

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ**  
**August 19, 2013**

**ROLL CALL:**

Present: Council Members Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

Also Present: Sal Bonaccorso, Mayor; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer.

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. He asked all present to participate in a moment of silence, following the salute to the Flag.

**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 LocalSource, 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 Bonaccorso: Yes Mr. President, Members of Council thank you very much ladies and gentlemen and good evening. I do have a report, I'm going to read an email that I got today which I really think encompasses a lot of what this town is about on what we've been talking about here for many years all of us and it's going to be I think very nice. But let me get on to what I have first.

First off folks in a few short weeks school returns, let's be careful out there driving. Let's obey the speed limit and let's make the Clark police make your return to the schools a very happy and safe one. Coming up in early September of course we are going to have the 9/11 Memorial Service on Broadway and Grand at 8:45 on 9/11.

We will be having our Annual Senior Citizen BBQ on September 18<sup>th</sup> at the Deutscher Club from 12 to 2. It's a great day very, very well attended by all our seniors. So we will be looking forward to seeing you out there. If you are not signed up yet, please call my office and speak to Fran and she will get you an invitation out and on the list.

I would like to thank those of you who attended the 4<sup>th</sup> of July Fireworks program here at Johnson High School. It was ok. I wasn't overly excited about them, I'm being very honest, and I thought the final lacked something. We've had some problems. We changed to another company. You know the reviews are always mixed, there's people telling me it was the best they ever saw and there's people saying they saw better, so we are going to look into that this year. And that program it takes a lot of work by our DPW to set it up for the day. I would like to thank the DPW, I would also like to thank the Clark Police Department, the Clark Fire Department and Clark First Aid Squad for their diligent work there. I mean I'm very proud to stand there not only

as a Mayor but as a citizen and see somewhere between maybe eight and twelve thousand people in our town and not one thing ever goes wrong. Just a wonderful night, people come and they enjoy, many of them wished they lived in Clark I'm sure as they were leaving. But it's a great night and I would like to thank all of you for your hard work during all those programs.

The water main has been competed here on Westfield Avenue from the police department right on down to the Brewer tennis courts. For those folks who go by and see the water fire hydrant opened, it's not costing you any money and it's not costing us any money, it's a thing that the water company does to clean their lines before they start them up. So I know a few people have asked me and I've told them it's not costing us any money.

Secondly I should have said in my opening comment for those of you who see this program we're sorry it's not live tonight but the Studio 36 is having upgrades done to it. That's why Phil is here.

Okay now hold on for this, it's a little lengthy of an email but I really like it and I thought that this was something that council should definitely hear it and share it because it's like I said it's a team effort here.

I would like to start off by giving it a little background on our family and I'm not going to name any names because you shouldn't unless (I didn't know the man to ask him).

To his Honor the Mayor:

My wife and I along with our son who is 4 moved to Clark on May 18<sup>th</sup> after residing on the upper east side of Manhattan for the last decade. Not only did we land what we feel is a home that hit everybody's must have on our checklist but also we were lucky enough to be nestled in between great neighbors on an incredible friendly street. We soon found out that this wasn't luck; it's the norm in the town. It brings me to the reason for writing this email. Clark Recreation Summer Camp "wow" what a remarkable program. I cannot tell you how skeptical we were upon hearing from our neighbors about a six week program three hours a day for \$35.00. Our son who is our only child has been either with myself or my wife as a stay at home parent for his entire four year old life. He has gone to recreational classes and play groups and alike when we lived in New York City but nothing structured like this program. Camp started just in time for the little guy because just a week before camp started he told us he is sad because he doesn't have anyone to play with him like he did in the city. Man was his world about to change. This program has not only brought play with his peers back into his life but introduced him to socializing in a group a structure that we feel he needed going into the Pre-K which he will be attending via Clark Schools as well but that's another email all together. Those ladies are awesome too. This was reinforced when I received a called regarding this young man not listening and letting his little hand slip. We spoke to I believe it was Pete and he agreed that discipline was in order and kept him from camp for one day. Well after his return to camp he did a 180 and he was the model citizen or so I'm told still had enough of energy and enthusiasm to power a small city but he was listening and enjoying the program to its fullest. Everyone that helped run this thing was incredible as well from student counselors to the Clark Police to help traffic flow in and out of the school. I say thank you to first and foremost but I also want to thank you for the return of "nap", not only did our child get a three hour rest from the chaos of a four year old but some bonus time as he tuckered out from the activities of the day. I feel his experience in this camp will take him forward into the Pre-K school also into his scholastic career. I guess what I'm saying is thank you for such a great program. Thank you for putting

someone like Ralph Bernardo in charge of Clark Recreation. Thank you for raising and nurturing the sense of community in the young adults who helped as counselors. Thank you for making this town what it is for making me mad at myself that we didn't move here earlier. Thank you for this camp. Sincerely Mr. and Mrs....

You know it was a little long and that's fine and to read it is great but I wanted to share that with the council because I think it encompass so much of what we always speak about on how someone from the upper east side of New York bought a house here in town and not only did he think he has a nice neighborhood, he had great neighbors and he had a great quiet street and you know people of the school district are very helpful in helping him. His son got a little rambunctious one day and they came up with a one day discipline for him. And by the way something that most parents wouldn't be able to tolerate because they would say not my little child, but here's a parent that I think is doing the right thing by teaching the young man from a small age that we have to behave. And then to thank (us for) what a great program that Ralph runs and how all the young boys and girls of our high school that are counselors up there along with some of the adult counselors how they take such good care of this program. And I would also like to again thank the Clark School District for allowing us this year to use the Carl Kumpf facility; the middle school as the road problems we had out here would have hindered our safety of our camp. And I know other than those few hot days with no air conditioning at Kumpf School, Ralph was very excited the way it all worked out. And I know the kids were all very happy. So council again this is going to conclude my report at this time but I thank you again for your hard work in financing that program and making sure that this town is always seen in the best light as we work together to keep Clark moving forward. And like I said, when I hear someone saying he is upset he didn't move here sooner, I thought those were great words, so thank you very much for your time and I would like to thank these folks for that great email. It's just nice to hear some nice things once in a while, thank you.

#### Meeting Summary:

John Laezza: Thank you Mr. President...Members of Council we had tonight in our workshop meeting four ordinances to be introduced, one will be not introduced. It will be going to the Legislative Committee for certain changes before it's introduced. The first ordinance is an ordinance regarding nuisances and public health; the second ordinance is about off street parking and the third ordinance is about changing the permitted sign use for banners; the fourth ordinance is a capital ordinance for the acquisition of a code enforcement vehicle for code enforcement operation.

We have resolutions regarding changing of liquor licenses, pocketing one and transferring from person to person. The next resolution is accepting the quarterly report from the health officer for the Governing Body. The next resolution is the awarding of a roll-off cab and hoist equipment for this facility for one hundred and seventy-one thousand. The next resolution is awarding the engineer the right to file for the 2014 NJDOT Grant and the ending is the consent agenda doing logistic regards of refunds and tax appeals.

Township Clerk: I have the police, fire, and first aid reports for the month of July received and on file in my office for anyone who would like to see them.

**REPORT OF COUNCIL COMMITTEES:**

Councilwoman Albanese: Thank you Mr. President...before I go into my report on the Library I just have a question or maybe John if you could just summarize again. We had the water company make the repairs for Westfield Avenue that's now complete. Could you just review the dates for the Westfield construction so the citizens are aware that that's also coming up?

John Laezza: The Westfield construction will start tomorrow August 20<sup>th</sup>. We've sent notices to all the residents on Westfield Avenue; they were notified that that will take place. And it's our intention they will complete the project before school opens.

Councilwoman Albanese: And will it be similar with the one way traffic again John or will it be totally closed.

John Laezza: It will not be totally closed.

Councilwoman Albanese: Okay thank you, I appreciate that. On to the Library report; I'm pleased to announce that we have a new Director for our Library; Dawn Jenkin. And I hope you join me in welcoming her to our Library. Ms. Jenkin's library career includes public academic and school libraries. She held positions in Plainfield, Toms River and West Long Branch's libraries. She served as the head of reference at Monmouth University and she also has experience in corporate project and information technology management. She is genuinely excited to take an active role in our community. Moving onto technology courses at the Library, Ms. Jenkin is taking a look at the process and re-evaluating our current technology offerings; looking at the strengths of the program strategically targeting different user populations and trying to really maximize our resources at the Library. In the meantime what they are going to do is have a couple of new programs; introduction to email is one of them, introduction to social media and also a third program, the Library subscribes to magazines online, so if you have an iPad or a computer you can get magazines downloaded through a program called Zinio. So there will be instruction on how to use Zinio and download magazines on to your different tools. And as always we appreciate any feedback you have. If you want to make requests, you can email Dawn at [director@clarklibrary.org](mailto:director@clarklibrary.org). As far as adult programs coming up, it really ties into the health report that the council was presented to by our health officer, but we are going to have a program at the Library. It's going to be conducted by C. Messina from the Kessler Rehab Center in Scotch Plains. She will be giving a presentation on how to live with Osteoporosis and that's on Monday, September 16<sup>th</sup> at 3:00 pm. For young adults we have a program on September 9<sup>th</sup>, Monday, at 3:30 pm, it's called "locker accessories." So you can start your year by designing your locker, you can make different types of accessories for your locker like magnets, mirrors and things like that and also they will have snacks available for the teens. Children's programs; each month we have a story time on Saturday morning. This month in September it will be on Saturday, September 21<sup>st</sup> at 10:00 am. Also the fall story time sign-ups started today at the Library Monday, August 19<sup>th</sup>. On Sunday, September 22<sup>nd</sup> there will be a program at 2:00 pm called "Aesop's Fables" and they are the old fables that most of us are familiar with but they also will be designed to keep the adults in the audience thoroughly entertained.

And just one final note; we have the fence that has been totally collapsed but the rear entrance of the Library is under repair currently. The township has ordered a new fence. Please be patient with us that will be repaired within the next few weeks. We have to order the fence and it has to be installed so it will take some time, in the meantime use the front entrance which is handicap accessible. Thank you. That concludes my report.

Councilman Barr: Thank you Mr. President...just like to say that I had the pleasure of meeting the new director one day and I think we have a winner. She is not only knowledgeable but has a very great friendly personality, you did good.

As far as the fire department; last month they responded to a total of 43 incidents plus their training that they had; they put in a lot of time and I always say thank you gentlemen. And that ends my report.

Councilman Kazanowski: No report this evening.

Councilman Mazzarella: Thank you Council President...I have two reports, one from the police department and the other from DPW. For the police department; July of 2013 saw a total of 2,878 calls for service of which 91 were ambulance requests, 5 were fire department requests, 86 were alarm calls, 5 were vandalism, 69 were motor vehicle accidents and 2,583 were miscellaneous calls. Again that was a lot of calls for our police department to try to keep our community safe for our residents and whoever travels throughout our community.

The next report I have is from DPW; first and foremost I would like welcome back our Director, Joe Bonaccorso. He is back in full force, good show Joe and you are looking good. I'm sure you will be out and about all over the community as you were in the past. I have a report from our Supervisor, Scott McCabe and it's a very good report. There are a number of items here. First is that there will be no electronic or oil drop-off in August due to the holiday weekend, the next drop-off will be September 28, 2013 between the hours of 9:00 am to 1:00 pm. Branches to be out to the curb this week for next week's pick-up. Please do not put branches out before the third full week of the month. It is against DEP policy and it makes the township look quite dirty. It also does not allow the street sweeper to clean the whole street adequately. Fresh mulch ground is available for delivery for township residents, you must call town hall to make an appointment for our personnel to deliver it. Bulky pick-up continues by appointment by Ward; call the town to schedule the Thursday before your Ward. No mattresses or box springs, construction materials, paint cans, toilets or wood fencing, check the website for the other items. Please do not put bulky waste out until the weekend before your pick-up to keep the township looking clean. Appliance pick-up shall continue by appointment, call town hall to schedule that. And grass pick-up continues on Mondays, grass must be placed in containers not piled in the street. One final note and it's very, very important ladies and gentlemen...please do not put any foreign material in your branch pile such as rocks, concrete, bricks or metal. It can be fatal during the grinding process and also does a lot of damage to the equipment. The teeth that we have in the grinders could shear off and it could cause a fatality, so please don't put that out. And that concludes my report thank you.

Councilman Smith: Thank you Mr. President...wow I don't know if I can top that email from those parents regarding the rec department but I will try. The Rec Department this summer had daily attendance of 550 children or more each day and there were 105 counselors that were under Ralph's supervision watching the children each day. My hat's off to Ralph and the staff for running a very smooth and safe program this summer. If it's not the best in the state it's one of the best rec programs in the state. I also want to thank the Board of Ed for allowing Ralph and his staff to run the rec program out of the middle school this year. Next year we will be back over at Brewer and hopefully there's no major construction job I haven't heard about. And lastly again I just want to thank Ralph Bernardo. He puts in a lot of effort and time into the rec

program. Not only does he have to do his regular job, he also runs the rec program and he is there daily from probably 7:30/8:00 am to about 1:00 pm each day.

The fall rec programs; the booklets will be out in the next week or so. So you can check outside of Ralph’s office or outside the gyms. There are little bins that have folders and you can find all the different programs in there. Regarding the Clark Community Pool, although it was a wet pool and damp summer we still had a very successful summer. The attendance or I should say the memberships were slightly down this year and it was due to the cool weather, so hopefully next year the weather will be much improved. We still have two weeks left and the pool is open, so please come out and enjoy the pool. And that concludes my report.

Councilman Toal: I have no report tonight Mr. President.

Council President O’Connor: I want to talk a little bit about the Emergency Squad; the calls for the month of July they had 19 ambulance requests, 104 were from the Township of Clark and the rest were mutual aid with other towns. The most frequent type of incidents that they were called for were motor vehicle accidents were 24 and 17 were sick persons and 13 falls. Again these are volunteers taking their own time to serve the community and other communities as well. Again as you heard we are nearing the end of August, the township is financially sound, so again my kudos to the Mayor and the Business Administrator and the staff for keeping the town going, so thank you very much.

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF PROPOSED ORDINANCES:**

**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.

Motion to introduce made by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President O’Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O’Connor

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**AN ORDINANCE TO AMEND CHAPTER 195, SECTION 143  
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED  
“OFF-STREET PARKING PROHIBITED”**

Council President O’Connor: This matter requires further study and will not be moved at tonight’s meeting. REFERRED TO THE LEGISLATIVE COMMITTEE.

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**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 ¾ 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.

Motion to introduce made by Councilman Barr, seconded by Councilman Kazanowski

Discussion: None

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzaella, Smith, Toal, O'Connor

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**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.

Motion to introduced made by Councilman Barr, seconded by Councilman Smith

Discussion: None

Council President O'Connor directed roll call:  
Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

**PAYMENT OF CLAIMS:** Councilman O'Connor, Chairman of Finance Committee made a motion to approve the payment of claims on current and capital expenditures in the amount of \$356,012.79 for the period ending August 14, 2013, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:  
Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

**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.

Council President O'Connor opened the citizen hearing on the agenda

Seeing no one coming forward Councilman Kazanowski made a motion to close this portion of the meeting, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:  
Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

**RESOLUTIONS:**

**Council as ABC Board:**

**Resolution 13-118**

**WHEREAS** Apple Food Service Holding Co. LLC has filed a verified petition requesting authorization for the local issuing authority to consider a renewal application for Plenary Retail Consumption License No. 2002-33-007-006 for the 2013-2014 and 2014-2015 license terms pursuant to the provisions of N.J.S.A. 33:1-12.39; and

**WHEREAS** after considering all the facts and circumstances related to the inactive status of this license, the Director of the Division of Alcoholic Beverage Control finds that the petitioner has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license; and

**WHEREAS** a Special Ruling dated July 12, 2013 by the Director grants authorization for the Governing Body of the Township of Clark to consider the application for renewal of the subject license and to thereupon grant or deny said application in the reasonable exercise of its discretion; and

**WHEREAS** the renewal application form submitted by Apple Food Service Holding Co. LLC for License No. 2002-33-007-006 is complete in all respects.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby approves Plenary Retail Consumption License No. 2002-33-007-006 for renewal for the 2013-2014 license term.

Moved by Councilman Smith, seconded by Councilman Kazanowski

Discussion: None

Council President O'Connor directed roll call:  
Aye: Albanese, Barr, Kazanowski, Mazzaella, Smith, Toal, O'Connor

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**Council as ABC Board**

**Resolution 13-119**

**WHEREAS** an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-33-010-006, heretofore issued to Windsor Diner Beverage Corporation.; 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 2013-2014; 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 August 19, 2013 the transfer of the aforesaid Plenary Retail Consumption License to CLKDIN LLC, 1030 Raritan Road, Clark, NJ 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 CLKDIN LLC, effective August 19, 2013."

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion: None

Council President O'Connor directed roll call:  
Aye: Albanese, Barr, Kazanowski, Mazzaella, Smith, Toal, O'Connor

**Council as Board of Health**

**Resolution 13-120**

**WHEREAS** in accordance with the New Jersey Administrative Code, Title 8, Chapter 52 entitled “Public Health Practice Standards of Performance for Local Boards of Health” the Clark Township Health Department hereby submits the Quarterly Health Status Report for acceptance and approval by the Governing Body; and

**WHEREAS** the Governing Body sitting as the Board of Health has reviewed the report for the second quarter from April – June 2013 and is in agreement with its contents.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts and approves the Quarterly Health Status Report for presentation to the residents of Clark in compliance with the New Jersey Administrative Code; and

**BE IT FURTHER RESOLVED** that copies of said report are available online at [www.ourclark.com](http://www.ourclark.com) and in the Clerk’s office, at no charge.

Moved by Councilman Toal, seconded by Councilwoman Albanese

Discussion: None

Council President O’Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O’Connor

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**Resolution 13-121**

**WHEREAS** the Governing Body of the Township of Clark advertised on July 11, 2013 and received one (1) bid for a Cab & Chassis Equipped with a Roll-on/Roll-off Hoist on July 24, 2013 at 10:00 a.m.; and

**WHEREAS** the lowest responsible bidder was Mid-Atlantic Truck Centre, Inc. 525 Linden Ave. West, Linden, New Jersey 07036 in the amount of \$171,890.00; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Mid-Atlantic Truck Centre, Inc. of Linden, New Jersey in the amount of \$171,890.00; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$171,890.00 funded by Ordinance 13-08 as attached hereto as a “Certification of Availability of Funds.”

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Mid-Atlantic Truck Centre, Inc. in the amount of \$171,890.00 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion: None

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

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**Resolution 13-122**

**Resolution:** Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2014 NJDOT Municipal Aid Program, project identified as MA-2014-Clark Township-00008

**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-2014-Clark Township-00008 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.

Moved by Councilman Toal, seconded by Councilwoman Albanese

Discussion: None

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 13-123**

**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.

**Resolution 13-124**

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2013 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 following schedule.

<b>CLARK TOWNSHIP</b>							
<b>SEWER REFUNDS – 2013</b>							
<b>REF</b>	<b>#</b>	<b>Acct #</b>	<b>Name</b>	<b>#</b>	<b>Address</b>	<b>Reason</b>	<b>Refund</b>
13	8	2978-0	Antonio Pacheco	54	Gertrude Street	overpayment	\$284.95
13	9	4931-0	William Filbacher	460	Valley Road	overpayment	\$27.50
<b>Total Refunds</b>							<b>\$312.45</b>

Motion to adopt Consent Agenda made by Councilwoman Albanese, seconded by Councilman Mazzarella

Council President O’Connor directed roll call:  
 Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O’Connor

**NEW BUSINESS ON THE CALENDAR:** None

**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.

Council President O’Connor opened the public portion of the meeting

Seeing no one coming forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilwoman Albanese

Council President O’Connor directed roll call:  
 Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O’Connor

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Yes Mr. President thank you very much. I would like to remind the public that on Thursday night at 7:00 at Johnson High School Auditorium round two of the US Gypsum Planning Board meeting will be held. We had a meeting a couple weeks back and it went fairly

well. This is for the proposed shopping center over at the US Gypsum site. If you have any questions or concerns please feel free to come to the meeting and discuss them and hear the Planning Board working to help bring this project to its fullest that it could be for this community. So that will be Thursday night at 7:00 at the Arthur Johnson High School Auditorium.

Speaking of planning...oh I guess maybe a year or a year in a half ago, time does fly as you move along...there was an application before the Planning Board on the Miele property with the Sangiuliano Development Company. They proposed to build 39 townhomes. This project took on kind of a life's of its own that was upsetting to some of the neighbors in the area. And they came out and voiced their displeasure as they had a right to do so of course about the proposed project. This went on for three or four lengthy meetings, it became a part of a political campaign, it became a part of a lot of rumor and innuendos which became quite upsetting to I know myself, members of this council and members of the planning board. You know folks when there's a proposed plan on the table for the planning or zoning boards, you most certainly have a right to come to a meeting and agree or disagree with that plan. You have a right to critique and give opinion and you know as the old saying goes we can agree to disagree sometime. What was very troubling to me about this whole thing was some of the innuendos that were passed throughout the meetings from the audience that I took great exception too, not only as a Mayor but as a man. And as a Mayor I took great exception to the things that were being said to some of the volunteer members of the Clark Planning Board which consists of Republicans, Independents, and Democrats on the board. Actually my Chairman for over thirteen years is a hard caring Democrat and a hell of a great guy if you ask me, he runs a great meeting and he really cares a lot about the community as do the other members. And I tell you that there isn't any politics when you get involved up at the planning board level. They are people who really care and they are neighbors just like the rest of us sitting in this room who want to do something good for their community.

This project when it was passed by the planning board was brought to court by the members of the I believe it's Clark Neighbors Association, I'm not quite sure what they are called exactly. And those were the people who demonstrated that Clark is overdeveloped, comments of who is in who's pocket and this is a done deal and you are holding secret meetings and you are you know conspiring to do this project and to the detriment of the community. And you know again you don't have to agree and you don't have to like something but the thing that we will always try to do to our best and I know I will and I know the members of this council and the planning and zoning boards will and again God didn't created any of us perfect...is to depend on our professionals to advise us on the law. And I said this at the meeting that that is the one thing we did. We went to our professionals and we asked them you know what do you think? Is there a reason to vote no, is there a reason that we should vote yes and with all the legal representation that we have, the legal eagles of this town told me in no uncertain terms that this is a "yes" vote. That this project not only was zoned in 1992, not yesterday but 1992, it was a part of our Mount Laurel decision with COAH and that takes on of course a life's of its own. And when the project came before the community it met every requirement of that ordinance. The project was zoned for 40 units, it was brought in at 39 units, it complied with all of the setbacks and there were no variances asked for. I think at the very end there was one slight variance on a sign up on the corner like a landmark sign, if I could remember correctly, and that was a last minute variance that really in a plan of that size means nothing and the Clark Planning Board passed it. We had the opposition get up with their legal representation and I have to say it was a life's of its own to watch. They told us how again we were spot zoning and we had secret meetings. Very belittling to people who do not comply and play within out of those bounds, none of us did that. And that they were going to sue and get this overturned in court because we were wrong. And you know

we had the political opposition standing out there, sorry Rich I'm not trying to bring you into this please, but the Democratic Chairwoman Mrs. Sheridan stirring the soup was right before a Mayoral election telling the people how bad this was when back in 1999 she proposed the same exacted plan right across the street from Hehnlly School where the Bonaccorso Administration zoned that for beautiful homes that the Daunno Corporation had built. And this neighbor group entered into the political arena and you see ladies and gentlemen that's where it got watered down for me. I have no problem with people coming and disagreeing and saying we are wrong. I do have problems with the innuendos that were laid out there to us and members of the planning board, that's hurtful and wrong and untrue. But when they entered the political arena and started sending out flyers with their particular choices for Mayor and Council in this town, it started to make me wonder, was this a game from day one? Was this an organ of the Democratic Party to be used as a political tentacle in that year's election? Well either way it didn't change much of anybody's results. But I really would think that if the Clark Neighbors Association has the money to enter into politics and want to be an organ of a party, I think they should return a check to the Clark Treasurer for seven thousand two hundred and fifty-eight dollars and sixteen cents that it cost the Clark Planning Board to defend this frivolous lawsuit that Judge Cassidy deemed in her courtroom in Superior Court without merit, arbitrary and capricious. And as our legal team told us those were the words that were sung that day by the Honorable Judge Cassidy which we told them would be, because anybody that could read the law and wasn't willing to take people's money would tell them you have no case. This fits it, it wasn't spot zoned because the spot was made in 1992 not yesterday. And again I have no problem with any of that. I'm good up to that point; you want to disagree that's great. But when you want to become political about it, well the seven thousand two hundred and fifty-eight dollars and sixteen cents that you would pay to the treasury, I'm sure we could use it towards the summer recreation program. I'm sure we could use it to tub grind some branches, to fill some potholes, and to use the money wisely. And maybe next time before you jump and start hurling accusations and those dirty looks we use to get and the watchdog is coming out to make sure we didn't pass anything in the shadows of the evening which we've never have done; that was prior. Then maybe you should figure out if you might be being used for political opportunity. And that's all I have to say on that. So I congratulate the Clark Planning Board for once again giving their time to this community and doing the right thing and making the correct decision by the court of law Superior Court of Union County, New Jersey. That concludes my report for this evening. I would like to thank everyone for a great summer here in Clark. I hope you enjoy the last few weeks of summer and will get ready for our fall life in town to begin. Thank you very much. Have a good evening.

Councilwoman Albanese: Thank you...I just want to echo what the Mayor said. I hope everyone has a good rest of the summer and I hope you can join us on 9/11 at the Memorial at the James Nelson Memorial Park at 8:45 am. If you are interested in some reflection and hope to see you there, thank you.

Councilman Barr: Thank you Mr. President...earlier the Mayor read an email from a very pleased resident and he said how good it makes him feel when you get these kind of comments from residents and it really does because I happen to do most of the shopping for our house and I'll go to ShopRite and I can honestly say probably I get stopped no less than five, six times every time I'm there. And there's questions asked about certain items on how it's going and almost all the time they say "you know this is really a great town, everything really is good compared to some of the other towns," and it does feel good to hear it.

And one other thing I would like to bring up...every so often when I tell everybody you know they also question me when I go someplace that at the public meetings is always yes, yes, yes.

Well I tell them that the workshop meetings it's always discussed and what I want to bring up is that at tonight's workshop meeting was a perfect example. We had one item that was brought up and discussed and we couldn't come to an agreement, so it's going to go before the Legislative Committee. So when you hear yes, yes, yes...we have discussed everything and everyone has come to an agreement...and that concludes my report thank you.

Councilman Kazanowski: Yes thank you...just to remind everyone there's two weeks of the summer left, please come out to the Clark Pool and enjoy a very nice place to go swimming and entertain yourself and have a good time. And also school opens up shortly so please drive carefully and we will all be fine, thank you.

Councilman Mazzarella: Yes thank you Council President...I have one correction to my previous comments on the committee for public works. I said no electronic drop-off in September well it's no electronic drop-off in August. The next electronic drop-off will be September 28, 2013 from 9 to 1, and till next month be safe, thank you.

Councilman Smith: Thank you Mr. President...I just want to say to everyone enjoy the last two weeks of the summer. I echo Rich's comments come out and enjoy the pool and everything that it has to offer in the last two weeks. Have a good Labor Day weekend and we will see you in September. That's it for this evening thank you.

Councilman Toal: Thank you Mr. President...Labor Day, where did the summer go? We were just having a meeting talking about the 4<sup>th</sup> of July. Speaking about what the Mayor had mentioned about politics and stuff...2013 Township of Clark there is no local election, there is nothing on the boards, there is no Mayor or council seats in 2013. In 2014 all the four Wards are up. So that doesn't mean we are not doing our job. Somebody just sent out a thing on the post (nj.com) that we never come around, you only see us around election time, which is nonsense. These council members and of course myself are out there doing our thing taking care of the residents and their constituents' complaints. As Mr. Laezza knows I bring a lot of them to him. So we do take care of you and even though it's not an election year. You might see some of us at the door. I will be at State, Hayes and Holland this coming weekend. We do come out and check to see everything to make sure your needs are being taking care of and to make sure that the town is okay.

Those we've lost in the last month; Rose Crescenzi, Mother of Arlene Allen; Carol Kowalenko, wife of Dr. Kowalenko a long time doctor of the Township of Clark for the school systems. His lovely wife Carol who was a part of the Clark Scholarship Fund that helped with the local high school kids getting money for education for their college tuition. Mrs. Kowalenko helped in aiding that. Chester Lystash, the Lystash family longtime active in the Township of Clark. Eleanor Cwieka, Mrs. Cwieka was involved with the Clark Elks as well as the Clark Volunteer Emergency Squad many years ago, and just recently Jim Restaino a longtime accountant in the Township of Clark. He gave back to the community a lot and to his family our deepest condolences. That's all I have. Labor Day is here, please just enjoy the last days of summer and we will see you next month. And if there's anything you need just please contact us, we are here to help you and service the community.

John Laezza: No comments.

Police Chief Scherb: No comments.

Supervisor of DPW Scott McCabe: No comments

Rich O'Connor: No comments Council President.

Township Clerk: No comments thank you.

Attorney Triarsi: I have no report Mr. President.

Council President O'Connor: With that first off I would to say thank you to Vice President Toal for taking the lead last month. I was not able to be here for the meeting, so thank you very much Brian I appreciated that. Secondly, I talked a lot about the Valor Ride, it was an outstanding ride. The weather looked a bit sketchy but fortunately it held off and again the motorcycle ride going through the towns with all the fire trucks and the flags hanging and the police escort it was phenomenal. And again if you have an opportunity to do it next year, please come.

But with that I would also like to talk about Jason's Friends Foundation Annual Motorcycle and Car Show, Help us Help Kids Fight Cancer. And this is for the son of the owners of Dairy Queen. Their son has cancer and they put together this ride that is done every year and it's actually a ride that's going to take place on September 22<sup>nd</sup> at Oak Ridge Park which is the old golf course. And the sign-in is at 9 to 11, the ride leaves 11:15 sharp and it's going to be a scenic ride through the mountains of New Jersey returning to the field around 1:00 for food, drink, prizes, music and vendors. You can contact George at [c21jrs@aol.com](mailto:c21jrs@aol.com) or (732) 740-6378, Jerry [alx514@aol.com](mailto:alx514@aol.com) or (908) 964-7177. There are other numbers on here but I'm not going to give all them out because there's a lot of people involved with this. And I just want to let everyone know that all contributions are tax deductible as allowable by law. So again this is a great thing, I will be there, so if you enjoy riding obviously the mountains are great. With that I would like to wish everyone a happy rest of summer, have a great Labor Day weekend, and you know some people are going to be happy to have their kids back at school and some people are going to be sad, but again it was a great summer.

**ADJOURNMENT:**

A motion to adjourn the meeting was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal, O'Connor

APPROVED

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

ATTEST:

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

