

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ**  
**July 18, 2016**

**ROLL CALL:**

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

Also Present: Mayor Sal Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

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

Mayor Bonaccorso: Mr. President thank you very much, Members of Council, good evening ladies and gentlemen of the public. Today is the 18<sup>th</sup> of July and we've had a quick storm that rolled through Clark and I just want to give council a quick report on it and to the citizens. As of about 7:20 Scott McCabe from the DPW had reached out to me. All the streets at this time in Clark are now open with the exception of Armstrong Drive. Armstrong has some down power lines entwined in the wood in a tree and they are waiting for PSE&G to get out there to shut down the power so they can remove the tree. Streets are open and I'm sure there's some debris still left in different curb lines but they will be back tomorrow to clean up. When we have a storm the first priority is to open all roads for of course the convenience of our residents, but more importantly for police, fire, and first aid to have to get down any street. This storm came ripping through I think at a good time because branch cleanup is next week, so put it out their folks we'll be glad to take it from you and you know that's a good benefit here in Clark. But again hats off to DPW, Police, Fire, First Aid and Emergency Management Jerry Fewkes for their very quick response today and trying to help our citizens get situated. There was a lot that happened in a short amount of time, so we are on top of that.

I would like to again send my best regards out to all the people who attended our 4<sup>th</sup> of July fireworks show on July 5<sup>th</sup>. Mother Nature wasn't too kind to us on the 4<sup>th</sup> but on the 5<sup>th</sup> we had a beautiful night with a large, large turnout. And it was just nice to see everybody enjoying the fireworks. I think the show was very, very good this year as in the past but you know everyone

remembers what they just see at that time. The other thing again I would like to thank Police, Fire and First Aid for their presence at the event. And it's so nice to see our community with all the visitors we have on that date come in and leave without any incident whatsoever. It's a real nice tribute to all those who attend.

We have one problem happening right now folks, it's with the Senior Citizens bus. Our bus is fine; the problem is we do not have a driver. To drive a senior bus, you need a CDL license which is categorized for a bus operator. And we have interviewed two people and unfortunately one didn't speak English, so I don't think that helps. And the other person we interviewed was worried about how many more days could he have off versus work and that didn't sound like a good fit. We posted the job of course and we have also sent messages out to bus companies for any retired bus drivers that may want to have a part time racket at the Township of Clark driving the seniors around. We would be happy to interview them. And if any of you out there, that's why I'm bringing it up, knows anybody that has a CDL for a bus and they would like to have a part time job driving our terrific seniors around town, please let me know and if you are qualified we will give you of course strong consideration.

The last issue I want to bring up and this is very troubling right now. And this is what's going on to the police across America. Folks we live in some crazy times and I really have to tell you it's very, very disturbing to see what happened down in Dallas and out in Louisiana. Cops are becoming sitting targets and it's very sad to see that and it can happen anywhere in American at any time. I know when there's actions by police officers throughout this country and the grand jury's empaneled and they bring the evidence to a grand jury and the police officer is found not guilty we've seen retaliation and riots and protests and things of this nature breaking out. But if you would just stop to think for a moment, when a grand jury is empaneled and you have a police officer possibly...and it depends whatever in his line of duty taking a life of a perpetrator, you have to think if you are sitting on that grand jury you want to be as honest and as honorable and well thought as possible because if the police officer is innocent you don't want to send him to jail. And if the victim was in his rights you want to make sure the police officer is punished. I think that's a very heavy burden on anybody that ever sat on a grand jury. I know it would be to me and I'm sure to all of you. But the fact that when these decisions come out and people just riot because they want to think that the police have to be wrong, it's a shame. It really is a shame want's going on here in this country. And you know we are all Americans, we all live here whatever our race, nationality and regilious beliefs are. You know America is really built on a multitude of different people living and working together and getting along. And the police department is our first line of defense in this country and especially here in Clark. And I just want to reaffirmed to the Chief who is here tonight and to the police officers of this town, as I've done in the past and I will continue to do as the Chief Executive of this community; if a police officer is right in his line of duty I will back them 110% every single time, every single time. And police officers who are put into harm's way and I'm just going to give a couple quick piece of advice. Be professional, remember your training, and if it's you or them let it be them and we'll back you, because I know our department would never do anything that wasn't proper along the lines of proper police protocols each and every day. And it's a shame that the police of this country have to put their uniforms on every day and fear more so than ever if they are going to be set up into a shooting gallery like it happened down in Dallas. It's just very, very sad on what's happening in America. And I hope that we have leaders that can straighten this problem

out and bring our police officers home safe. It's a dangerous job, they know that when they sign up for it and they get trained for it and they go through their academy. But by God what's happening is just a shame and my prayers go out to all those officers and their families and their friends. And all the police officers across America I pray for you every day that you go to your job and do a great job and come home safe. Thank you Mr. President that concludes my report this evening.

Township Clerk: I have the Police, Fire, Emergency Management and First Aid Squad reports for the month of June 2016 received and on file in my office.

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

Councilwoman Albanese: Thank you Mr. President. I have a brief Library report. Our Library Summer Reading Program is in full swing. In addition, any books that you need for school for your assignments are available at the Library. And I just want to remind everyone about some of the other things that are available for the summer. Again we have the Grounds for Sculpture passes for the museum that's down in Hamilton, New Jersey. Also we have six passes for the Intrepid Sea Air and Space Museum, so it's one pass that allows six people to attend that museum for free. Also it's been very popular this year, we have our Tuesday night movies at 6:30 pm and also on Monday and Wednesday. You can bring your lunch and enjoy the film on Monday's and Wednesday's at 1:00 pm. And if you are interested in learning a foreign language, we also have programs that are available at the Library or remotely; Mango Language Software is available similar to the Rosetta Stone which is also very popular. So I hope you take advantage of those offerings that are available to you. Thank you that concludes my report.

Councilman Barr: Thank you Mr. President. The Clark Police Dispatcher had the Clark Volunteer Fire Department respond to 46 calls this past June. And I would like to bring up a point about the Volunteer Fire Department. After today's storm I'm sure you all heard sirens all over town and the fire department had quite a bit to respond to. And what makes it tougher being that they are volunteers, is that with firefighters you can't schedule certain firefighters to days or times that they have to be available. Because a fire is a different kind of an animal so to speak and when there is a fire call anyone that's available has to respond. And I've had people ask me sometimes thank goodness many of the calls are just alarms going off that shouldn't or something but they say "well how come there were three engines that came?" And basically folks what you have to realize is what happens when there's a fire call you have whoever gets to the fire department whichever firefighters and they have enough on an engine they have to leave and head to the fire and then others come. And until it's told by one of the Chiefs or the Deputy Chiefs or whomever that it's okay it's not a fire it's this or it's that, then they can leave. But that's why a lot of times you'll see that they are there even though it was only a smoke detector that went off because you were cooking. And one other thing which I like to say is that, as volunteers I just got a report and if you think about it it's in the last five months which is a long time but they had to respond from between midnight and 7:00 am they had 44 calls to respond to, and that's what make these volunteers great. And that concludes my report.

Councilman Mazzarella: Yes, thank you Council President. I have a brief DPW report for this month. Branch pickup starts on July 25<sup>th</sup>. All branches should be placed outside this week for

pickup. Please keep them in an orderly fashion and try to keep them a foot away from the curb. Grass pickup continues on Mondays and must be in a container, not placed outside loosely. If they are DPW will not pick them up or the carter will not pick them up. Electronic drop off is July 30<sup>th</sup>, 9:00 am to 1:00 pm. Our acceptable items have changed according to Union County. So please adhere to this, they are: They will not pick up and accept radios, telephones, VCR tapes, CD players, speakers and game consoles. Please visit [www.ourclark.com](http://www.ourclark.com) for an updated list. Root mulch is still available. So please if you need some mulch contact DPW and they will be happy to deliver to you. And bulky pickup and appliance pickup continues, appointments are needed and they must be made by 3:00 pm the Thursday prior to your scheduled week pickup. Thank you and that concludes my report.

Councilman O'Connor: Thank you. From the Finance Committee we had our 2015 Audit and we were successful, John great job. Again every year they let you know whether you did your job well or not. Every year you've done it well, so thank you.

From the Office of Emergency Management from Jerry Fewkes the EM Coordinator; they obtained three light towers from Union County Office of Emergency Management and supplied various generators, cords and etc. for the assistance of the American Cancer Society Relay for Life which happened on June 4<sup>th</sup> and 5<sup>th</sup>. They supplied several portable generators and cords for the Clark Little League Softball Picnic on June 11<sup>th</sup>. They attended rail safety training program at Conrail Train Yard in Newark on June 14<sup>th</sup> with several of the C.E.R.T. personnel. They had two training classes given by Robert Hedinger, Emergency Management Communication Officer on ham radio equipment for six C.E.R.T personnel that had previously obtained their ham radio operators license. So a little bit of a busy month there for the Office of Emergency Management.

And then when it comes to the Emergency Squad, we have their report for the month; the Squad's annual fund drive is still underway. If you haven't sent in your donation it's not too late. You can return it in the envelope provided, drop a donation in their mailbox at the squad house or drop your donation directly at TD Bank and mark it to the Squad. The Squad depends on donations of the citizens of Clark to meet their financial obligations and continue to provide free emergency medical care twenty-four hours a day seven days a week. The festivities for the Squad's Diamond Anniversary are continuing and we are encouraging anyone who is interested in celebrating this milestone to join us for an anniversary dinner on August 13<sup>th</sup>, tickets are \$75.00 per person. Additional information can be found on the Squad's website [www.clarkems.org](http://www.clarkems.org).

The call volume for the month; the Clark Volunteer Emergency Squad responded to 131 calls in June. Year to date the calls 604. Of these monthly calls 109 were in Clark and the Squad provided mutual aid to neighboring towns twenty-two other times with the most going to Rahway at thirteen followed by Winfield and Westfield at two each. In reviewing the response time provided by the County Dispatch Center the Squad average response time from time to dispatch to arrival on scene for June was under seven minutes.

Supporting the community; the Clark Volunteer Emergency Squad has always shared it's building to provide service and support as follows; a monthly blood drive and one Eagle Scout Court of Honor for member of a Boy Scout Troop 145 from Clark.

And again membership, always looking for members. The Squad added three members to its roster; one Cadet Member and two Probationary Members. The Squad has multiple levels of membership available to those who are interested in joining. All training is provided free by the Squad. And if anyone is interested they can email the Squad at [membership@clarkems.org](mailto:membership@clarkems.org). Please check and like us on Facebook and visit our webpage [www.clarkems.org](http://www.clarkems.org). That concludes my report thank you.

Councilman Smith: Thank you Council President Hund. The pool and rec report for the month. It's still not too late to join the Clark Pool especially with the warm weather we've been having. Memberships are available at the Clark Pool or you can visit Ralph Bernardo in the Rec Office to pick up the application.

The Summer Rec Program held 9:00 am to 12 each day at Brewer Monday through Thursday has been attended by about eleven hundred and fifty children this year which is a near all-time high. So hats off to Ralph and his staff, mainly a lot of high school students who are counselors, so a great job supervising all the children attending the camp. On Tuesday evenings for adults only at 6:30 pm on the Tennis Courts at Brewer is Pickle Ball and it's free to all Clark residents. So if you are interested please come on out. And lastly the Fall Recreation Booklets will be mailed out at the end of August to all Clark residents. That's all I have for this evening thank you.

Councilman Toal: Thank you Mr. President. Just a quick reminder about the Clark Reservoir Cleanup. We will talk to you more about it as we get back to it as the kids get back into school. It will be Saturday, October 15<sup>th</sup>, rain date will be Sunday, October 16<sup>th</sup>. And again we will talk about that as we get closer to the event, it's kind of quiet right now.

The Environmental Commission had a quick meeting the other night. We talked about what the plans are for the Reservoir Cleanup and getting people active in the community in keeping Clark green.

Just a quick little note from the 4<sup>th</sup> of July fireworks. Mayor you have the luck of God on you. I just want to say ladies and gentlemen 4<sup>th</sup> of July afternoon we're standing around town hall waiting for the crowd to fill in. And the clouds just got darker and darker and darker and we're like are we going to do these fireworks, are we going to do these fireworks. The Mayor made a sound decision because we're like "just go ahead with it, let's just do it", and he said "no, no, no", he made a sound decision and the next night was absolutely gorgeous Mayor. That was just an incredible...what we call a homerun. It was a good decision and a firm decision and again we are very lucky to have you.

Due to the storm that just happened on the 18<sup>th</sup> I did a little bit of a run around just to do an assessment to make sure that my residents were okay in the Fourth Ward. I was down on State, Sherold, Hayes and Holland and that was the first place I went to and we had a resident on State Street who lost a car. And again not township property, the Garden State Parkway Authority and I'm going to get the contact numbers for them so they can speak directly with them. Township handles township property, parkway is DOT. So again all we can do is refer to the them and let them basically assist you and get your damages resolved and so on. But again it's DOT (Department of Transportation) that handles the Garden State Parkway. There was damage all

the way along from the Colonia line up to Rolling Hill Road and there. This one resident was very upset, a big tree landed on her car. I can understand that and thank God there were no injuries or anything like that. But again a lot of the neighbors were shaken up. We were down there and the Clark Police were on-site making sure everybody was okay. State was in passable condition, Sherold, there were still branches with partial blockage but again Public Works will get down there and I just want to make sure that they do take note of that. Rolling Hill Way was okay, Wendell, Post, Terhune and Doris Way everything was okay, just a lot of debris and my street had a lot of debris. But again we're here, I thank the DPW and the Mayor office's and this township for coming together not knowing us getting a tornado burst is what they are calling it at the National Weather Service. Special thanks to Pat Martuccio Jr., Pat works up in the Hackettstown office, he texts or emails me to tell me what's going on in our area and he told me it was a tornado burst is what we got touched with slightly. So again just as long as everyone is safe. With that said Mr. President I have nothing else to say thank you.

Council President Hund: The Police Department Report for June saw a total of 3,251 of service of which ninety-four were ambulance requests, seventeen were fire department requests, seven for vandalism, eighteen were motor vehicle and resident lock outs, eighty-nine were alarm calls, 105 were motor vehicle accidents, and 2,895 were miscellaneous calls. There was a total of 23 adult arrests including five for theft, two for simple assault, one for fraud, three for domestic violence, one for DUI, one for drug abuse, one for harassment, one for hindering apprehension and eight warrants, there were a total of sixteen juvenile arrests including one for criminal mischief, two for CDS, two for truancy, one for harassment and two offenses against the family of the formerly charged and eleven were in house dispositions. That concludes the Police Report for June 2016.

**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 \$243,230.65 for the period ending July 13, 2016, seconded by Councilwoman Albanese

Council President Hund directed roll call:

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

**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 Hund opened the Citizen Hearing on the Agenda

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

Council President Hund directed roll call:

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

**RESOLUTIONS:**

**Resolution 16-83**

**RESOLUTION SUPPORTING THE FAIRNESS FORMULA  
EQUAL SCHOOL FUNDING AND PROPERTY TAX RELIEF**

**WHEREAS** the Constitution of the State of New Jersey provides for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years; and

**WHEREAS** New Jersey schools are funded through a combination of state, federal and local dollars; and

**WHEREAS** state aid is currently allocated to school districts using a weighted formula rather than equal school funding; and

**WHEREAS** Governor Christie has stated “A funding formula that puts a higher value on one child over another is morally wrong and it has been economically destructive... Every child has potential. Every child has goals. No child’s dreams are less worthy than any other child’s. No child deserves less funding from the state’s taxpayers.”; and

**WHEREAS** Mayor Sal Bonaccorso has pledged his support of Governor Christie’s Fairness Formula which will ensure that all students have equal funding to be successful and will provide property tax savings for Clark residents.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Mayor and supports the Governor’s initiative to amend the Constitution of the State of New Jersey to require that State funding to school districts, other than special education funding, be on an equal per pupil basis; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, our State Senator, our two Representatives in the General Assembly, Union County Clerks and to the New Jersey League of Municipalities.

Moved and seconded by the Entire Council

**Discussion:**

**Mayor Bonaccorso:** Citizens of Clark this is a very, very important resolution for you. I was contacted by my liaison from the Governor’s office a few weeks back talking about the Fair Funding Formula that the Governor is proposing to the legislature to have a state referendum on this November. As you know for those of you who are conscious of your property taxes, our

school district gets very little state aid from our state. The way it is today it's kind of that way, there's abbot districts, the inner cities seem to be getting a heck of a lot more money. This referendum is going to be about a fairness funding where each student in the State of New Jersey will get over around sixty-two to sixty-three hundred dollars per student into their district. In a township like Clark it would be over a twelve hundred percent increase in state funding to our school district which would relate because of the 2% CAP on the school budget to approximately a twenty-one-hundred-dollar property tax deduction, okay, that's major, major dollars. When I spoke to my liaison in the Governor's office about this, he wanted me to get on board with it and I wanted to read the bill that the Senate was reviewing in Assembly. And after reading it I went to the Council and asked for their support. This will be sent to our Union County Delegation of Senators and Assembly people. It's going to be quite interesting though folks to watch this unfold statewide. Because it also means that school districts such as Newark, Camden, Elizabeth and areas like this are going to get a big decrease in their school funding. Because if it's equal you have to take from the top to give to the bottom but it would be fair because each student deserves the same amount of funding as far as I'm concern. Hence, let's take Clark Township, the good citizens of Clark pay their property taxes every year. We collect well over ninety-eight percent of the property taxes of the citizens that are sent the bill every year. When you take some of these urban cities, their collection may be somewhere below fifty percent, which means that our taxpayers are helping fund other communities in which we do not live in nor do we get a benefit from. The taxpayers of Clark, as you should know by now, the school budget is roughly around give or take a few percentages two thirds of your tax bill. And you are shouldering most of the money to support our school district out of our own wallets. Where this formula would make it fair where each student in the district would receive like I said somewhere in that sixty-two/sixty-five-hundred-dollar range and it would be a major increase. So I don't know who in Clark would be against this. As time goes on I will be asking and updating you on the progress of this bill. Council I thank you very much for jumping right on this and supporting my feelings on this. Look it's no secret I've not always seen eye to eye with some of the things that our Governor has done but to me this is about the taxpayers of Clark and about our students getting fair funding. And I would like to see the community rally behind this referendum if it does come to that in November and we will of course be out there pushing this very hard because every vote will count and this could mean a lot to the students and a lot to the taxpayers of our community. So thank you Council for putting this on the agenda tonight and your entire support of it.

No further discussion

Council President Hund directed roll call:

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

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### **Resolution 16-84**

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

**WHEREAS** the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

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

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

General Comments  
Recommendations

and

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

General Comments  
Recommendations

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

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

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

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

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

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

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Discussion:

Councilwoman Albanese: I just want to also echo the comments of Councilman O’Connor thanking John and the finance team for an excellent job, getting everything done timely and accurately, so thank you for that.

No further discussion

Council President Hund directed roll call:

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

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**Resolution 16-85**

**RESOLUTION APPROVING THE 2015 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS** the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2015; and

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

**WHEREAS** the Governing Body has received the 2015 Annual Audit – Corrective Action Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2015 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

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

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Council President Hund directed roll call:

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

**Resolution 16-86**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 18<sup>th</sup> day of July, 2016.

Jerry Scaturo  
135 Hillcrest Drive  
Clark, NJ 07066

Moved by Councilman Barr, seconded by Councilman Mazzarella

Council President Hund directed roll call:

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

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**Resolution 16-87**

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on June 16, 2016 for the 2016 Capital Road Improvement Program (Phase II); Colonial Drive Improvements Between Ross Street and St. Laurent Drive; and

**WHEREAS** seven (7) bid proposals were received on July 6, 2016 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were P & A Construction, Inc. of Colonia, NJ with a bid in the amount of \$661,976.25, Reivax Contracting of Newark, NJ with a bid in the amount of \$735,096.95 and Stilo Excavating, Inc. of South Plainfield, NJ with a bid in the amount of \$750,020.95; and

**WHEREAS** P & A Construction, Inc. PO Box 28, Colonia, NJ 07067 submitted the lowest responsible bid in the amount of \$661,976.25 which meets the needs of the Township as specified by the Township Engineer; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinances 16-04 and 16-07 as attached hereto as a "Certification of Availability of Funds"; and

**WHEREAS** the Township Engineer has presented written approval for the award of the contract to P & A Construction, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to P & A Construction, Inc. in the amount of \$661,976.25; and

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

Moved by Council President Hund, seconded by Councilman Mazzarella

Council President Hund directed roll call:

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

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**Resolution 16-88**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C generated within the township.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Council President Hund directed roll call:

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

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**Resolution 16-89**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the Mayor and/or Business Administrator are hereby authorized and directed to execute the Amended 2016 Infrastructure and Municipal Aid grant agreement with the County of Union.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Council President Hund directed roll call:

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

**CONSENT AGENDA RESOLUTIONS:**

**Resolution 16-90**

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

**WHEREAS** premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm commencing on September 1, 2016 and concluding on June 30, 2017 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an “as needed” basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

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

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**Resolution 16-91**

**A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF CLARK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014**

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

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Municipality of Clark that the agreement entitled **“COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,”** dated June 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2016-2017 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

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

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**Resolution 16-92**

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize the Tax Collector to settle Tax Appeal(s) and Issue Refund(s) and or Credit in the amounts indicated as authorized by the Tax Court of New Jersey in accordance with the attached schedule.

STATE TAX APPEAL - APPROVAL		7/18/2016					
		Original	New				
Block/Lot	Address	Assessment	Assessment	Reduction	Year	Refund	Credit
71/14.0101	76 Central Avenue	6,000,000	5,483,800	516,200	2013		\$ 39,990.01
71/14.0101	76 Central Avenue	6,000,000	5,621,800	378,200	2014		\$ 29,707.61
71/14.0101	76 Central Avenue	6,000,000	5,594,200	405,800	2015		\$ 32,561.39
					Principal		\$ 102,259.01
					5% Int.		Waived
					Total		\$102,259.01
77/4	181 Westfield Avenue	273,000	255,200	17,800	2015		\$ 1,428.27
					Principal		\$ 1,428.27
					5% Int.		Waived
					Total		\$ 1,428.27

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**Resolution 16-93**

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2016 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.

REF	#	Account #	Name	#	Address	Reason	Refund
16	10R	1502-0	Kevin Morgan	61	Dorset Drive	Overpayment	\$ 1,467.50
16	11R	2056-0	Ronald Ordner	89	Francis Drive	Overpayment	\$ 447.50
						Total Refunds	\$ 1,915.00

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**Resolution 16-94**

**WHEREAS** the Treasurer/CFO has certified that sewer utility account(s) require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed and approved the sewer fee adjustment(s).

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

SEWER BILLING ADJUSTMENT 2016										
CLARK TOWNSHIP										
REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit	Add'l
16	66	3085-0	RenGuo Lin LLLC	35	Westfield Avenue	No usage	\$ 225.00	\$ -	\$ 225.00	
16	67	196-0	Fiumefreddo, Jason & Abby	416	Oak Ridge Road	new owner	\$1,516.20	\$ 225.00	\$ 1,291.20	
									\$ 1,516.20	

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

Council President Hund directed roll call:

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

**NEW BUSINESS:** 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 Hund opened the public portion of the meeting

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

Council President Hund directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Yes, briefly Mr. President. Tonight with the storm it was on the news that the young lady in Fanwood who lost her life because her car was hit with a downed wire and when she went to get out she got electrocuted from what I understand. You know I just want to remind everyone especially our young drivers; through a storm when something like that happens and you are in the car, just be safe and stay there until the authorities come to help you, may it be police, DPW, fire or someone. If you are in the car and nothing bad is happening, there’s really no reason to get out even when you are seeing a down power line. It’s a very, very serious tragic death to anyone especially to this young lady and our prayers go out to her and her family of course. So just be very careful. And you know same thing with the flash flooding, stay out of water and don’t get involved in that stuff. You know it’s something that I had learned back during Hurricane Irene. I never thought about this, but I was down on the Pumpkin Patch side of town down at the end of Schwin, Rutgers and Conger and there were some kids playing out in the street in the water and one of our fireman came over and said “get out” and I kind of thought “wow, it’s a storm and that’s kind of what kids do they play out in the water”. And I said to him “why are you jumping on the kids” and he said “Mayor those storm sewers are so filled with water and if it removes the manhole cover or slides it the kids can go right down into the sewer.” And I said “wow, didn’t know that, didn’t think of that.” And that’s another reason why you don’t want to have your children playing out in the street if you get these floods and God forbid any kind of bad storms.

Just a short time ago we were all sitting here around Memorial Day saying summer is coming, enjoy your summer, now we are half over already. But for the month and a half left of our summer until next Council meeting enjoy yourself, be safe, have fun, and soak up this great New Jersey heat we are having, thank you.

Councilwoman Albanese: I just want to mention that I had a chance to attend the fireworks this year and it was really a great celebration as was mentioned by the Mayor and Councilman Toal. So again just like the Mayor said enjoy what’s available this summer. I want to mention that the Clark Karate Club over at the Recreation Department is having an open house on Wednesday,

July 20<sup>th</sup> at 7:00 pm. Children ages eight all the way up to whatever age adults are welcomed to attend the open house. So hopefully we'll see you there. And that concludes my report, thank you.

Councilman Barr: Thank you President Hund. Actually I just want to thank all our emergency people for their quick response in all of the problem areas after today's storm. You guys all did a great, great job. That concludes my report.

Councilman Mazarella: Yes, thank you Council President. To all the people just enjoy yourselves the next few weeks of summer but please be careful and be safe. Until next month take care.

Councilman O'Connor: Thank you. I have received several calls from people in my Ward regarding a fox or several foxes on their property. And they were concerned about the fox and what to do. So I reached out to the BA as well as to Nancy Raymond our Health Officer and I have some information on foxes and what to do. The foxes are to be left alone. Exclusionary methods such as fencing, air horns, wind chimes can be used. Parents must educate their children to avoid all wildlife. Small children and pets must be supervised. Pets must also be vaccinated against rabies. Trapping and trans location is not recommended. Nancy has a wildlife/rodent advisory on the health page which stays posted 365 days a year. And Nancy was also kind enough to hand in a whole bunch of information of the fox which was found on the New Jersey Division of Fish and Wildlife. And I just want to read a few things about the fox to kind of put people at ease and let them know a little bit about the habits of the fox.

So the problems associated with foxes include deprivation on domestic animal's perception to humans and healthy foxes pose virtually no danger to humans and there potential to carry disease organisms. Foxes will prey on small live stocks such as ducks, chickens, rabbits and young lambs but generally do not bother larger live stocks. Cats may also be preyed on. Foxes often carry their prey to a secluded area or their den where its eaten by the adults and their young. During the spring disturbing a den site physically or with unnatural odor's or a natural deterrent such as coyote urine may prompt foxes to move to an attractive den which may be farther on your property. Foxes can grow accustom to human activity but are seldom aggressive towards people. People uncomfortable with the predators of foxes should remove attractants exclude foxes with fencing and employ scare techniques as we talked like before. So again folks, you have a fox, unfortunately you know you may not like the answer but we cannot trap them and we can't relocate them. They pose no danger to humans if they are healthy but again if you are concerned take the advice of what was put on New Jersey Fish and Wildlife to use air horn/chimes and things of that nature to keep your property free of the foxes and if the foxes are around and you have children bring them in the house. But again educate your children that wild animals are wild animals. That concludes my report thank you.

Councilman Smith: Thank you. This past Saturday the Clark Community Pool had their member appreciation day. I think there were over seven hundred people in attendance, so it was crowded all day, all the food was free and all the food was donated by local businesses and banks (PNC Bank in the Commons) covered all the food, so I want to thank them for doing that. And that's all I have for this evening.

Councilman Toal: Thank you Mr. President. I thank Pat for his report. It is very important to know what's going around us. To Mr. Mayor, you know this township and you know how the people in the township don't always listen. I just want to make sure that we get it right. We've had a storm in the Township of Clark on July 18<sup>th</sup>. You have branches from that storm that have come down from your trees and they are able to put it out to the curb. I just want to make sure that we get it right because they are going to call us anyway and say "what are we going to do with our branches."

Mayor Bonaccorso: Councilman, other towns will make you pay for it, in Clark we are always too glad to pick it up for our residents. Put it out to the street timely by the weekend so we can come and pick them up in the fourth week of the month. Remember out on the third and we will pick up on the fourth. Thank you sir.

Councilman Toal: Mr. Mayor I appreciate it. I just want the residents to understand we just had a storm and you have debris, branches and stuff. Put them out to the curb, not in the middle of the street and not blocking catch basins. Get them out there as soon as possible, any other clippings and debris whatever came out of the trees. And if you feel your tree is dangerous have a tree guy take a look at it.

To the residents along the Parkway. We had the tree just come down on State Street. It's the Department of Transportation you call, if you do not have the numbers look them up online. I know the Clerk's Office would assist on giving the proper numbers and contacts for them to you so you can then reach out with your homeowner's insurance to assist in getting it repaired or reimbursement or what it may be on your policy for the damage done to your house. As the Mayor said it was a tragedy over in Fanwood. We've had an incident, we're strong and we get stronger from it, that's basically it. Again the 4<sup>th</sup> of July fireworks were really nice. So just enjoy the last days of summer and be very careful out there, we've had some really hot days but that's summer and that's what happens. If you are in need of anything we are here to assist you, give us a call and we will try to assist you to make your stay living in Clark much better, thank you.

John Laezza: Council President as the Chief Operating Officer it's always nice to be commended by Council regarding the operation of the municipality. But I really have to commend the Finance Office because they have been outstanding in handling all our financial matters throughout the year. We give them a budget, they pay the bills and they stay within our budget. They bring to my attention those areas of concerns that they have and we respond accordingly. So it's a very cooperative number of employees that we have. With regards to the Corrective Action Program, somebody wanted to know what that was about. State law in our insurance company says in order to be properly bonded every time someone gives up cash it has to be put in a bank within 48 hours. Unfortunately, one of our departments failed to put in a small check within 48 hours and that happened to come up on the audit report. So that was the exception. It's a very rare thing, to me it's a non-problem but it has to follow state procedure, thank you.

Mayor Bonaccorso: Mr. President I would like to dovetail on Mr. Laezza's one check that wasn't deposited in 48 hours for a small amount of money on one of our departments. That is so minimal it's probably not even worth writing about but that's the law and they have to. When I

sat up on your dais as a Councilman we use to do audit reports with twenty-two to fifty-seven practices of bad business not following laws and it was quite a tedious task having to work with the former administration on these areas, it was a mess. So when I hear about a small check that wasn't deposited within forty-eight hours and it should be of course, it just takes me back to déjà vu and the days where I use to sit up there and we use to pull out our hair trying to get the finances of this town straight. So thanks to John and his team at town hall who have gotten everything in line very quickly in this town some sixteen years ago, so thank you.

Police Chief Matos: With the terrible tragedies that occurred in Dallas and Baton Rouge where I would just like to take a moment to thank the numerous Clark residents who reached out to the department whether they approached an officer on the street and we even had several residents who brought lunch and breakfast to the department as to show support for the department and our officers. We also received many messages through Facebook that I have been posting on our page of messages from residents thanking us and supporting us. And that has meant a lot to us and I would just like to take a moment to thank the residents. It's nice to know that we serve such a great community.

Also with the storm just keep in mind that PSE&G is moving into the area now to work on the low hanging power lines and the downed power lines. They are going to be shutting down power to certain neighborhoods to work on those lines. So don't get panicked if you see power going out in certain neighborhoods that are not down at the moment.

The third thing is "National Night Out Event" which will be August, 2<sup>nd</sup> at 6:00 pm to 9:00 pm over at the high school. Please come out and join us, it's always a great event. Most of the department will be there so it's a great time to come out and meet the department, thank you.

Township Clerk: I just have one comment. This is garage sale season and I'm going to hand this (flyer) to TAP into Clark if Susan doesn't mind. There is a state law that says "don't put signs on telephone poles" and we know that it's common practice, you'll see thousands of little staples on the telephone poles. But we will be handing out an explanation ("Poles and Posters Don't Mix") with the signs so people will remember to take their sign down and not put them on the telephone poles. They are saying it's a state law but also that it's a hazard to the workers who have to climb those poles. So as long as it's out there and the information is out there we just want to remind our residents, thank you.

John Laezza: Council President in response to the telephone poles. I have sent out an order to DPW and the police department that if they see anything hanging on the telephone poles to get out of their truck and take it down. So if you get complaints from any of your citizens that they may have put up signs, tell them they know where the signs belong, not on telephone poles.

Council President Hund: And my final comments the Chief took my thunder on that. I was going to thank the public for delivering lunch and breakfast to the officers, it's well deserved. And I just want to make sure you and your staff stay safe everyday as well as all the other police forces around America. As the Mayor said these are troubling times where the police officers need to worry about their safety instead of our safety as a number one priority when they walk out the door in the morning.

**ADJOURNMENT:**

Motion for adjournment was made by Councilman O'Connor, seconded Councilman Toal

Council President Hund directed roll call:

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

APPROVED

\_\_\_\_\_  
STEVEN M. HUND  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk