 2015 Public Hearing: August 17, 2015

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK RELATED TO INFILTRATION AND INFLOW**

**BE IT ORDAINED** by the Township Council of Clark, County of Union, State of New Jersey ("Township"), as follows:

**Section 1. Definitions.** Section 279-1 of the Clark Township Code is amended to add and/or amend the following definitions:

**CLEARWATER** - Any storm water, natural precipitation, surface water, groundwater, surface flow, roof runoff, surface runoff, subsurface drainage, downspouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows, pools, uncontaminated cooling water, unpolluted industrial waters to any sanitary sewer, water discharged from any air conditioning unit or system, and drainage that does not contain any sewerage or waste.

**INFLOW** - Clearwater that enters a Sanitary Sewer System intended for wastewater flows through connections, such as uncapped lateral cleanouts and openings in manhole covers and illicit connections, such as area drains, catch basins and foundation and roof drains.

**RUNOFF** - Precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls.

**SANITARY SEWER SYSTEM** - All piping, lines, sewers, laterals and connections thereto, which carries or transports wastewater within the Township to trunk lines owned and maintained by the Authority to a destination at the Authority's plant for wastewater treatment.

**SEWER LATERAL** - Any pipe, line or sewer which runs across, through or from any real property and connecting to any portion of the Sanitary Sewer System.

**Section 2.** Section 279-2 of the Clark Township Code is amended as follows:

No person shall directly or indirectly discharge, or permit to be discharged, Clearwater into the Sanitary Sewer System.

- A. No person shall tie into a connection between any conductor used to carry Clearwater, such as, without limitation, a sump pump, roof drain, foundation drain, or other surface drain (collectively "Device"), and the Sanitary Sewer System.
- B. No owner shall sell or lease real property, which is improved with a building, without first obtaining from the Township, a Certificate of Continued Occupancy, which shall include that the owner certifies that no Device is connected to the Sanitary Sewer System. No purchaser or tenant shall purchase or rent such real property unless the seller has provided the purchaser or tenant with the required Certificate of Continued Occupancy prior to closing of the sale or finalization of the rental.

**Section 3.** Section 279-10 of the Clark Township Code is amended as follows:

The Authority, its supervising engineer and any other duly authorized employees and/or agents of the Authority and/or the Township, by and through its building inspector, code enforcement officer, fire subcode official and/or any other person or employee duly appointed and bearing proper credentials and identification (collectively, "Inspector"), may, subject to law, undertake inspections or tests as the Inspector deems necessary and appropriate to determine whether the provisions of Section 2 of Chapter 279 is being violated. In connection with such inspections, such person or persons shall be permitted to enter all properties for the purposes of such inspection, observations, measurement, sampling and testing (collectively "Inspections") in accordance with the provisions of this Article. Any Inspections may only take place after written notice, mailed to the address of the property in question, at least five (5) business days in advance of the Inspection. Inspections shall be conducted on weekdays, between the hours of 8:00 a.m. and 5:00 p.m. or by appointment. The Township, Authority or their respective representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond such point which has a direct bearing on the kind and source of discharge in the sewers of waterways or facilities for waste treatment.

- A. The Inspector shall be permitted immediate entry onto real property to undertake inspections or tests for violations of Section 279-2 of the Clark Township Code if, in the sole opinion of the Inspector, an actual emergency exists tending to create an immediate danger to the public health and safety.
- B. The owner of the property shall make all areas of the building to be tested or inspected available to the Inspector.

- C. If, in the sole opinion of the Inspector, any violations are found, the violations shall be eliminated at the owner's expense. Such corrective work shall be completed within ten (10) days of the date the Inspector notifies the owner of the deficiency, in writing, mailed to the address of the property in question.
- D. In the event violations are identified, the Inspector shall re-inspect the property either upon notice from the owner that the violation has been corrected or within fifteen (15) days from the date of the notice of violation, whichever first occurs.
- E. If the property owner fails to undertake such corrective work within the times specified herein, the Township shall be authorized and permitted to make such repairs or replacements and to assess the owner of the property for the cost thereof, plus (10%) percent or \$50.00, whichever is greater for administrative costs. Such assessment shall constitute a lien against the property until paid in the same manner as real estate taxes constitute a lien against the property.

**Section 4.** Section 279-26 of the Township Code is amended as follows.

- A. When the Inspector determines that there has been a violation of any provision of this Chapter, written notice of the violation shall be given to the owner and any occupant of the property by mail. The violator(s) shall be given ten (10) days from the date of mailing of the notice in which to remedy the violation or contact the Building Department to set up a timetable for compliance.
- B. If the violation is not remedied within the ten-day period, the violator shall be subject to a fine of not less than \$250.00, plus costs for this first violation. Each date on which such violation occurs or exits, shall constitute a separate violation of this Chapter.
- C. Repeat offenses under this Chapter shall be subject to increased fines as provided for below. As used in this Section, "repeat offenses" means a second or subsequent violation of the same requirement or provision of this Chapter for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
  - 1. the fine for any offense, which is a first, repeat offense shall be \$500.00, plus costs; and
  - 2. the fine for any offense, which is a second repeat offense or any subsequent repeat offense shall be \$750.00, plus costs.
- D. In addition to other remedies under this Chapter, the Township may bring an action against the owner of the property for which the violation exists for the costs incurred in cleaning up and abating the offending condition. In any such action, the Township shall be entitled to recover its costs of suit, together with reasonable attorneys' fees, experts' fees, if applicable.

**Section 5. Severability.**

Should any clause, paragraph or provision of this Ordinance be deemed illegal or unconscionable by any court of competent jurisdiction, all other provisions of the Ordinance shall remain in full force and effect.

**Section 6. Inconsistency.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**WILLIAM F. SMITH**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord15/7-20 AmendChapter279 Sewer-Inflow  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Plenary Retail Consumption/Hotel License whose submitted application form is complete in all respects including payment of the renewal fee to the Township in the sum of \$2,500.00 is hereby approved for annual renewal for the License Term 2015 – 2016, effective July 1, 2015 and expiring June 30, 2016.

2002-36-006-010      Largo Clark SPE LLC  
                                 t/a Crowne Plaza Hotel  
                                 36 Valley Road  
                                 Clark, NJ 07066

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20ABCRenewalHotel  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS** the Township of Clark has received notice of an award of \$75,000.00 from the State of New Jersey, Division of State Police and wishes to amend its 2015 Budget to include this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$75,000.00 which is now available as a revenue from:

- Miscellaneous Revenues:
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
    - State and Federal Revenues Off-set with Appropriations:
      - Critical Facilities Generator Project

**BE IT FURTHER RESOLVED** that the like sum of \$75,000.00 be and the same is hereby appropriated under the caption of:

- General Appropriations:
  - (a) Operations Excluded from CAPS
    - State and Federal Programs Off-set by Revenues:
      - Critical Facilities Generator Project

**BE IT FURTHER RESOLVED** that the sum of \$122,557.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the Capital Account under the caption Improvements to Municipal Facilities; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20Ch159Generator

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

5

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Sub-Grant Agreement with the State of New Jersey, Office of Emergency Management for the Hazard Mitigation Grant Program beginning June 2, 2015 and ending June 2, 2018.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20AuthorizeSubGrant-HazardMitigation  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

6

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS** the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS** the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

**WHEREAS** the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS** all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20Audit-GroupAffidavit  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

7

Motion \_\_\_\_\_ Second \_\_\_\_\_

**RESOLUTION APPROVING THE 2014 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS** the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2014; and

**WHEREAS** the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

**WHEREAS** the Governing Body has received the 2014 Annual Audit – Corrective Action Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2014 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

**BE IT FURTHER RESOLVED** that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20AuditCorrectiveActionPlan  
Aye Nay Abstain Absent

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

**TOWNSHIP OF CLARK  
UNION COUNTY  
AUDIT REPORT YEAR: DECEMBER 31, 2014**

**FINDING/CONDITION**

That all receipts be deposited within forty eight hours of collection as required by statute.

**EXPLANATION AND CORRECTIVE ACTION:**

All Departments have been advised that funds must be deposited within forty eight hours of collection.

(Already accomplished)

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

8

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** Black Rock Enterprises, LLC has completed work on the 2014 Capital Road Improvement Program; Ayers Lane, Dawn Drive, Sheffield Way, Wilshire Way and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Nine Thousand, One Hundred Ninety Dollars and Sixty-Nine Cents (\$9,190.69) including final quantities change order which decreases the adjusted contract amount by Seventy Six Thousand, Four Hundred Eighty Two Dollars and Fifty Six Cents (\$76,482.56); and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Ordinances 12-08 and 13-08 as evidenced by the Certification of Availability of funds attached.

**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 Bond and Final Payment; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Black Rock Enterprises, LLC to be Thirty Six Thousand, Eight Hundred Dollars and Twenty Six Cents (\$36,800.26).

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, New Jersey 08857 in the amount of \$9,190.69 including final quantities change order and release of the Performance Guarantee pending submission of a Maintenance Bond in the amount of \$36,800.26.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20FinalPymt2014CapRoadsBlackRock  
Aye Nay Abstain Absent

Albanese \_\_\_\_\_  
Barr \_\_\_\_\_  
Hund \_\_\_\_\_  
Mazzarella \_\_\_\_\_  
O'Connor \_\_\_\_\_  
Toal \_\_\_\_\_  
Smith \_\_\_\_\_

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes and directs the Business Administrator to enter into a Professional Services Agreement with Scibal Associates, Inc., dba Qual-Lynx, 100 Decadon Drive, Egg Harbor Township, New Jersey 08234 to handle open claims with dates of loss prior to August 1, 2012 for a one year period commencing July 1, 2015.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20ScibalQualLynxClaimsServ  
Aye Nay Abstain Absent

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

10

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 20<sup>th</sup> day of July, 2015.

Austin Pencinger  
50 Union Street  
Clark, NJ 07066

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20AppointFirefighterPencinger  
Aye Nay Abstain Absent

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

CA 11

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF CLARK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2011**

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

**WHEREAS**, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

**WHEREAS**, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

**WHEREAS**, it is in the best interest of the Municipality of Clark and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Municipality of Clark that the agreement entitled **“COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,”** dated June 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2015-2016 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20CDBGModifyCooperativeAgreementDatedJune2011

Aye Nay Abstain Absent

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

\_\_\_\_\_  
SALVATORE BONACCORSO  
Mayor

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_

CA 12

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the "Landlord" and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the "Tenant"; and

**WHEREAS** premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm commencing on September 1, 2015 and concluding on June 30, 2016 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an "as needed" basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

**NOW, THEREFORE, BE IT RESOLVED** the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement (attached hereto) on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20UCEduServCommGymLease

Aye Nay Abstain Absent

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

CA 13

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** the Local Public Contracts Law provides exceptions to public bidding requirements whereby any contract, the amount of which exceeds the bid threshold, may be negotiated and awarded by Resolution of the Governing Body in specified areas of procurement; and

**WHEREAS** NJSA 40A:11-5(f) allows for the supplying of any product or the rendering of any service by a public utility which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission; and

**WHEREAS** the Township's current supplier of electricity, Liberty Power, has submitted a proposal for a 12 month contract at a renewal rate of 0.09833/kWh.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark hereby affirms the New Jersey Energy Services Enrollment Agreement with Liberty Power for a 12 month period ending June 2016.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20LibertyPower  
Aye Nay Abstain Absent

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

CA 14

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize the Tax Collector to settle Tax Appeals and Issue Refunds in the amounts indicated as authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>	<u>Year</u>	<u>Refund</u>
69/7	1183 Raritan Rd	254,500	240,000	14,500	2013	
69/7	1183 Raritan Rd	254,500	240,000	14,500	2014	
						principal \$ 2,262.30
						interest \$ 137.54
						<b>Total \$ 2,399.84</b>
69/9	1189 Raritan Rd	343,000	300,000	43,000	2013	
69/9	1189 Raritan Rd	343,000	300,000	43,000	2014	
						principal \$ 6,708.75
						interest \$ 407.90
						<b>Total \$ 7,116.65</b>
142/1	Central Ave	2,358,500	2,268,900	89,600	2013	
						<b>Total \$ 6,941.32</b>
<b>Total Refunds</b>						<b>\$16,457.81</b>

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20TaxAppealSettlements  
Aye Nay Abstain Absent

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

CA 15

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

WHEREAS in accordance with a request from the Tax Collector for authorization to refund and/or transfer overpayment of 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 refund(s) and/or transfer(s) in accordance with the following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	AMT. TRANS	TRANS FROM	TRANS TO
48.02	2		Linda Bing	17	Doris Way		\$1,608.46	2015/2	2015/3
33.06	8		Edward Pawlowski	17	Kent Place		\$852.67	2015/2	2051/3
							\$2,461.13		

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20Tax Refunds-Transfer  
Aye Nay Abstain Absent

- Albanese \_\_\_\_\_
- Barr \_\_\_\_\_
- Hund \_\_\_\_\_
- Mazzarella \_\_\_\_\_
- O'Connor \_\_\_\_\_
- Toal \_\_\_\_\_
- Smith \_\_\_\_\_

CA 16

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 20, 2015

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark that John Laezza is hereby appointed as Acting Township Clerk in the absence of Township Clerk Edith Merkel this 20<sup>th</sup> day of July 2015 as the need may arise from time to time until December 31, 2015.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/7-20AppointActingClerk  
Aye Nay Abstain Absent

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