

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
July 21, 2014**

ROLL CALL:

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

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 Toal. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County LocalSource, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: First off I would like to inform the community that about six months ago down in Toms River, I'm sorry I think it was Brick I believe; Governor Christie had the Brick Police Department administer a new spray for overdose of any potential drug addicts. And I believe it's called if I'm pronouncing it correctly, it's called Navoxon. A few weeks back the Union County Police Departments were equipped with this spray. And Clark Police Department was the first police department in all of Union County to administer this spray. A young couple, I guess you would want to (call) a man and a lady, came off the parkway and went into the Clark McDonald's parking lot and she overdosed out in her car. The Clark Police Department was called, she was blue around the eyes and around the lips, and she was on her way out and maybe almost out and they administered this new spray. They saw some life come back after the first spray and they gave it to her a second time and she regained consciousness and woke up. And the outcome of that story was the man she was with was arrested for having heroin and crack cocaine. So great job to the police department, Chief #1 for bringing someone back to life as you guys do a lot and again administering this new spray and #2 making a good arrest for this young man who was deservedly to be put in jail for having that kind of drugs on him. You know that spray comes with a little bit of controversy. It's there to help overdose victims, we all know they shouldn't be overdosing and doing that kind of stuff to begin with. But on the other hand this could save a life of a youngster who maybe falls into the wrong way and will have a chance to rehabilitate him or her in the future. So this is something now that all the police departments in Union County and I guess throughout the State at this point are doing the test pilot when the test

pilot was down in Brick and the Clark Police Department again were the first to have to use it in all of Union County and successful did so. So a great job to all of the guys.

The next thing I would like to say is I would like to thank everyone who attended our fireworks on July 4th. It was an overwhelming crowd this year. I mean we always have a lot of people but this year I guess because the day was a little rainy earlier and maybe some people decided not to take a day trip to the shore, maybe some bbq's were cancelled who knows, but they all ended up on the front lawn of the high school or out in the street in front of Brewer. And it was an overwhelming crowd. It went without one incident as it always does. I want to complement our citizens as always and even the out-of-towners that come out. All these years we never have one little incident to report. Everyone is always well behaved, they do the right thing. I would like to especially thank Frank Cerasa and the Fire Department, also the Clark Police Department and the First Aid Squad all working the event. So thank you all for your great efforts and we appreciate it. It was a new vendor this year. We were not happy with the old vendors; two in a row were put out. We found shortages in the fireworks count when we counted the shells, we weren't going to tolerate that too long and this year a new vendor came in and from what I heard from everybody they thought it was a great, great show. So we are happy and hopefully we will have them back again next year.

Also as you know throughout town as you can see we have various road construction projects underway and they are all successfully moving forward. For those who are interested especially the Valley Road School project is right on track at this time. So it's going to be another welcome addition to traffic safety in Clark and public safety and that concludes my report for this evening, thank you Mr. President.

Township Clerk: I have the police, fire and first aid reports for the month of June 2014 filed in my office for anyone who would like to see them.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: Thank you Mr. President...just a brief report on happenings at the Library. The summer reading program is in full swing. And thanks to the Friends of the Library the grand prize drawing this year will include a Kindle and there will be one available for the children's, teen and adult reading clubs. That will be limited to Clark residents. Also summer reading school books are available at the Library, so drop by and check those out. For the calendar of preschool programs, check out the Clark Library calendar online. And this Friday on July 24th at 7:00 pm there will be a program "Rizzo's Reptiles" and it will feature lizards, snakes, frogs, turtles and an alligator, a small alligator. So that's always a pretty exciting program. Whenever we have animals come in, it draws out a big crowd, and that's for every one of all ages. On Monday, July 28th at 2:00 pm there will be a young adult teen program and that will specialize in origami. And that will feature the artist from Westfield, her name is Joyann Lara.

And I just want to remind residents that the Friends of the Library have purchased a museum pass for the Intrepid Museum. And that's available for the Intrepid Air Craft Carrier Museum in New York City and it's free; free entry for six people. So you can just go to the Library and you can book that pass. That concludes my report, thank you.

Councilman Barr: Thank you Mr. President...the police dispatcher had the Clark Fire Department respond to 34 calls this past month. And the Fire Chief asked me to convey a very important message to our residents. On many calls that we go on, which I usually go on most of them, a lot of times the residents would say “I wasn’t really sure, I didn’t want to call because I didn’t really see but.” But again they weren’t really sure and the fire department said do not ever hesitate when you feel there’s some kind of evidence, any kind, smoke or this or even an outlet that’s hot or something, don’t hesitate. Call the fire department because that’s what they do and they’d rather respond to a false alarm or catch something in the beginning than have a house fire. So don’t ever hesitate and that concludes my report.

Councilman Mazzearella: Yes thank you Council President...I have two reports, one from the Clark Police Department...June 2014 saw a total of 2,510 calls that they responded to. And of that 90 were alarm calls, 84 were for motor vehicle accidents and 2,221 were miscellaneous calls.

DPW report; electronic drop-off is this Saturday, July 26th from 9:00 to 1:00 at DPW yard. And they will accept fluorescent light bulbs four feet and eight foot long round and “u” shaped bulbs but no compact bulbs. For the branch pick-up this month, it will start on Monday, July 28th and all branches should be out by Sunday. Branches should not be put out until the third full week of the month to keep our roadways clean and the pedestrians safe while walking. And grass pick-up is every Monday and it should be out by 6:00 am Monday morning in a suitable container, 20 or 30 gallons. It should not be dumped in the street, DPW will not pick that up. Bulky pick-up is by appointment only, please call the DPW or email to schedule. Also your bulky items should only be placed curb side the weekend before the scheduled pick-up. Recycling is now single stream, which means you can put a lot more in those containers over and above paper, cardboard, plastic and now you can also put styrofoam in them, don’t throw them in your trash, put them in your recycle pail.

We have installed over seventy tons of asphalt in pothole repairs this year. If you see a pothole, please call DPW and they will schedule it for repair. Tree trimming is still going on and we are trying to keep up with each Ward. So please be patient if you have called, they’ll get to it. Catch basins, storm sewer cleaning is in the process. If you have a catch basin in front of your house and you are wondering if it needs to be cleaned, just call DPW, they will schedule and come down and that concludes my report.

Councilman O’Connor: Thank you very much...I have the June monthly report from the first aid squad. During the month there were 116 total ambulance requests, 106 to Clark and 10 mutual aid calls. The most frequent calls were fall victims 18, motor vehicle accidents 14 and sick persons 8 and that’s my report, thank you.

Councilman Smith: Thank you Council President Toal...I have the recreation and pool reports. On June 28th the Clark Pool celebrated its 40th anniversary. There were over 1200 people in attendance which is a very large crowd for that facility. And it was all handled well, there were no issues there, the children behaved and the adults had fun. There were numerous games, raffles, prizes, free food culminating with a free movie to end the day. There was no additional cost to tax payers for putting on this event. I want to thank Ralph Bernardo, Mike Kozlowski

who is the manager of the pool, as well as the staff and advisory board for putting together such a wonderful event. There is still time to register for the pool. They are accepting registrations either at the pool or in Ralph Bernardo’s office.

The Summer Recreation program has been averaging 650 children daily in grades Pre K – 8th. Total registration has reached 1070 children which is a record. Ralph Bernardo and the counselors are doing a wonderful job running the camp, teaching and entertaining the children.

Lastly, I’m going to also mention on July 4th we had the fireworks celebration. There was a DJ entertaining the crowd until the fireworks. And I had estimated 8,000 to 10,000 people which is a huge number turn out for the day. Again I want to thank Ralph for putting that together as well as the Clark DPW for cleaning up the high school and Brewer sites afterwards. And that concludes my report thank you.

Councilwoman Soyka: Thank you...I honestly don’t have any report. First of all I want to thank the Council for their vote of confidence in putting me back in this position unfortunately under the sad circumstances of Rich Kazanowski’s death. I certainly didn’t want to fill his position but under the circumstances and because he was a good friend as well as a good councilman here I am. So I thank you for your vote of confidence and I aim to serve the residents of the third ward. And if you need me, I think my name is on the website and my number, you are welcome to call me, thank you.

Council President Toal: I have no official report on my end.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No objections have been received in connection with the proposed Ordinances)

Ordinance 14-19

BOND ORDINANCE TO AUTHORIZE THE FUNDING OF THE MUNICIPAL CONTRIBUTION TO ROADWAY IMPROVEMENTS Attorney Triarsi THE INTERSECTION OF RARITAN ROAD AND CENTRAL AVENUE IN CONNECTION WITH THE CLARK COMMONS PROJECT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President Toal opened the Public Hearing on Ordinance 14-19

Seeing no one coming forward Councilwoman Albanese made a motion to close the Public Hearing, seconded by Councilwoman Soyka

Council President Toal directed roll call:

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

Motion to adopt Ordinance 14-19 was made by Councilman O’Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO AMEND CHAPTER 302, SECTION 302-7
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED “SOLID WASTE”**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 302, Section 302-7 of the Code of the Township of Clark entitled “Solid Waste” is hereby amended, as follows:

SECTION 1: Sub-Section 302-7A is hereby deleted and replaced as follows:

A. From time to time as directed by the Township Administrator, bulky cleanup materials shall consist of furniture, storm screens and windows, rugs (cut up and tied), doors, toys, garden tools, etc. The following items are not determined to constitute Solid Waste and will not be picked up by the Township: construction material resulting from demolition, alteration, or repair to buildings (i.e., kitchen/bathroom remodeling, toilets, sinks, tubs, etc.); mattresses, box springs; appliances; propane tanks; auto parts and tires; railroad ties, concrete, logs, dirt, rocks; paint cans and painting products. All bulky items should be placed between the curb and sidewalk (not in the street) in boxes, containers, etc. and not loose on the street.

SECTION 2: Sub-Section 302-7B is hereby deleted and replaced as follows:

B. Appointment for Pick-Up shall be as follows with no exceptions:

- a. For the First Ward, the reservation shall be made by 3:00 pm on the Thursday before the first week of the month;
- b. For the Second Ward, the reservation shall be made by 3:00 pm on the Thursday before the second week of the month;

- c. For the Third Ward, the reservation shall be made by 3:00 pm on the Thursday before the third week of the month;
- b. For the Fourth Ward, the reservation shall be made by 3:00 pm on the Thursday before the fourth week of the month.

SECTION 3: Sub-Section 302-7C is deleted and replaced as follows:

C. Should there be inclement weather during the winter months; the pick up of bulky items will be rescheduled.

SECTION 4: Sub-Sections 302-7D and 302-7E are restated as written.

SECTION 5: **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: Basically this is an amendment to our solid waste ordinance. Basically this ordinance mirrors our report to the people as to how the bulky waste is handled. So it just mirrors our report so that when people read the report and somebody wants to look at the old ordinance it didn't read what the report said. So now it all says the same thing.

Council President Toal directed roll call:

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

Public Hearing August 18th

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

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

SECTION 1: Sub-Section 145-3E entitled “Charges for outside police details undertaken by police” is hereby supplemented to add Section (a) as follows:

(a) All requests for outside police details shall give at least three (3) hours advance notice. Failure to provide such advance notice shall result in the increase of the hourly fee for such detail from \$60.00 per hour to \$90.00 per hour. Employing entity shall file a certificate attesting the existence of worker’s compensation coverage for all off-duty police officers so employed.

SECTION 2: (b) Existing Sub-Section (a) is amended to increase the rates to be charged per hour from \$50.00 to \$60.00; and from \$75.00 to \$90.00, and is hereby restated and re-designated as Sub-Section (b)

SECTION 3: (c) Existing Sub-Section (b) is hereby designated as Sub-Section (c).

SECTION 4: Sub-Section (d) is hereby added, as follows:

Future changes in fees shall be by resolution of the Governing Body.

SECTION 5: **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved and seconded by Entire Council

Discussion:

John Laezza: Council President and Members of Council, this is an ordinance to put a fee in there for those companies that want emergency work without the proper notification. They have to pay a little more per hour. We are also putting in there that those companies have to give us workers compensation coverage for our police while they are working their jobs.

Council President Toal directed roll call:

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

Public Hearing August 18th

**AN ORDINANCE TO AMEND CHAPTER 195, SECTION 195-120
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED “FENCES AND WALLS”**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 195, Section 195-120 of the Code of the Township of Clark entitled “Fences and Walls” is hereby amended, as follows:

SECTION 1: Section 195-120D is hereby deleted and replaced as follows:

“In the case of a residential corner lot, a fence or wall of any type not greater than 6.5 feet in height may be permitted to extend along the right-of-way where such wall or fence encloses the yard area of a home located on a corner lot, providing that the conditions of Section 195-119 are also met and that no such fence shall be allowed beyond a parallel line extended from the front facing side of the home to the right-of-way.”

SECTION 2: Section 195-120I is hereby deleted and replaced as follows:

“Solid fences shall not be permitted to be constructed in the front yard of any residential property and any such fence shall be required to be open, partial or board-on-board, except as specifically allowed per Section 195-120D.”

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.

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

John Laezza: Basically this is an ordinance clarifying uses of fences on corner properties. And it re-defines two specific areas on what has to be done on corner properties. So we are amending Section D and Section I of the ordinance.

Council President Toal directed roll call:

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

Public Hearing August 18th

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 \$267,081.49 for the period ending July 18, 2014, seconded by Councilwoman Albanese

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

CITIZEN HEARING OF 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 Toal opened the meeting to the public on addenda items only

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

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

RESOLUTIONS:

Resolution 14-98

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

Discussion:

John Laezza: Each year we pick up bulky waste from various residents. We first were dumping it in Newark, that was closed, and then we were dumping it in Kearny, that was closed. And fortunately Plainfield Utilities Authority has a Municipal Utilities Facilities to be able to accept our materials and we are entering into shared services agreement with Plainfield.

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

Resolution 14-99

WHEREAS the Governing Body of the Township of Clark desires to retain the services of a third party administrator on behalf of the Township to administer the Township's Self Insured Retention (SIR); and

WHEREAS Inservco Insurance Services, Inc. has submitted a proposal in the amount of \$14,280.00 to provide for the claims administration of Worker's Compensation, Automobile Liability, General Liability, including Police Professional Liability and Workers' Compensation – Lost time and medical only submitted against the Township to the SIR; and

WHEREAS the Governing Body desires to retain Inservco Insurance Services, Inc. as the Township's third party administrator for claims administration made to the SIR for one (1) year beginning August 1, 2014 through July 31, 2015; and

WHEREAS said claims servicing organization's services constitute extraordinary unspecified services in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., authorizing the services without competitive bids, and

WHEREAS there are funds available in the 2014 budget as evidenced by the Finance Officer's Certification of Availability of Funds in Current Account 23-210-223 for said contract.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby authorizes the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. as the claims servicing organization on behalf of the Township of Clark for a period of one (1) year commencing August 1, 2014 at an annual fee of \$14,280.00 for the SIR.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: This is a renewal of our annual contract with the third party administrator.

Council President Toal directed roll call:

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

Council as Board of Health

Resolution 14-100

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

WHEREAS the Governing Body sitting as the Board of Health has reviewed the report for the first quarter from January – March 2014 and is in agreement with its contents.

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

BE IT FURTHER RESOLVED that copies of said report are available online at www.ourclark.com and in the Clerk’s office, at no charge.

Moved by Councilwoman Soyka, seconded by Councilman Smith

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-101

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 2013 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 and seconded by Entire Council

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-102

RESOLUTION APPROVING THE 2013 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 2013; 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 2013 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 2013 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 and seconded by Entire Council

Discussion:

Councilwoman Soyka: I would like to make one comment. I would like to thank Mr. Laezza for taking the time to go through different questions I had on this Audit. And I know that the corrections had been corrected.

Council President Toal directed roll call:

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

Resolution 14-103

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor and Township Clerk to execute a Developer’s Agreement with Clark Commons, LLC, having its principal office located at 12 Route 17 North, Suite 210, Paramus, New Jersey, 07652 for a Retail Development on the tract of land identified as Block 144, Lots 1 and 2, situated on Raritan Road between Walnut Avenue and Central Avenue, Clark, New Jersey 07066.

Moved by Councilman Mazzarella, seconded by Councilman O’Connor

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-104

WHEREAS an emergency has developed due to falling bricks on the Municipal Building; and

WHEREAS repairs to the Municipal Building are required to be done with dispatch; and

WHEREAS the emergency affects the public safety and welfare and requires the immediate delivery of services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby authorize the Business Administrator to acquire the services necessary to remediate the emergency in accord with the requirements of the aforesaid statute; and

BE IT FURTHER RESOLVED that Hull-Vicci Construction be authorized to complete the repairs on a time and materials basis and the cost thereof shall not exceed the total sum of \$35,000.00 without further authorization.

Moved by Councilman O'Connor, seconded by Councilwoman Soyka

Discussion:

Mayor Bonaccorso: Yes Brian just for the Council and citizens to be aware, if they go by the gym at the Brewer Municipal Building you will see a section of brick that was taken out. Apparently to Mike Khoda and Rich O'Connor the engineer (determined) somehow somehow water started seeping behind the first few layers of brick which bellied them out. And we had it coned off and taped off for a while until we could figure out what was going on. And the fact was is that there was a chance that those bricks could fall, so we wanted to make it safe. So what we did; rip out the area that we thought was the area needed to be and then we are going back with a stucco finish, because it is much, much cheaper than re-bricking. So if anyone was wondering when they go by why there's a hole in the bricks, you have an idea why.

Councilwoman Soyka: Mayor how big of an area do you expect this to be or do you know?

John Laezza: I would say it's about forty feet wide and twenty feet deep.

Councilwoman Soyka: Oh wow.

Mayor Bonaccorso: Go by the gym and you will see the whole area only the bricks are already out. The rest of them there seem to be very sturdy and safe and we are comfortable. But at first we thought we would have to take down all the brick on that wall. But thank God we didn't have to. By going back with the stucco finish it will be a little different look but it's much cheaper.

Councilwoman Soyka: You'll make it work.

Mayor Bonaccorso: Yeah we have other areas to use that money for I'm sure.

Council President Toal directed roll call:

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

Resolutin 14-105

WHEREAS an emergency has developed due to adverse underground conditions discovered during the construction of an addition to Fire Station 2; and

WHEREAS the addition to the Fire Station is required to be done with dispatch; and

WHEREAS the emergency affects the public safety and welfare and requires the immediate delivery of services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby authorize the Business Administrator to acquire the services necessary to remediate the emergency in accord with the requirements of the aforesaid statute; and

BE IT FURTHER RESOLVED that Hull-Vicci Construction be authorized to enter into a change order to the original contract to complete the addition and the cost thereof shall not exceed the total sum of \$35,000.00 without further authorization.

Moved by Councilman Barr, seconded by Councilman Mazzarella

Discussion:

John Laezza: When the contractor went to dig the foundation for the new addition that they were going to put on the back of the building, un-be- known to both the architect and everyone involved in pre-designing of the project, when they opened the driveway underneath the ground was I would say ten feet deep by twenty feet wide of garbage, not dirt, with the reservoir coming in. So we had to re-design the base for the expansion and we had to make it strong enough to accommodate two 53/54 ton vehicles that were going into that garage in September. So we had to reconfigure the operation and since our contractor was there this is an exigency to use the same contractor to complete this job.

Council President Toal directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 14-106

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to the Board of Adjustment effective July 21, 2014.

REGULAR MEMBER (4 year term)

John Moricz 4 Hall Drive Clark, New Jersey 07066	07/21/14 – 12/31/14 Filling the unexpired term of Patrick Campione
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ALTERNATE I (2 year term)

William Helm 163 Jupiter Street Clark, New Jersey 07066	07/21/14 – 12/31/14 Filling the unexpired term of John Moricz
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ALTERNATE II (2 year term)

Christopher Tierney 17 Acken Drive Clark, New Jersey 07066	07/21/14 – 12/31/14 Filling the unexpired term of William Helm
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Resolution 14-107

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to the Planning Board for the remainder of the two year term(s) effective July 21, 2014.

ALTERNATE I

Michael Triola 400 Oak Ridge Road Clark, New Jersey 07066	07/21/14 – 12/31/15 Filling the unexpired term of Michael Altmann (01/01/14 – 12/31/15)
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ALTERNATE II

George Olear 107 Tudor Drive Clark, New Jersey 07066	07/21/14 – 12/31/15
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Resolution 14-111

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, 2014 and concluding on June 30, 2014 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.

Resolution 14-112

WHEREAS the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Clark Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Public Works Supervisor, Scott McCabe to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Council President Toal directed roll call:

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

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 induration.

Nancy Kelner, 38 Georgia St.: (Cranford not far from the border of Clark) we shop, dine and worship in the Township of Clark and have done so for the past 30 odd years. I wanted to talk very briefly about three items that might come under the category of traffic and road and safety. The first item I’d like to talk about has already been taken care of. I’d like to thank you for having the potholes filled on the corner of Boynton and Virginia Street, we appreciate that very much. The second item I would like to talk about has to do with the timing of the traffic light on the corner of Central Avenue and Raritan Road, where you go south and Central Avenue and turn left on Raritan Road, there’s a green left turn arrow. There are certain times of the day when the traffic is such that people making that left turn don’t think before they move and the traffic light at the driveway of Shop Rite has not turned green yet. So you have some cars turning left and getting stuck right in the middle of the intersection which makes for some interesting things. I understand that there may be a traffic light at the new mall so perhaps when that light is put in somebody who knows how to do so can take a look at the timing of the light on the corner, of the light at Shop Rite and the light of the shopping center.

The third and final item I’d like to talk about involves the recommendation of a stop sign on the corner of Boynton Avenue and Georgia Street. On that corner is the Peter Nevargic Playground which is very well used. I’d like to recommend that a stop sign be placed on Boynton Avenue even though it’s a more major street and I will tell you why. The cars that come to the playground park facing into the playground, cars coming up Georgia Street can easily see the backup lights on the cars of the parents backing up from the playground area. Cars coming down Boynton Avenue making the left onto Georgia Street can’t see those backup lights as well. I believe that if there were a stop sign there even if somebody stopped for just a few seconds what we call a rolling stop; it might make the difference between a collision and no collision, thank you very much.

John Laezza: Council President I would like to make some comments regarding Raritan and Central. As you know we are having a large shopping mall put there. The corner of Raritan and Central will have a large configuration. There will be a double left turn going to Raritan Road, all the lights will be timed so that there will be continuous flow through and continuous stopping when there's supposed to be. They will be timed with Shop Rite and the light that will be at the Hyatt Hills section. There will be double left turns both turning left from the parkway going down Raritan Road one way and double left turns going onto Raritan Road so that the traffic will come out more quickly and get cleared more quickly. There will be a continuous right hand turn from Raritan Road onto Central Avenue coming from Walnut turning right onto Central Avenue so that we believe that the new configuration will alleviate some of that problem that you talked about, thank you.

Delia Collins, 72 Georgia St.: I would like to comment on the prior woman. It is a very dangerous intersection there at the corner of Georgia and Boynton even if the Park is not in use, because there are several cars that park on both sides and it makes the road very narrow. And sometimes the people coming towards the Park just make a big turn and when you are coming down Boynton it's kind of like an intersection that you really can't navigate that well. So just if you have a chance have your traffic people come out and take a look because people speed down there eight in the morning and five in the evening, you know the 25 is not adhered to on Georgia Street.

Basically I'm here regarding the Linden Animal Control. If anyone in Clark had a chance to read the Home News Tribune or the Currier News, there was an expose yesterday in the Currier News and the Home News Tribune and it's also online on mycentraljersey.com. It's also on the two Facebook pages for Clark, "Clark Neighbors and "You Know You Are From Clark When." And I just hope that everyone in Clark has a chip in their dog and has leashes and collars on their dogs. And I pray that they don't wind up in Linden, thank you.

MaryAnn Disporto, 955 Lake Ave.: Yeah on the topic of the Linden Animal Control, I just want to echo what Delia said. And I would want to urge the Council to re-evaluate because I know our contract is going till the end of the year with the Linden Animal Control. Because if they can't straighten up their act and give descent humane care to the animals there, I don't think we should be spending our tax dollars to support that facility. There are plenty of other facilities that we can contract with and I you know would urge the Council to look into that because it's about something you can't do on the spur of the moment to come up with a new contract.

Secondly, I just want to ask, well Mr. Laezza probably knows the answer to this, it was my understanding that fences needed to be put up around major construction sites. So I'm just wondering a couple of weeks ago I spoke to you about the lack of a fence at Miele's. And I see that Gypsum used to have a fence but don't have a fence. Are they required when they are doing this kind of construction for public safety?

John Laezza: Basically I've had the Construction Code Official working on the Miele Property because that has deep holes and I would hope that people would keep off that property. Secondly for the Gypsum site, it's a vast site. People should not be walking upon it. There are no basic

drops in there other than you might drown in the corner where they are going to put the little pond. However, I will have the Construction Code Official check with regard to the danger on that site.

MaryAnn Disporto: So there are supposed to be fences.

John Laezza: I don't know that, I think they may be.

Mayor Bonaccorso: The other problem up at Gypsum is that they are going to be widening the road up there very soon. And the fence line that will be put up now would have to be moved again and maybe again. So we'll have Mike Khoda look into that and see what his interpretation along with a recommendation to us.

MaryAnn Disporto: Okay, thank you.

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Thank you Mr. President to answer a couple of questions. Stop signs Boynton and Georgia Street, we will have our traffic Lieutenant Mike Pollock look into that. I want you to understand also that there are certain regulations where we can and cannot put stop signs through the state DOT. So #1 we would have to find out if that qualifies, #2 we will absolutely have the Construction Code Official continue on looking at the Clark Commons property to see if there's any safety violations in the way of fencing goes to find out what we are going to have to do. I know Mr. Laezza and Mike Khoda have been in communication with the developer at the Miele's site and as Mr. Laezza said these are private properties folks, people do not have the right to wander through these properties. So I know especially in the fact of kids will be kids, those are the ones we're probably most worried about. If anyone is living in the adjacent areas to those kind of construction projects, please make sure that if you see any children there you call the Clark Police Department at once. And also if there are any of your children to talk to them about the dangers of going onto a construction site. I know when we were little kids we use to like to climb up on all the bulldozers and backhoes and stuff. I remember doing that right down when they use to dredge the reservoir with a bulldozer years ago in the good all days. But anyhow so we will definitely look into that.

I know Councilman Toal will touch on this in a few minutes. I'd like to send my deepest sympathies out for former Fourth Ward Councilman Carmine Christiani who passed and also last evening Sheriff Ralph Froehlich who is the longest servicing Sheriff in New Jersey history. And the Sheriff had worked very well with my administration here in Clark. And his daughter does live in town with her husband and our deepest sympathy goes out for the whole entire Froehlich family also.

Councilman Smith touched it earlier about the Clark Pool 40th Anniversary. I'll tell you the pool is just outrageous. It really, really looks great and it was a great day there. I had to do a hit and run because of travel baseball games. But it was nice just to see everybody out there and a great condition that the pool is in.

A quick apology to the residents of the Runnymede Road area, I know with some heavy rains had washed out a portion of the street and for your luck I coach with the manager of our 10U Travel Team who lives on Runnymede. So he told me about it and I was able to get it to John real quick. They put like three tons of blacktop in there to patch that. And I've asked John already to forward that road to engineering for next year for one of our road projects; it's in real, real bad shape.

#2 signs in the right-of-ways of roads... folks about a month or so ago, six weeks ago; there was a tremendous amount of signs sitting in our township right-of-ways with different things being advertised. And you know when they are usually in town charitable or school events we kind of look the other way because we want to help of course our own. It had gotten to the point where it was becoming ridiculous. We had you know this Oasis Church being advertised and all these other things and I went to Mike Khoda and he issued very stern letters that if these signs weren't removed summons would follow. And they got cleaned up for about three to four weeks and I noticed it's starting to get littered again today with different signs. So Mike is on it and any second time offenders will be fined. You have a right to put a sign in front of your home as long it's within the sign ordinance. And it basically can say anything it wants because that's freedom of speech. But the thing is within the township right-of-way you are not supposed to do that. Even during the June Republican Primary I had some Congressman signs pulled out for being in our right-of-ways and they were thrown in the garbage pail because it doesn't belong and it litters up the street. At least when we locals run for office we pick them up when we are done, so at least we have a little couth in our etiquette on how we do our signs. But in all truth be told you know these county and statewide people run and they stick them all over the right-a-ways and they never come back for them and we get stuck going out there cleaning it up. So if you see any of that stuff, please call the construction department and leave a message for Mike Khoda and he will get on it.

And as I mentioned baseball, I just want to reach out to the U11 Team, the team ahead of my team; I want to congratulate them for winning the District 10 Championship. It's a very nice honor for Clark Little League U10, they are a real powerful team and they've won a lot. And the team that I'm a part of this year coaching U10, I want to congratulate our boys and the manager and coaches for winning also the District 10 Little League Championship and we placed 2nd in the Section 3 down in Ocean Township. And we only played 26 games in 36 days. It was a lot of fun and the kids are doing real well. And we are proud of all of them and a great bunch of parents to give a lot of nights too also and a lot of washing machines going around and around to get those uniforms ready. But anyhow that concludes my report for this evening. Please folks again with the signs. If you want to put a sign on your lawn congratulating a graduate or advertising an event that you are involved in like a pancake breakfast, a PTA function or whatever you have a right to do that. We are not going to tell you what to do one your lawn but please keep it out of that ten foot right-of-way and especially between the curb and sidewalk,

that's the area; we are not coming out with a tape measure but those are the areas that really irritate us. So thank you very much and continue enjoying the summer, it hasn't been the hottest summer on record but it's been pretty nice so enjoy it, thank you.

Councilwoman Albanese: Thank you...I just want to thank the Mayor for commenting on the points that were raised on a timely follow-up. I want to mention and really thank John Laezza, Terry O'Neill and the finance team for completing the Audit prior to the required deadline. I'm sure they as usual made the life of the Auditor very easy by preparing all the required documents. And I was happy to use in the response to the comments that were made that all the actions are already in place for corrective actions, thank you.

Councilman Barr: Thank you Mr. President...I would like to also welcome Councilwoman Soyka. And I remember telling Marie that when she comes up here she is going to find it a lot more pleasant than the last time when she sitting here, and I think she agrees (Councilwoman Soyka: yes I do thank you) that ends my report thank you.

Councilman Mazarella: Yes thank you...just a reminder again as I gave my report earlier but specifically on the catch basins, we have over 900 catch basins in town. And you know if you ride around the community and the branches come down and the leaves when they start to come down and just the debris that's around, them seemed to get clogged in some areas. So please you can help us out really a big deal if you could look at those catch basins and if they seem clogged call, we'll schedule it and our personnel will come down and inspect it and clean it if necessary. Other than that have a great rest of the summer and I'll see you next month, thank you.

Councilman O'Connor: Thank you very much...I too would like to congratulate the Business Administrator and the administration for a great Audit report. Congratulations, every year it's a good report and you do a top notch job and glad to have you here and doing the good work you do.

In the past months I've talked about the Valor Ride, the motor cycle ride for PBA Local 125 honoring some fallen Marines. And it was a great ride. Somebody actual put on YouTube the video, someone stood on the bridge as they came by the Parkway and it's about 2 ½ minutes of just straight motorcycles. And I think that the TAP estimated about three to four hundred motorcycles there. It was a great ride and it was a great day. On a personal note I'm proud to say that my son got his motorcycle license and we were able to do the ride together as a father and son. And it was really special to me and I'm glad it could be a memory that will last forever and that it was on the Valor Ride.

With regard to the fireworks, I got many reports from people whether it's on Facebook or face to face just saying Clark fireworks were outstanding. Many towns had cancelled theirs because the threat of rain but you know our meteorologist over there said "listen we're doing it," it went off well and it was outstanding. That's my report for this evening thank you and goodnight.

Councilman Smith: I also want to thank Mr. Laezza and the administration for making our job easier doing all the financials, nice that they dotted all the i's crossed and all the t's, so it's a pleasure working with you guys. Also I want to thank a few of the citizens for coming up and

speaking; I guess about Georgia Street and Boynton about a stop sign and traffic. But don't only worry about those areas as you are driving around town. It's summertime and children are all over the place playing on their front lawns, in the parks and on the corners, so be a little extra cautious as you are driving around, that's all I have this evening thank you.

Councilwoman Soyka: Obviously this is only my second time with the Council since July 7th; this is my first public meeting. And as I said before it's sad filling Rich's shoes, but certainly I will do the best that I can. And I want to thank the administration; Mr. Laezza has been very kind to me and offering his time to go through different things so that I could familiarize myself with what's going on. I appreciate his help and I just wanted to say thank you again.

Mayor Bonaccorso: Brian one second. Marie anytime as we told you and I know when the council was looking at the three candidates for the Third Ward seat and I was there included, there were three very nice people that came up and the big reason was Marie's experience and the knowledge she has. So it was important that we felt for the Third Ward citizens because Rich was such a long term serving councilman there that we put Marie in who can hit the ground running. She understands the lay of the land quite well. I know that. I've served with Marie for many years and we're happy to have you back too.

Councilwoman Soyka: Thank you.

Councilman Toal: My comments...I was at the fireworks and had a really nice time. It had a small town feel to it but it was a big show. Again other towns and all did their thing but it was Clark, it was a nice show, no craziness, no stupidity except to try to get out of there took a long, long time. But again thanks to all those behind the scenes Frank Cerasa, the Clark Fire Department, Clark Police, Clark Special's, Public Works Department and of course our Clark First Aid Squad for their dedication for being there just in case of being needed.

For those we did lose which the Mayor mentioned, Ralph Froehlich long time Sheriff of Union County. Sheriff Froehlich was always a friend to Clark. Of the 21 municipalities he was friends to everybody but he had lots of friends and he was a very special man who gave of himself to the county, to the state and when anytime we needed something in Clark he was always there for our Police Department and Police Chief. He was just a very special human being and he will be sorely missed. Joe Pubchara, Mr. Pubchara was an individual who gave his time to many different causes, he ran for council back a few years ago. But Joe Pubchara was one of those special people. He lived in Clark a short time, he moved on and again he has passed away and our condolences to his family.

And as the Mayor said one of my predecessor and a guy who succeeded me Carmine Christiani, Mr. Christiani was involved with the township for many years, always on the sidelines. And then he ran for council in the 1970's he didn't make it and then he ran in 1986 and he was elected and he was the first Republican to get re-elected in 1990 and beating Joe Pozniak. Carmine was an engineer who did so much ground work engineering stuff to save the taxpayers' dollars. He always believed when you did certain things certain ways you can save a dollar. He was very conservative in his approach and he saved a heck of a lot of taxpayers' dollars from 1997 up to when he retired and he moved down to the retirement community down the shore with his lovely

wife Gloria who passed away a few years ago. I did go to the wake and paid my respects on behalf of the township and again a very special man who gave his time of his life to make a better Clark. That's all I have right now and I will see you next month.

John Laezza: No comments.

Police Chief Scherb: No comments.

Clark First Aid Squad: No thank you.

Attorney Triarsi: No comments.

Township Clerk: No comments.

ADJOURNMENT:

Motion to adjourn made by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

APPROVED

BRIAN P. TOAL
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk