

**AGENDA
COUNCIL MEETING**

315 WESTFIELD AVE., CLARK, NJ 07066

January 22, 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.

Regular Order of Business Suspended for: UNICO Presentation – Ralph Bernardo

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 December 2012 and the Clerk's fourth quarter financial report are on file in the Clerk's office and open to the public

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

INTRODUCTION OF PROPOSED ORDINANCES:

1. **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 145, SECTION 145-3 OF THE CODE OF THE TOWNSHIP OF CLARK**

Public Hearing Feb. 4th

2. **CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF TELECOMMUNICATION AND RECREATION EQUIPMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$80,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK**

Public Hearing Feb. 4th

PAYMENT OF CLAIMS:

Council President O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through January 17, 2013 in the amount of \$392,694.11

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. Authorizing transfers of 2012 Appropriation Reserves
4. Authorizing the Chief Financial Officer to refund \$869.00 to Charles Chevalier for abandoned construction permit #11-861
5. Authorizing the Chief Financial Officer to apply sewer account balance adjustments with credits in the amount of \$18,347.35
6. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$2,423.70
7. Authorizing the Chief Financial Officer to refund overpayment of taxes in the amount of \$23,193.70
8. Rescinding Resolution 12-100 award of contract to Monmouth Telecom
9. Ratifying the January 1st Mayoral appointments to the Union County Solid Waste Advisory Committee in order to satisfy the County's request for documentation
10. Award of contract to Tele-Measurements Inc. for Telecommunication Equipment in the amount of \$49,416.00

Council as ABC Board

11. Approving the Person-to-Person Transfer of the Liquor License held by AGPC Management LLC to Apple Food Service Holding Co., LLC
12. Approving the Person-to-Person and Place-to-Place Transfer of the Liquor License held by KCSM Corp. to Garry's Catering LLC

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:

INTRO

#1

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

Introduced: January 22, 2013 Public Hearing: February 4, 2013

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 145, SECTION 145-3
OF THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 145, Section 145-3 (E) is hereby amended and supplemented as follows:

SECTION 1: Subsection (E) is hereby amended and supplemented as follows:

E (1) (a)-All traffic work not paid by the Township of Clark shall be at the rate of \$50.00/hr with the rate increasing to \$75.00/hr. after eight hours, minimum of four hours, together with a 15% administrative fee.

SECTION 2: Use of Police Vehicle:

E (1) (b)-Use of police vehicle (local use only) shall be at the rate of \$25.00/hr. with a three hour minimum. All time after three hours will be rounded to the next half hour. These fees shall be placed in a separate account dedicated for police vehicle maintenance and repair.

SECTION 3: 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 4: Effective Date:

This Ordinance shall take effect upon adoption and upon publication according to law.

Effective Date: February 27, 2013

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord13/1-22AmendChpt145-sec145-3
Aye Nay Abstain Absent

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

INTRO

TOWNSHIP OF CLARK

2

Ordinance No. _____

Adopted _____

Introduced: January 22, 2013 Public Hearing: February 4, 2013

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF TELECOMMUNICATION AND RECREATION EQUIPMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$80,000 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, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire Telecommunication and Recreation Equipment and any ancillary costs related thereto.

Section 2. The sum of \$80,000 is hereby appropriated for the acquisition of said equipment 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 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: February 27, 2013

TOWNSHIP OF CLARK

Resolution _____

January 22, 2013

3

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers are hereby authorized and directed to effect transfers of 2012 Appropriation Reserves.

**CLARK TOWNSHIP
RESERVE BUDGET APPROPRIATIONS**

		<u>From</u>	<u>To</u>
Current			
2-01-26-290-100	Roads		
	Salaries & Wages	23,000.00	-
2-01-26-310-200	Building & Grounds O & E		
	Other Expenses	-	3,000.00
2-01-31-460-223	Gasoline	-	<u>20,000.00</u>
Total		<u>\$23,000.00</u>	<u>\$23,000.00</u>

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22TransferReserves

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

TOWNSHIP OF CLARK
Resolution _____
January 22, 2013

4

Motion _____ Second _____

WHEREAS Charles H. Chevalier, 11 Mountainview Road, Clark, New Jersey 07066 has requested a refund of Eight Hundred Sixty Nine dollars (\$869.00) for abandoned Construction Permit #11-861; and

WHEREAS the Construction Official has recommended to Council that authorization for the refund 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 refund Eight Hundred Sixty Nine dollars (\$869.00) to Charles H. Chevalier.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22RefundConstrPermit11-861

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

TOWNSHIP OF CLARK

Resolution _____

January 22, 2013

5

Motion _____ Second _____

WHEREAS the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

WHEREAS the Business Administrator has reviewed the attached list and approved the sewer fee adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule:

SEWER BILLING ADJUSTMENT 2012
CLARK
TOWNSHIP

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit
12	69	3825-0	A Rufolo & C Rufolo	29	Brant Ave	water co issue	5,465.00	865.00	\$ 4,600.00
12	70	5222-0	Sanguliano Condo Assoc	49	Brant Ave	incorrect bill	225.00	1,800.00	\$ 1,575.00
12	71	4416-0	Matthew Tinebra	28	Autumn Ave	water co issue	6,408.71	225.00	\$ 6,183.71
12	72	1259-0	Federico Terribile	84	Terhune Rd	water co issue	6,213.64	225.00	\$ 5,988.64
								Total	\$18,347.35

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22SewerAdj

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

6

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2012 sewer fees; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refunds as per the attached schedule.

SEWER REFUNDS - 2012

REF	#	Acct #	Name	#	Address	Reason	Refund
12	33R	1259-0	Arlene Forman	43	Sandalwood Drive	overpayment	\$11.28
12	34R	3296-0	Valentino Scipini	17	Runnymede Rd	overpayment	\$ 112.51
12	35R	3825-0	A Rufolo	29	Brant Avenue	overpayment	\$1,867.50
12	36R	1239-0	Steven Vorrious	65	Mae Belle Drive	overpayment	\$ 69.44
12	37R	3496-0	Michael Szerszen	48	Fulton Street	overpayment	\$ 25.00
12	38R	4398-0	Christine Araneo	5	Maple Street	overpayment	\$ 15.85
12	39R	4577-0	Joseph Marchese	116	Emerald Street	overpayment	\$ 227.50
12	40R	4867-0	John Sofranko	52	Ross Street	overpayment	\$ 12.50
12	41R	1515-0	Erwin Lebowitz	171	Dorset Drive	overpayment	\$ 9.80
12	42R	1578-0	Steven Zatko	158	Dorset Drive	overpayment	\$ 36.35
12	43R	2581-0	R Hollingshead	261	Westfield Avenue	overpayment	\$ 10.97
12	44R	3021-0	Walter Maxemow	1272	Madison Hill Road	overpayment	\$ 25.00
						Total Refunds	\$2,423.70

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22SewerRefunds

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

TOWNSHIP OF CLARK

7

Resolution _____

January 22, 2013

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2011 and 2012 taxes; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refunds in accordance with the attached schedule:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22TaxRefunds

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

TOWNSHIP OF CLARK
Resolution _____
January 22, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby rescinds Resolution 12-100, award of contract to Monmouth Telecom, 10 Drs. James Parker Blvd, Suite 110, Red Bank, New Jersey 07701 as the Township has been unable to effectuate a reasonable termination of the current contract with Cooperative Communications.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22RescindRes12-100

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

TOWNSHIP OF CLARK
Resolution _____
January 22, 2013

9

Motion _____ Second _____

WHEREAS as set forth in the New Jersey Solid Waste Management Act, each municipality is expected to appoint an official representative and an alternate to the Solid Waste Advisory Committee; and

WHEREAS Mayor Bonaccorso made appointment(s) to the Union County Solid Waste Advisory Committee (SWAC) at the Township Reorganization Meeting held January 1, 2013; and

WHEREAS the Union County Solid Waste Advisory Council has requested that the appointments be made by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Mayoral appointments to the Union County Solid Waste Advisory Committee are hereby ratified and effective commencing January 1, 2013 and concluding December 31, 2013:

Official Representative Councilman Brian Toal

Alternate Representative Councilman Frank Mazarella

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/SolidWasteAdvisoryCommittee

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

January 22, 2013

10

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on December 13, 2012 and received one (1) bid for Telecommunication Equipment on December 27, 2012 at 10:00 a.m.; and

WHEREAS Tele-Measurements Inc., 145 Main Avenue, Clifton, New Jersey 07014 was the sole responsible bidder with a lump sum bid of Thirty Nine Thousand, Eight Hundred and Thirty Two Dollars (\$39,832.00) for equipment and Nine Thousand Five Hundred Eighty Four Dollars (\$9,584.00) for Design and Installation; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Tele-Measurements Inc. of Clifton, New Jersey in the above stated amount; and

WHEREAS the Chief Financial Officer has determined sufficient funds will be available upon adoption of Capital Ordinance 13-02 effective February 27, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract effective February 27, 2013 to Tele-Measurements Inc. in the amount of \$49,416.00.00 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

PATRICK O'CONNOR
Council President

Res13/1-22 Award Telecommunication Equip.

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

ABC BOARD

Resolution _____

January 22, 2013

11

Motion _____ Second _____

WHEREAS an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-33-007-005, heretofore issued to AGPC Management Limited Liability Company, 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 January 22, 2013 the transfer of the aforesaid Plenary Retail Consumption License to Apple Food Service Holding Co., LLC, 7 Pearl Court, Allendale, New Jersey 07401 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 Apple Food Service Holding Co., LLC, effective January 22, 2013."

BE IT FURTHER RESOLVED that Apple Food Service Holding Co., LLC has requested the license be placed in pocket at this time.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22ABCTransferAGPCtoAppleFoodServ

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

ABC BOARD

Resolution _____

January 22, 2013

12

Motion _____ Second _____

WHEREAS an application has been filed for a Person-to-Person and Place-to-Place transfer of pocketed Plenary Retail Consumption License Number 2002-33-004-006, heretofore issued to KCSM Corp., with a mailing address of 1199 Raritan Road, Clark, New Jersey 07066; 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 January 22, 2013 the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Consumption License to Garry's Catering, LLC, from the pocket to its new location, 440 Madison Hill Road, Clark, New Jersey 07066 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 Garry's Catering, LLC, and to premises located at 440 Madison Hill Road, Clark, New Jersey, 07066 effective January 22, 2013."

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/1-22ABCTransferAGPCtoAppleFoodServ

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