

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ**  
**January 20, 2015**

**ROLL CALL:**

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

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

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. 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 and the Union County LocalSource, 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.

Motion to Suspend the Regular Order of Business made by Councilwoman Albanese, seconded by Councilman O'Connor

Council President Smith directed roll call:

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

Swearing in of two new police officers: Michael Somma and Mazhar Elwardany

Mayor Bonaccorso: Good evening ladies and gentlemen and welcome to our Public Council Meeting. Tonight we are going to start off our meeting by swearing in two brand new police officers. Before I do that again I welcome everyone, Chief Scherb, Captain Matos, Captain Rapp, Lieutenant Concina, and PBA President Patrolman Danny Joy, welcome here tonight and thanks for being here. First Chief Scherb I will bring you up and let you say a few words about both of our new hires.

Police Chief Scherb: Hi and welcome. Both of these officers come with several years of law enforcement background. One spent three years with the Elizabeth Police Department and the other has spent just over two years with the Union County Sheriff's Department. We hired on the lateral transfer program, so we are excited to have them here and we wish them both success in the department.

Mayor Bonaccorso administered the Oath of Office to Michael Somma and Mazhar Elwardany

John DeSimone, Pubic Safety Director: First congratulations to both officers and your families and/or extended families almost. One thing about our community, the people of Clark really appreciate and support Clark Police Department. It's a whole new ballgame in Clark which you will soon find out I'm sure. And secondly when you are doing your job you don't need to look over your shoulders, we have a Mayor and Governing Body that supports the police 100%, so that is my comment. The one thing I want to say congratulations again and more importantly stay safe and keep us safe.

Mayor Bonaccorso: Thank you John. Again I would also like to welcome in Sergeant Manata and Renda his men tonight who joined us welcome gentlemen. Guys good luck to you; you have a terrific department through our Chief right on down, a lot of good support people who will help you, ask questions and learn. You will never get in trouble asking people here with experience on what to do and how to do it and when to do it. It's a place where you come to work here and do your job and be a team player and you will go through 25 years to your pension quicker than you can say your name. So God Bless and good luck and stay safe thank you.

Motion to Resume the Regular Order of Business made by Councilman Mazzarella, seconded by Councilwoman Albanese

Council President Smith directed roll call:

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

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

Mayor Bonaccorso: Yes Mr. President thank you very much, Members of Council, good evening ladies and gentlemen. I have a very brief report to start the New Year. First off I would like to congratulate Ralph Bernardo on a very, very positive night at Warinanco Skate Rink with our Clark Skate Night Out. It was well attended. Ralph again did a tremendous job. Seeing a lot of faces out there and a lot of people skating and having fun, I was supervising the fire inside the building. Well I wasn't allowed to skate because last time I went so quickly I melting the ice so that's why I figured I would stay inside and supervise the fire but it was fun to see everybody out and another great program from our Recreation Department.

Today the DPW went out and sprayed the streets with our new Brine System that we have for the upcoming snow tomorrow evening. They're saying a little bit of snow so let's keep it there. We've been pretty lucky this year. As we've told our citizens earlier in the year we went into a shared service with Rahway, Kenilworth and Roselle. Rahway built a facility down at their DPW yard where we take basically salt water and spray the streets. The last minor snow that we had if you looked at our main roads which we start out first you saw like four white stripes in the street. It worked out pretty good, it's our first bite of the apple and we conferred with the other communities that are in it and now they went to a little different method this time. They basically sprayed all the streets. If you look at let's say Westfield Avenue and streets like that they are almost white today. The very early hours of this morning it looked like it almost rained, they were all wet, Valley Road, Liberty, you know Meadow, Tudor areas like that. It's supposed to

keep the snow from packing on the roadways which will also have us use less rock salt, better in overtime for us, and also very environmentally friendly.

Also on the 31<sup>st</sup> of this month is the Clark Winter Benefit Ball. It's going to be exciting this year featuring "The Nerds" and unfortunately those of you who don't hold a ticket it is completely sold out already. So I congratulate the ladies from the Benefit Ball and I think they are going to be very happy and they are going to have a wonderful night. All of us are going to be there and I look forward to seeing everyone.

The two new officers we have tonight as I said earlier two very nice young men. I think they are going to have a very bright future in Clark. They interviewed very well. And it's always exciting to see new people come on the job. We bring them here folks; they actually have been working, this is a ceremony we like to do to give them a formal ceremony of course for them and their family but also to introduce you the citizens by way of TV 36 to see who our two new officers are. So when you see them say hello welcome them aboard. They are nice men and I think you will enjoy their work here in the next twenty some years to come. That concludes my report tonight Mr. President thank you very much Members of Council.

### **REPORT OF COUNCIL COMMITTEES:**

Councilwoman Albanese: Thank you Mr. President, I have a report from our Library Director Dawn Jenkin on some of the exciting upcoming events at our Library. I'm pleased to announce that laptop computers are now available at the Library for library cardholders to use in the Library. And on this Thursday, January 22<sup>nd</sup> at 2:00 pm and on Monday, January 26<sup>th</sup> at 7:00 pm they will have a laptop instruction class covering the basics of operating the laptop, what programs are available, how to print from the laptop printers and how to access the library's free Wi-Fi plus any other questions that you might have.

Are you an informed investor? On Friday, January 23<sup>rd</sup> from 1:00 to 2:00 there will be a workshop on informed investing. This workshop will focus on identifying what types of investor you are, choosing what you want to trade in or invest in. The workshop will be presented by Alex Krammer and Allison F.; they are students at Seton Hall University of Law and members of the school's Investor Advisory Advocacy Project. And they will have a question and answer period during that session as well. On Sunday, January 25<sup>th</sup> at 2:30 pm there will be a children's program called "Join Sister Sing Sister String" and they perform the classic songs kids love and more, so get ready to dance and sing and that program is for ages six years old. And finally a special event in honor of Clark's 150 Anniversary, on Sunday, February 8<sup>th</sup> from 5:30 to 7:30 pm there will be an artist reception. The painter Cynthia Dawley's work of her commission to paintings that were commissioned by Henry Varriano will be presented as I said it's during the closed hours of the Library and this program is being sponsored by Henry Varriano. If you can't make it the paintings will be on display for the week after February 6<sup>th</sup> during the regular Library hours and there will be refreshments served. And that concludes my report, thank you Mr. President.

Councilman Barr: Thank you Mr. President, the police dispatcher had the Clark Volunteer Fire Department respond to thirty-nine calls last month. And also the Chief asked me to convey a

message to everyone...too many of the calls were because of motor vehicle accidents and some with extrication and they could have been caused by we know black ice. So what he told me to tell everyone is when the ground is frozen and it rains be very careful because once you hit this black ice you have no control of your vehicle. And one other item, there's a new senior flyer that's being put out by Ralph Bernardo the Director of Recreation and I'm going to let Council President Bill Smith talk more about it as that's his committee.

Councilman Hund: The police department's report for December saw a total of 2,534 calls for service of which 78 were ambulance requests, 18 were fire department requests, 93 were alarm calls, 79 were motor vehicle accidents and 2,231 were miscellaneous calls. There were a total of 21 adult arrests including 6 for thief, 2 for fraud, 1 for criminal mischief, 2 for drug abuse and 2 for DWI and 8 warrants were issued. There were a total of 6 juvenile arrests including one for thief and 3 for harassment. That concludes the police report Mr. President.

Councilman Mazzarella: Yes thank you Council President. I have the DPW report for January; recycling is going on as normal. We are a single stream recycling community and what that means is whatever you are recycling can all go in the same container and you can put out more than one container. The Christmas tree pick-up is completed. We are still working on perfecting our new Brine System (Brine helps keep the roadways from becoming snow packed from traffic; it also helps to keep the treated roads passable.

The electronic drop-off is Saturday, January 31<sup>st</sup> from 9:00 am to 1:00 pm located at the DPW facility behind the police station. And with the potholes, we are still getting potholes around and if you see something, please don't hesitate to report it to the DPW and they will schedule to come out and repair it. We don't want to have any flat tires or breakage on your vehicle, so please don't hesitate to call. They will come right out. And appliance pick-up will resume in March. And lastly please do not put debris in the roadway (branches or leaves) they will not be picked up and if we do get some snow it's only going to get pushed on your lawn and onto your driveways and sidewalks. It also makes our town look dirty and the street sweepers are out weather permitting.

Now just a note on the RVSA report; we are still discussing our security needs with the Homeland Security. We are finalizing that and we should have a handle on it this coming month. We received a hundred and fifty thousand and this is a two year effort and next year we should be receiving another a hundred and fifty thousand. And that's going to enhance our perimeter and our infrastructure making it a little bit safer for any breach coming onto the property. And that concludes my report thank you.

Councilman O'Connor: Thank you. From the Finance Committee; the administration continues to work on the 2015 Budget and will be presenting it to the Council in February, thank you.

Councilman Toal: Thank you Mr. President. To the residents of the Fourth Ward we are twenty days into January 2015 and I'm getting calls at my house wondering where that calendar is that I put out. It was just dropped off at the printer which is Staples yesterday and I'm supposed to have it tomorrow, Thursday I have some time and I will hand deliver this. Also to the residents of the Fourth Ward this is not from your tax dollars, this comes out of my pocket because I think

you should be informed of this stuff. So your recycling dates and all that, this will be in your door handle in the next couple of days or beyond that. So your Fourth Ward report will be in your door handle (not in your mailbox) shortly paid not by you the taxpayers but me because it's worth giving back to our community. So that's all I have tonight. We will be doing more things. The Environmental Commission is supposed to be meeting to discuss issues of the town and that's all I have on that right now, I will have an update next meeting. Thank you Mr. President.

Council President Smith: I have a quick rec report this evening. For the seniors the "Savvy Senior" Quarterly Newsletter was recently introduced by Ralph Bernardo in our Recreation Department at NO COST to the Township. This quarterly newsletter is completely funded by advertisers. This newsletter is geared to the Clark Senior Citizens and lists all the important township phone numbers, upcoming events, bus schedule, recreation programs, announcements and interesting articles. The newsletter will be distributed at the rec center, municipal offices, library, senior fitness center and other senior meetings.

Secondly, the Mayor alluded to it briefly in his remarks. This past Saturday, January 17<sup>th</sup>, the recreation department hosted its annual Family Skate Night at Warinanco Park with over 400 people participating. And I did hear you did a great job supervising. Ralph wants to thank the entire ALJ Hockey team for helping out on the ice. And also in attendance was the representative from the NJ Devils Hockey Team.

Which leads me to our townships' next exciting event; on Monday, February 9<sup>th</sup> at 7:00 pm, the NJ Devils will host a Clark Township night at the Prudential Center in Newark. The Devils will face off against the Edmonton Oilers. The Clark Fire Department will present the color guard during the National Anthem and a Clark resident will be the honorary captain of the game. During the game, the Devils will show video highlights of our community on the Jumbotron. Plus there will be a live in game interview with Mayor Bonaccorso. Discounted group tickets are available for Clark residents. Flyers with all the information are located outside the recreation department office. If you have any questions, please contact Ralph Bernardo at (732) 388-3600 Ext. 4.

### **INTRODUCTION OF PROPOSED ORDINANCES:**

#### **AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that the following provisions of Chapter 195 of the Clark Code entitled "Land Use and Development" be and the same are hereby amended and supplemented as follows:

**SECTION 1: Article XX, Section 111 entitled Definitions is supplemented so as to include the following definitions:**

**Sign, Window Sign**

A sign, other than a projecting sign, to include design elements placed inside the window or immediately behind the windowpane or upon the window pane, used to advertise, announce, or identify a person or entity, or communicate information of any kind, or to draw attention to the business or use.

**Sign, Window Graphic**

Any graphic which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on or hung immediately behind the window or displayed from a window in such a way as to be viewed from the outside, in close proximity to the building in which the window is located. Not more than 25 percent of any window area may be so occupied. Window Graphics may be utilized where Wall Signs are permitted provided they conform to area and sign classification limitations for the Zoning District. Temporary Window Graphics, such as those advertising a special sale or holiday decorative displays shall not be permitted.

Permanent Window Graphics shall not be included in the calculation of the maximum aggregate sign area for the site but shall require a permit.

**SECTION 2: Article XXIII entitled District Regulations.**

Sub-Section 195-136.2 (G) (2), Sub-Paragraphs (a) to and including (g) are deleted and repealed in their entirety; Sub-Section 195-136.2 (G) (3) (a) through (c) are hereby re-designated as Sub-Section 195-136.2 (G) (2) (a) through (c).

**SECTION 3: Article XXV, Section 195-49 entitled Compliance Required is deleted and replaced as follows:**

- A. Purpose: These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and character of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views.
- B. To accomplish these purposes, it is the intent of this Article to encourage and authorize the use of signs which will:
- (1) Be compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, light levels, adjoining uses and historic character.

- (2) Be of high quality, durable materials.
- (3) Comply with the standards enumerated herein.

C. No sign, as hereinbefore defined, shall be erected, hung, placed or painted in any district except as hereinafter provided.

**SECTION 3: Article XXV, Section 195-155 entitled Determination of Sign Area is supplemented so as to add Section D as follows:**

D. Permanent Window Graphics shall not be included in the calculation of the maximum aggregate sign area for the site but shall require a permit. Window Graphics may be utilized provided they conform to area and sign classification limitations.

**SECTION 4: Article XXV, Section 195-160 entitled Permitted Signs is amended as follows:**

- A. Residential Zones;
- B. DVT, CN, CO and COH Zones;
- C. CG and I Zones;
- D. CP Zones;

**SECTION 5: Article XXV, Section 195-160, is supplemented to add Section E entitled LCI Zone:**

E. LCI Zone:

(1) Notwithstanding the provisions contained herein, a shopping center or a mixed-use development shall be permitted one freestanding sign, not exceeding 250 square feet in area on each side and 25 feet in height, along each abutting street frontage except those abutting a residential zone. In addition, monument-style entrance and exit signs near access driveways shall be permitted, as well as monument and directional signs within the shopping center.

(a) A major driveway monument sign of 100 square feet is permitted, and a minor driveway monument sign of 50 square feet is permitted. Monument signs shall not exceed eight feet in height, nor shall they violate the required sight triangle. Directional signs shall not exceed four square feet in area.

i. Major driveway: a driveway on a street fronting the development which offers unrestricted turn movements or is signalized. Only one driveway per each street fronting the development may be designated as major.

ii. Minor driveway: any driveway that is not a major driveway.

- (2) An individual use under separate ownership not part of a shopping center or mixed-use development shall be permitted one freestanding sign along each abutting street frontage, not exceeding 80 square feet in area and 20 feet in height.
- (3) Each permitted use on its own lot or each permitted use within a shopping center or mixed-use development is allowed signage on the front and side of the building, or portion thereof occupied by the individual use that faces a street or a parking area serving the use, provided that:
  - (a) The total of all signs on the front of the building does not exceed 1.5 square feet for each linear foot of building façade occupied by the individual use and upon which the sign is to be located, or 200 square feet, whichever is less; and
  - (b) The total of all signs on the side of the building does not exceed 50% of the size of the sign(s) on the front of the building.
- (4) No signage or advertising identifying an occupant of the premises shall be permitted on the rear portion of any building or on any roof.
- (5) Any sign permitted in an R District, where applicable, shall be permitted.
- (6) A signage plan shall be required with the submission of any site plan for approval. The signage plan shall identify the location and type of all proposed business signs and visually represent their lettering, illumination, color, and height. The approving authority may apply such restrictions on color(s), size, location, sign types, letter height, illumination, or mounting height as it deems appropriate to the purpose of encouraging coordinated design to achieve a desirable visual environment.
- (7) Any additional signs other than those permitted herein within a shopping center or mixed-use development comprising 100,000 square feet or more shall require site plan approval.
- (8) Window Graphics and window signs shall comply with the following requirements:
  - (a) Permanent window signs or window graphics shall not exceed twenty-five percent (25%) of the total aggregate window area. Signs and graphics on doors shall not exceed ten per cent (10%) of the door glass area for safety purposes.
  - (b) Temporary signs (such as “grand opening,” “going out of business” and the posting of special sales or sale prices) and temporary

window graphics shall not be allowed except by the issuance of a special permit.

- (c) Window signs and window graphics should be artful in design and should generally be permanent. Permit application review shall include an evaluation of the quality of the sign and its aesthetic value.

**SECTION 6: Article XXV, Section 195-160.1, entitled Banners, Item A, entitled Definition is deleted and replaced as follows:**

- A. As used herein, a banner shall be defined as 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 7: 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 8: Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Motion to introduce ordinance was made by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: Council President and Members of Council basically this is an ordinance redefining or defining what you call window signs and defining window graphics. There are new definitions in our land use ordinance that will clarify what people can do on their windows and what they can do with their signs. It also amends and puts into places the proper areas of what you cannot do, be it removing paper signs from windows and it specifies what you can do in residential zones (tape inaudible). It sets forth the LCI zone, the new Clark Common Zone as to what kind type of signs can go there so that everyone is on board as to what they have to do. This ordinance will have its public hearing on February 17<sup>th</sup>.

Councilman Toal: Mr. President...I just want to the residents to the community and the business owners to please take note of this. This will have an effect on you. We are not trying to do something or pull the wool over your eyes and not to bring something out and say you never told us. This is involving the residents and the citizens of Clark and the businesses owners as well as some of the residential homes. They are new rules and regulations and the crux of this is to make sure that the town is keeping with the appearance of the town and that it looks crappy and we are trying to make sure to prevent that. And by doing these steps we will do that. So the business leaders, the business owners of our community who are our friends and

supporters please take note of this. This is important that you do and are aware that this is going to be happening because it will have an effect on your business as well as the residents of the town. Thank you Mr. President.

Mayor Bonaccorso: Mr. President may I add...one of the cruxes behind this is the new Clark Commons coming, it's going to be a hopefully as promised a very nice community shopping center. We believe that we went to the Council to ask to say that we don't need paper signs hanging from windows which are going to entail and dovetail into other businesses that are here. In today's media age of the internet, social media and things of that nature, it's very easy for the stores to get the word out. We don't need a supermarket where they have a paper sign and hang it from a window saying "fresh broccoli eighty-nine cents a pound this week." You know that's stuff that happened years and years ago. If you are going to be a first class community you have to look like a first class community. There is an ordinance on the book that does allow people to put signs out on a basis with a permit, we went through that I think it was last year. So if there is a business that wants to have a you know, spring sale or a fall sale or something and they want a special sign for that they can do that. It's not a punishment for anybody. We just want the Clark Commons area and the rest of the town to look as professional and as nice as possible. If you drive through some of the upper scale communities and different areas take notice of things like this; it makes the whole place look a lot nicer. We are not trying to hurt you. We are trying to help you. Everyone is on the same playing field this way. So that concludes my comments thank you Mr. President for interrupting.

Township Clerk: I just want to mention that the Planning Board will review this because it is a zoning regulation it goes to the Planning Board before it comes to you for public hearing and final adoption.

No further discussion

Council President Smith directed roll call:

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

Public Hearing February 17, 2015

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**AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE VIII  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "DEPARTMENTS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Article VIII of the Code of the Township of Clark entitled "Departments" is hereby amended and supplemented, as follows:

**SECTION 1:** Section 3-30 entitled "Volunteer Fire Department" is amended as follows:

**A. Established.**

There is hereby established in the Township, within the Department of Public Safety, a Volunteer Fire Department, to be known as the "Volunteer Fire Department of the Township of Clark."

**B. Organization.**

The Clark Fire Department shall consist of the following officers, in order of chain of command/rank: [Amended 1-17-2012 by Ord. No. 12-01]

1. Command Staff

- (a) Director/Fire Chief/Fire Official
- (b) Deputy Chiefs
- (c) Duties, responsibilities, appointment procedures are defined in Fire Code Enforcement Chapter 161

2. Line Officers

- (a) Battalion Chief  
[Added 6-16-2014 by Ord. No. 14-12<sup>[13]</sup>  
[1]: *Editor's Note: This ordinance also provided for the renumbering of former Subsection B(5) through (9) as Subsection B(6) through (10), respectively*
- (b) First Captain
- (c) Second Captain
- (d) First Lieutenant
- (e) Second Lieutenant
- (f) Officers may be appointed by the Director/Fire Chief/Fire Official as needed hereinafter.

**C. Membership.**

1. New Members. The Director/Fire Chief/Fire Official and Command Staff as needed, shall interview and present to Council for appointment to the Fire Department.

2. Approval; certificate of membership. Such persons, after having been approved by the Township Council, in their discretion, shall be furnished with certificates of membership by the Township Clerk and shall thereafter be considered members of the Fire Department

**D. Reserved. [2]:**

*Editor's Note: Former Subsection D, Appointments; qualifications, was repealed 11-21-2011 by Ord. No. 11-21]*

**E. Duties.**

It shall be the duty of every member of the Fire Department to observe and enforce all laws, ordinances and department standard operating guidelines

pertaining to his/her duty as a firefighter. The firefighter shall, under the supervision of the Director/Fire Chief/Fire Official and Command Staff, be authorized and empowered, and it shall be his/her duty, to perform all acts and things required by general law, ordinances of the Township, and departmental standard operating guidelines of the Fire Department. [Amended 11-21-2011 by Ord. No.11-21]

F. **Register of Members.** The Township Clerk shall keep register of all members of the Fire Department.

G. **Election of Officers.**

The Director/Fire Chief/Fire Official and Command Staff and the Fire Department Association President, shall hold an election for the Line Officers, every two years, from the members of the Fire Department that are in good standing, for the positions of, Battalion Chief, First and Second Captains, and First and Second Lieutenants. The foregoing officers shall all be residents of the Township of Clark during the duration of their appointment. In the event an Officer elects, pursuant to the provisions of this subsection, to relocate his/her residence from the Township of Clark, the rank of said officer shall be forfeited and he/she shall be reduced in rank to that of a firefighter; provided, however, that the member's new residence is within three miles of the Clark Township municipal border. The biennial election shall be held during the month of October of every other year commencing December 19, 1967. The term of office shall be from January 1 through December 31 of the next succeeding year. Officers shall be installed by the Township Clerk at the governing body's first regular monthly meeting in January of each year. [Amended 1-17-2012 by Ord. No. 12-01; 11-21-2011 by Ord. No.11-21]

H. **Line Officers.**

1. **Battalion Chief. Duties and responsibilities.** The Battalion Chief shall keep an accurate record of each member of the Fire Department. This record shall include dates of entering and leaving the Department, and annual percentage records. The Battalion Chief shall file with the Township Clerk all necessary membership records at the direction of the Director/Fire Chief/Fire Official. The Battalion Chief shall keep the application forms of all new members for a permanent record.

2. **Captains: duties and responsibilities.** The Captains shall be designated and be responsible for all equipment and records pertaining to such equipment of the Fire Department at all locations of the Fire Department, inclusive of the maintenance of such equipment. [Amended 1-17-2012 by Ord. No. 12-01]

3. **Lieutenants: duties and responsibilities.** First and Second Lieutenants shall assist the Captains in the responsibilities designated to each respectively under the provisions of this section.

I. **General Provisions.**

1. **Disciplinary proceedings.** Charges may be proffered by the Director/Fire Chief/Fire Official against any member of the Department; by the Director of Public Safety against any member of the Department, including the Chief; and by a majority of the members of the Department against any member, including the Chief.

2. Any rule or regulation shall be issued by the Director/Fire Chief/Fire Official of the Department and posted. The Standard Operating Guidelines of the Fire

Department heretofore adopted are hereby continued. [Amended 2-18-2014 by Ord. No. 14-02]

3. Any member who has served one year and has completed his/her requirements as a probationary firefighter may move his/her residence from the jurisdiction limits of the Township of Clark with the prior approval of the Director/Fire Chief/Fire Official; provided, however, that the member's new residence shall not be more than three miles' distance from the jurisdiction limits of the Township of Clark. Any member who has relocated his/her residence beyond the geographical limits provided for hereinabove shall be determined to have resigned as a member of the Clark Voluntary Fire Department. [Added 11-21-2011 by Ord. No. 11-21]

4. Any trained firefighter who lives two miles outside the jurisdiction limits of the Township of Clark may complete an application to join the Clark Volunteer Fire Department. Trained firefighter requirements include successful completion of the State of New Jersey requirements for Firefighter One and Two Programs. Any application will be reviewed by the senior officers of the Fire Department and approved or denied for membership pending final approval of the Chief of the Fire Department. Once an application has been approved, the application will be placed on a wait list pending the need for additional members or the application will be sent to the administration for the applicant to be approved for a position within the Fire Department. Any members joining the Clark Volunteer Fire Department who reside outside the jurisdiction limits of the Township of Clark shall not hold a position of Fire Office [Added 2-18-2014 by Ord. No. 14-02]

**J. Pension to Surviving Spouse or Minor Children.**  
[Added 1-17-2012 by Ord. No.12-01]

1. The governing body of any municipality served by a volunteer fire company or first aid or rescue squad shall, by resolution, determine the eligibility for a survivor's pension of the widow or children or parent of any volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician who has died as the result of injuries sustained in the course of performance of duties as a member of the volunteer fire company or first aid or rescue squad on or after January 1, 2000. A governing body may determine that the widow or children or parent of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority. When the municipal governing body determines that a widow or children or parent are eligible for a survivor's pension, a certified copy of the resolution shall be filed by the Municipal Clerk with the State Treasurer within 10 days of adoption, and the state shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in which P.L. 2002, c.134, is enacted, whichever is later. [4]: *Editor's Note: See N.J.S.A. 43:12-28.1 et seq.*

**K. Definitions.**

As used in this subsection, the following terms shall have the meanings indicated:

1. **CHILD**

A deceased firefighter's, emergency medical technicians, or first aid or rescue squad worker's unmarried child:

- (a) Under the age of 18;
- (b) Eighteen years of age or older and enrolled in a secondary school;
- (c) Under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester; or
- (d) Of any age who, at the time of the firefighter's, technician's or worker's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment, and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by a medical professional.

2. FIRST AID OR RESCUE SQUAD

Any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing volunteer public first aid, ambulance or rescue services within the municipality.

3. PARENT

The parent of a firefighter, emergency medical technician, or first aid or rescue squad worker who was receiving at least 1/2 of his or her support from the firefighter, technician or worker in the twelve-month period immediately preceding the firefighter's, technician's or worker's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

4. WIDOW Shall also include "widower."

(a) Amount. A survivor's pension granted under Section i of P.L. 1957, c. 168 (N.J.S.A. 43:12-28.1), shall be for the sum of \$15,000 annually and shall be paid to the widow during her widowhood, or to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow, or to such child or children after the death of such widow; \$10,000 annually and shall be paid to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if the surviving widow remarries; or \$5,000 annually and shall be paid to the parent or parents of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow or child. As used in this subsection, the terms "widow" and "widowhood" shall also include "widower" and "widowhood," respectively.

(b) Manner of payment. With regard to any pension granted by a municipality pursuant to Section 1 of P.L. 1957, C. 168 (N.J.S.A. 43:12-28.1), prior to the effective date of P.L. 2002, C. 134, the governing body shall make provision in its budget for the payment

of any such pension, and the same shall be paid in the same manner as municipal employees are paid.

**SECTION 2: Restatement of Existing Ordinance:**

All sections of this Article which are not supplemented or amended by this Ordinance shall remain in full force and effect.

**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 publication, according to law.

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

Discussion:

John Laezza: Yes Council President, Members of Council. This ordinance dovetails with the next ordinance that you will be introducing also. It upgrades the fire prevention ordinance. It also clarifies or reorganizes the Volunteer Fire Department as it relates to making a permanent Chief. The Mayor and I think continuity is a good attribute in relationship to the management of the Volunteer Fire Department. We are very happy with the working rules of our Volunteer Fire Company. They've done an outstanding job. It's just that you need continuity at the top for management purposes, this accommodates that in its form. It also accommodates the concerns that the volunteers had and we've tried to replacing the Fire Chief that's presently there in the future. So that we think we've accommodated the concerns of the various members of the association as well as thinking we made the fire department more efficient.

Councilman Toal: Mr. President, ladies and gentlemen and residents of the township. We had spoken to the Chief and we had a presentation of this. Since 1924 the Clark Volunteer Fire Department has answered for the call for help from this township. We are now in the 21<sup>st</sup> Century and nine years away from the centennial of our fire department, and the Chief and the men of the fire department came to us stating that they need to be more responsive on call and have management in, so we listened to what they had to say and I'm in full agreement with this. It is the 21<sup>st</sup> Century and times have changed and they need to have manpower there and the leadership there, so I will be fully supporting this tonight Mr. President in support of our firemen and continuing knowing that they are there for another nine years and another hundred years thank you.

No further discussion

Council President Smith directed roll call:

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

Public Hearing February 17, 2015

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 161, ARTICLE VIII  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED  
“ENFORCEMENT OF UNIFORM FIRE SAFETY ACT”**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 161, Article VIII, Sub-Sections 161-35 and 161-40 of the Code of the Township of Clark entitled “Enforcement of Uniform Fire Safety Act” are hereby amended and supplemented, as follows:

**SECTION 1: Section 161-35 entitled “Office of Fire Code Enforcement, Division of Fire Prevention and Protection” is amended and supplemented as follows:**

There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the Clark Volunteer Fire Department, the head of which shall be known as the “Director.” Said official shall report any and all operations of the Fire Code Enforcement Office and the Clark Volunteer Fire Department to the Mayor, Business Administrator and Township Council. Any Command staff Deputy Chiefs and/or Fire Inspectors employed by the Fire Code Enforcement Office and/or the Clark Volunteer Fire Department shall report directly to the Director. All vehicles and equipment used by the Office shall be under the control of the Director, subject to the final approval of the office of the Mayor and/or his designee.

**SECTION 2: Section 161-40 entitled “Director of the Division of Fire Prevention (Director)” is amended and supplemented as follows:**

A. The Director shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.

B. The Director, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of

the Division. Inspections, budget and vehicle assignment shall be within his discretion.

C. The Director shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed appropriate for such compensation as may be approved by the governing body of the Township of Clark.

D. The Director shall have command authority to the rank of Fire Chief at any fire or emergency calls in the Township of Clark and Union County.

E. Director/Fire Chief/Fire Official: Clark Volunteer Fire Department command authority; responsibilities.

(1) Command Authority. The Director/Fire Chief/Fire Official shall be in supreme command of all functions of the Fire Department and he/she shall have the right to utilize any equipment, property or personnel that he/she deems necessary for the handling of fire emergencies that are within the legal right of the Township to grant. The Director/Fire Chief/Fire Official shall have the power of appointing an officer at any time in the event an officer position becomes vacant. [Amended 2-18-2014 by Ord. No. 14-02].

(2) Responsibilities. The Director/Fire Chief/Fire Official shall be responsible to the Director of Public Safety for the training, efficiency and proper conduct of the Fire Department, the maintenance and repair of all equipment, the reduction of fire hazards, the maintenance of records, and the rendering of reports, as stated hereinafter. The Director/Fire Chief/Fire Official shall:

(a) Formulate or cause to be formulated immediately, and be responsible for, the observance of a Fire Department Standard Operating Guidelines (SOG's) pertaining to signals of alarm, procedure of members in answering alarms, discipline of members at all functions, and any other rules or SOG's for the proper and efficient conduct of the Department. These SOG's shall be posted conspicuously in the fire headquarters. They shall be subject to the approval of the Director of Public Safety annually. They may be amended or added to at any time by the Director/Fire Chief/Fire Official.

(b) Keep or cause to be kept accurate records of the service of each member of the Department, showing his/her

attendance at or absence from each fire and any notations pertinent to his/her conduct which may properly appear upon the record.

(c) Issue or cause to be issued all badges and require an accurate record be kept therefor and shall be responsible for the return of any badges by members leaving the Department for any reason.

(d) See that all equipment, apparatus, and other property of the Department are kept in condition for immediate and efficient service.

(e) Keep or cause to be kept an accurate inventory record of all equipment and property of the Department, including an analysis of the number and locality of all fires.

(f) Report to the Business Administrator all of the activities and general conditions within the Department, including such suggestions or recommendations as he/she may deem proper or necessary.

F. Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark.

G. Removal. The Director, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

H. Clark Volunteer Fire Department Command Staff/Deputy Chief's appointment, command authority; responsibilities.

(a) Appointment. The Director/Fire Chief/Fire Official/Fire Marshal/Fire Code Official shall appoint the Clark Volunteer Fire Department Command Staff who will serve as Deputy Chiefs. The Command Staff once having been so appointed, shall serve without term so long as they shall continue to discharge the duties of the office efficiently and diligently and shall maintain the qualifications for the

position as the same are established presently and may be hereafter established from time to time.

(b) Command authority/Responsibilities. The Command Staff shall have the authority of Deputy Chief within the Clark Volunteer Fire Department. The ranking Deputy Chief shall assume the duties and responsibilities of the Fire Chief in his absence.

I. Qualifications. As a condition of appointment and continuance in office, the Command Staff must have successfully completed Fire Fighter I and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief or Battalion Chief.

J. Removal. The Command Staff employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

K. In the event a Deputy Chief appointed position becomes vacant for any reason, the Fire Chief shall appoint a replacement from the current ranks of the Clark Volunteer Fire Department.

L. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Director/Fire Official shall be appointed by the Mayor and Administration of the Township of Clark and will be filled from the current ranks of the Clark Volunteer Fire Department.

M. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Fire Chief shall be selected and voted upon from the current ranks of the Clark Volunteer Fire Department.

The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be as specified in the Uniform Fire Code.

**SECTION 3: Restatement of Existing Ordinances:**

All sections of Chapter 161, Article VIII not amended or supplemented herein are restated and reaffirmed fully as if set forth in full hereinafter.

**SECTION 4: 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 5:**     **Effective Date:**

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

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

Discussion: None

Council President Smith directed roll call:

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

Public Hearing February 17, 2015

**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 \$291,032.40 for the period ending January 15, 2015, seconded by Councilwoman Albanese

Council President Smith directed roll call:

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

**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 Smith opened the Citizen Hearing on the Agenda

Seeing no one coming forward Councilwoman Albanese made a motion to close the Citizen Hearing on the Agenda, seconded by Councilman Mazzarella

Council President Smith directed roll call:

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

**RESOLUTIONS:**

**Resolution 15-24**

**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 2014 Appropriation Reserves according to the following schedule.

**CLARK TOWNSHIP**

**RESERVE APPROPRIATION TRANSFER**

**From**

**To**

25-250-100    **911: Salaries & Wages**

30,000.00

26-310-100	<b>Buildings &amp; Grounds: Salaries &amp; Wages</b>	1,000.00	
27-331-100	<b>Senior Citizens: Salaries &amp; Wages</b>	10,000.00	
25-240-100	<b>Police: Salaries &amp; Wages</b>		40,000.00
21-180-200	<b>Planning Board: Other Expenses</b>		1,000.00
		<u>\$41,000.00</u>	<u>\$41,000.00</u>

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Smith directed roll call:

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

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**Resolution 15-25**

**WHEREAS** the Governing Body of the Township of Clark is in receipt of the completed negotiated contract which stipulates the Township and Council 8 have been engaged in good faith collective negotiations for the purpose of reaching agreement on terms and conditions of employment for successor contracts for the White Collar Workers; and

**WHEREAS** the new contract term for Council No. 8 White Collar Workers will be for a period of (5) five years from January 1, 2015 through December 31, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby ratify the new five year contract as stated herein for Union Council No. 8, New Jersey Civil Service Association.

Moved by Councilman Mazzarella, seconded by Councilman O’Connor

Discussion: None

Council President Smith directed roll call:

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

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**Resolution 15-26**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Union;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year July 1, 2015- June 30, 2016 in the amount of:

DEDR	<u>\$13,053.00</u>
Cash Match	<u>\$ 3,263.00</u>
In-Kind	<u>\$ 9,790.00</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Moved by Councilman O’Connor, seconded by Councilman Mazzarella

Discussion: None

Council President Smith directed roll call:

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

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**Resolution 15-27**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 20<sup>th</sup> day of January, 2015.

Robert Thieling  
92 Harding Avenue  
Clark, NJ 07066

Scott Boyer  
99 William Street  
Clark, NJ 07066

Moved by Councilman Barr, seconded by Councilwoman Albanese

Discussion: None

Council President Smith directed roll call:

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

**CONSENT AGENDA RESOLUTIONS:**

Council President Smith: I just want to make a quick statement. Due to a recent refinance of my mortgage back in 2014 I am due a refund of my taxes. So I’m going to abstain from this because both of my prior and previous mortgage companies paid the taxes. So I just want to make that statement.

**Resolution 15-28**

**BE IT RESOLVED**, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>
142/1	Central Avenue	2,358,500	2,268,900	89,600	2012

**BE IT FURTHER RESOLVED**, that a refund be issued in the amount of \$6,821.26.

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**Resolution 15-29**

**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 attached schedule:

CLARK TOWNSHIP									
TAX REFUNDS-2014									
BLOCK	LOT	QUANTAL	NAME	#	ADDRESS	REFUND	AMT TRNS	TRANS FROM	TRANS TO
4.03	4		Maria Teresa Bazan	67	Brookside Terrace	\$ 3,031.01			
84	4		William & Susan Smith	23	Charles Street	\$ 2,470.52			
194	19		Joseph & Judy Hanley	23	James Street	\$ 1,625.37			
81	70		Magaly Rodriguez	124	Gertrude Street	\$ 432.39			
166	3		Richard Donofrio	74	Parkway Drive	\$ 106.53			
30.01	16		John & Maria Moricz	4	Hall Drive	\$30.45			
195	21		Michael & Amy Kierner	56	James Avenue	\$1,545.44			
179	4		Joanne Bothe	69	St. Germain Drive	\$3,304.04			
75	6		Elizabeth Cassara	15	King Street		\$ 250.00	2014/4	2015/1
					<b>TOTALS</b>	<b>\$12,545.75</b>	<b>\$ 250.00</b>		

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**Resolution 15-30**

**WHEREAS** the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Francis E. Cray to be 100% permanently disabled effective February 6, 2014, in accordance with N.J.S.A. 54: 4-3, 30, et. seq; and

**WHEREAS** Francis E. Cray owns one third of the property listed in the tax duplicate as 54 Canterbury Drive, Clark, NJ, Block 37 Lot 12, and is entitled to have one third of the taxes for this property exempt; and

**WHEREAS** the total 2014 taxes on this property were \$10,297.91 and Francis E. Cray being owner of one third of the property is entitled to a one third exemption of the property taxes amounting to \$3,120.58 for the year 2014; and

**WHEREAS** the total taxes for 2014 have been paid in full and such a reduction will create an overpayment on the property and this shall be refunded to Francis E Cray; and

**WHEREAS** one third of the taxes on this property will be entitled to exemption for as long as Francis E Cray is a one third owner of the property; and

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the Tax Collector is hereby authorized to refund 2014 taxes as hereinabove stated and to make the proper adjustments to exempt one third of this property as long as Francis E. Cray is a one third owner of the property.

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**Resolution 15-31**

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2014 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 refund(s) as per the following schedule.

<b>CLARK TOWNSHIP</b>							
<b>SEWER REFUNDS - 2014</b>							
<b>REF</b>	<b>#</b>	<b>Account #</b>	<b>Name</b>	<b>#</b>	<b>Address</b>	<b>Reason</b>	<b>Refund</b>
14	23R	4863-0	Luiz Sa	1710	Westover Rd	overpayment	\$ 483.36
14	24R	4863-0	Luiz Sa	1710	Westover Rd	overpayment	\$ 1,171.52
					<b>Total Refunds</b>		<b>\$ 1,654.88</b>

Motion to adopt the Consent Agenda made by Councilman Toal, seconded by Councilman O'Connor

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

**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 Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Yes thank you Mr. President. Mr. Laezza was feeling a little under the weather tonight so he left a little bit early. I did today publicly wish him a very, very happy birthday and many, many more well deserved time to go home and relax a little bit.

A couple of brief things; Friday officially ended the career of one of our DPW employees John Kristof. Those of you who know John will relay him to our Brewer Municipal Building and Rec Center. John Kristof retired after 46 years on the job. John Kristof is a very amazing person when you get to know him. His work ethic is unbelievable. When I first became Mayor no matter when I was near town hall John was there. If I went to work early one morning at 6:30 he was there, if I was at the Rec Center at 7:00/8:00 he was there. I said to Mr. Laezza one night "I said John what do we pay this guy a week in overtime" and he said "nothing." It's his building, he stays in town with his family during the week and then he goes to his home in Jackson. And whatever it takes to run that building properly he was there. During storms John literally slept at the Municipal Building in his favorite spot which I knew where to go and get him but I'm not allowed to tell anyone, because now that he is gone I may take that over. But sincerely he is a former Marine and you don't find a guy like John. I remember back in 2008 when the pipe broke there was eleven feet of water in the basement at Brewer, John put on a wetsuit and dove into the water to see where the break was to be able to shut it down. He's been a right hand to me in the building. We have a replacement who we're sure is going to do a tremendous job but John had set a standard that anyone who works in that building is going to have to really, really strive long and hard to try to prevail. So I wish John, his wife and his family nothing but God's blessings and may he have another forty-seven years of great retirement and enjoy himself down at his farm down in Jackson. He is just an incredibly, incredibly human being.

Earlier this evening Councilman Smith mentioned the Devil's Night, Clark Township over at the Devil's Arena over at the Prudential Center. Please come out. There are discounted tickets. Call Ralph or go down to the Rec Center and see what it's all about. We would love to have a nice turnout from Clark that night. They are going to put on a beautiful projection of Clark up on the screen and it's going to be very nice, so we thank the Devil's for reaching out for us. And until next month be safe and be well see you then, thank you.

Councilwoman Albanese: Just to echo what the Mayor said about John Kristof, John thank you for your many years of service and best of luck to you in your retirement. And I would like to congratulate and welcome our two new police officers Michael Somma and Mazhar Elwardany; I wish you the best of luck in your career here in Clark.

Councilman Barr: I'm going to duplicate what Councilwoman Albanese said. Also once again though be careful like the Chief asked me to tell you, you don't really realize when the

temperature is up but the ground is frozen when it rains, it's deadly, so just be very careful of the black ice, thank you.

Councilman Hund: I would also like to echo the sentiments of my former council people. As a new council member I would like to communicate with the residents of the Third Ward. With that I would like you to friend me if you would on Facebook on my Councilman Hund page so this way I could put out announcements and you will be able to see them in a timely manner. And we can build a data base if there's any emergency situations, you will be made aware of them in a timely manner.

Councilman Mazzearella: Yes thank you Council President. I echo the words of Councilman Barr, please be safe driving out there. Sunday was terrible with having black ice in the morning and it was pretty treacherous out there. Just be careful walking too, if you could just walk on the grass it's a lot better than on the pavement if we have black ice like that.

The other thing I just wanted to mention real briefly is last week I was phone scammed. I got a call from supposedly the IRS. It was a mideastern sounding gentleman and he said it was an IRS agent and that they are looking at individuals that are frauding the IRS. That's what he said and that it has to be rectified immediately to call him back, he didn't leave a number, but I did a little research and found out that the area code is non-existent that he was calling from. And when I did call I got his number from my caller ID and someone else answered and said his office is closed. And I asked what his badge number was and he hung up. So it was a scam, the IRS would not do that, they would not just cold call you. So I'm telling you this, ladies and gentlemen please don't succumb to these phone scams. Don't get yourself all in a tizzy and very upset about it. This is happening throughout the area and throughout the United States and if you do, you can go to the federal government to report it and if you are unsure call police headquarters they would be happy to assist you and guide you. Until next month be safe and stay well.

Councilman O'Connor: Thank you... I would like to wish the best of luck to John Kristof. Whenever I went into town hall I was greeted with a smile, a hand shake and well wishes for myself and my family. A true gentleman and someone who took his job very seriously but also looked out for anyone and everyone that he could see. So John thank you very much.

For those of you looking forward to the warm weather, July 12<sup>th</sup> will be the date of the "Valor Ride" so mark your calendars. There will be more information too come as the weather gets warmer.

Lastly with regard to the Clark Commons as the date to opening gets closer and closer and the buildings get more and more complete many questions have come up with what stores are going to be in there. So what we have so far as restaurants; Applebee's, Panera Bread, Chipotle's, Noodles, Blaze Pizzeria, Smash Burger and Panda Express. With regard to stores; Ulta Cosmetics, Home Goods, Verizon, Dress Barn, Five Below, Whole Foods, Petco, Modell's, Vitamin Shoppe/GNC, Oshkosh, Michael's, LA Fitness as well as PNC Bank. Now this list is not complete subject to change, however, this is the list we have at this time. With that I would like to wish everybody a good evening and we will talk to you next month, thank you.

Councilman Toal: Thank you Mr. President and Pat thanks for that because that's what people were asking, what's going on over there and what's going in there.

Clark Police Chief Scherb tonight you brought on two new members and what I always say is keeping Clark clean, safe, green and historic. The safe is the biggest part of that and the way to do that is to have an incredible police department that's out there seeing what's going on. And as the Mayor has mentioned we have people coming through the town who are bad who are trying to do evil or bad things. And that's why we need those officers, those young recruits, those young officers with experience to make sure we catch these bad people. To make sure that your house is safe, make sure your loved ones are safe and your children of the township and the senior citizens are not a prey on what Councilman Mazzarella brought up. It's very simple, a great police department and as the Mayor always said it's a great community and how vitality important it is to have these officers trained efficient because I always bring it up and I know a lot people say "why do you bring it up". July 4, 1971 you never ever, ever want that to happen again in this town. Why? Because the officer trained keeps the evil away and keeps the town safe so we can have a wonderful community.

Lt. Colonel John Kristof; John Kristof was a neighbor of mine when I lived on Fan Street when I was a little kid he was this tall skinny guy with long hair. You would never think John Kristof with long hair but he really had long hair. I got to know John Kristof thirty years ago in 1985 when I went on town council and at that time this building we are in this police headquarters was town hall. All the offices that are over there were in here and they shared this building, its police headquarters now but back then it was town hall, construction, planning board, everything was in like multiple offices here and you had multiple uses. The Chief had one little cubicle and the Mayor had one little area, but this entire building was multiple use. When they moved over in January 1985 when George Nucera then Mayor of Clark beat Bernie Yarusavage in the 1984 election John Kristof took which was Brewer School which closed in 1982, shut down in 1983/1984 and Kristof stepped in there and took that building and turned it into what we kind of know what it is today. It's been operated a couple of times in the last thirty years but it was Lt. Colonel John Kristof who should be dedicated and thanked for taking that building and turning it into an office structure and what we know as town hall today, the former Brewer Municipal Building or Brewer Municipal Building/former Brewer School. So that's how I know John Kristof and all the years he has put in. I just want to say to John that no one will replace you and you will always be in our hearts. For those we've lost; David Hollander was a member of the Clark Volunteer Fire Department just recently passed away; Jim Mahoney ALJ Class of "78"; Marie Kessler, a longtime Clark resident from Hutchinson Street and James Rinaldo, Sr., again these are the people we've just lost. And we always have to say we are twenty days into the New Year, twenty days in, everyone be safe and if you need anything please give me a call. Thank you for your time and this (calendar) will be at your door shortly, thank you Mr. President.

Council President Smith: Good luck to Mr. Kristof in his retirement. I want to congratulate the new officers, welcome to Clark. As the Mayor alluded to earlier there's a chance of some snow tomorrow evening and it's going to be very cold, so be safe driving home. Hopefully the brine will do its job.

Jerry Fewkes: No comment.

Fire Chief Cerasa: No comment.

Police Chief Scherb: Nothing thank you.

Attorney Triarsi: No report.

Township Clerk: No thank you.

**ADJOURNMENT:**

A motion to adjourn was made by Councilwoman Albanese, seconded by Councilman O’Connor

Council President Smith directed roll call:

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

APPROVED

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WILLIAM F. SMITH  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk