

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
June 16, 2014**

ROLL CALL:

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

Absent: Albanese

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.

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

Council President Toal directed roll call:

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

Resolution appointing Laura Caliguire as the new Tax Collector

Mayor Bonaccorso: Good evening everyone and welcome to our meeting tonight. We have a wonderful accomplishment tonight for Laura Caliguire and we welcome her family and friends that are here. Laura has passed a test and has been certified by the State of New Jersey to become a Tax Collector for the Township of Clark. This was a very, very difficult course which took a lot of dedication, time, effort and energy for her to pass this course. Our previous Tax Collector has resigned the post and this will be now Laura's new job and it will be effective on July 1, 2014 and she will be our new Tax Collector. So be very careful, she has a mean side to her when she is trying to collect those taxes (joking). I was going to give the whole chronological order from born, raise and lived, but anyway John I know you had to have a lot to do with this. You know as they say behind every good woman there's a great man and that I know to be true in your situation. But all kidding around aside, I'm very proud of Laura, her dedication and coming to work full time every day you know being a very active mother and wife to her husband, I know what she does, a Board of Education member and to you know to put this kind of effort in

after hours to achieve this is not a little meaningless task, it is a major undertaking. So we are very proud of you. And I'm very happy to see you here.

Resolution 14-83

WHEREAS the position of Municipal Tax Collector will become vacant as a result of the resignation submitted by Terance O'Neill effective June 30, 2014; and

WHEREAS N.J.S.A. 40A:9-142 requires the Governing Body of the Township of Clark to fill the vacancy by appointing a Certified Tax Collector for the unexpired term; and

WHEREAS Loretta Caliguire has completed the required courses and has passed the State Exam in accordance with N.J.S.A. 40A:9-141 earning the designation of Certified Tax Collector.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints Loretta Caliguire as Municipal Tax Collector effective July 1, 2014 to fill the unexpired term of Terance O'Neill until December 31, 2016.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

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

Mayor administered the Oath of Office to Laura as Tax Collector accompanied by her family.

Laura Caliguire: I just want to say thank you first to Mayor Bonaccorso and Mr. Laezza for giving me the opportunity to work in the Township of Clark and the opportunity to take the classes. And I thank the entire Council for your support over the years and for giving me this opportunity to be Tax Collector. I'm very appreciative of it and I will work hard with it, I have. And I want to thank all my friends for all of your support and for helping me and encourage me. And especially my husband and my kids who have helped me go through my classes and kept supporting me. I have to say my son would say to me when I would start flipping out "Mom if you don't pass you have nothing to lose, so don't worry, if you pass, you have something to gain." So I have something to gain now. But I want to thank all of them for everything they've done and for putting up with me for the past, I'm not going to say how many times, but how long it took me to get here. So thank you everyone. I have one more to thank, he's not here, but Terrance O'Neill who is the Tax Collector that did resign, if it wasn't for him to push me to do this, I never would have taken this test. So even though he is not here, he is a wonderful man and a great boss and he has pushed me so far and I thank him for that.

Mayor Bonaccorso: Laura best of luck to you again and we know you will do a terrific job. You know Clark, town hall, the government is small. We are not a big city. We don't have lots of people and we have a lot of people in our building taking on different responsibilities; to help the taxpayer and they get the job done and there are roles of like I said, a terrific volunteer for the

town for many years as a Board of Ed member. And we know what it's like to be a mother, a father, a husband and a wife of what that goes into every day. So you will do great, we know you well, enjoy the job and enjoy the fun of listening to people coming in to complain about giving you the money. As a board member you can literally raise their taxes with a vote and then go collect it from them. But anyway thank you and congratulations.

Council President Toal: On behalf of the Council, Laura congratulations to you.

Motion to Resume the Regular Order of Business made by Councilman O'Connor, seconded by Councilman Barr

Council President Toal directed roll call:

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes Mr. President...before I get into a brief report tonight, again I would like to extend my deepest condolences to the Kazanowski family. I served with Rich for many years in government and at times we had some differences but for the most part we worked very well together in trying to resolve the daily problems that we in local government face. You know Rich was the lone Democrat up here and I just want to compliment him for the work that he gave to us as the "so called other party." I really believe that this Council has proven that you are here to work for the business of the town and not for different political banners.

Rich ran against me for Mayor in the last election and it was a pretty peaceful election on both sides. And we agreed to do that because when you get into this political name calling and mudslinging you basically do nothing but throw mud on all the citizens of the town and denigrate a really great place to live. And it was a quiet election and after the election we agreed to move on and work together and we have done that. And you know in life it's just so funny, I mean unfortunately I wasn't able to be at the June executive session. And the day following (the meeting) Rich passed and every councilman, every person said they can't believe it, he looked so great the night before and he was in great spirits. And you know folks it just always comes to me at times like this, is start enjoying today for what it is. You know I know we hear this all the time at a time of tragedy but it's really true. I mean you know, I'm happy that the man's days up here on Council were fulfilled with you know his work to his constituents in the Third Ward and to his votes up here, and not to political name calling and bickering and hatred to one another, that has happened here many, many years ago. And I'm proud to be a part of a great group of people that have no interest in that. They just want to run the township business and go home and every four years let the voters decide what they want and that's that, so I give them a lot of credit.

To the residents of the Third Ward, the Clark Democratic Party has submitted three names to this Council. They will go through the due process and be appointing a Council member. I don't have the date; we are going to talk about that after the meeting. But that will probably be effective by immediately right beginning of July just to give myself a day or two. In the interim you have

people up here that would be very happy to service the Third Ward as the At-Large Council people which I know they would do. I know sometimes citizens feel like when they are in a ward they would like to call their ward councilman. I always told the at-large person that's kind of the secret of being at-large; they call the ward people first before they call you. But in this situation we are all here to serve each other. Every citizen in Clark is a part of our daily responsibilities regardless of what ward we are in or what have you, we are here to serve everyone. So again to Lori Kazanowski who has been a friend of mine for a long, long time and to her family my deepest condolences and God speed to Rich and may he rest in peace.

As far as the monthly report...again folks we are into our branch clean-up, our bulky clean-up, our grass clean-up. We are sitting here on Monday before graduation on Wednesday at Kumpf Middle School and the high school on Thursday. I would like to congratulate all the young boys and girls of our town and young adults who are graduating and moving on whether it be a moving up ceremony from pre-school into kindergarten or fifth grade into middle school or high school into college and of course our college graduates, any of our residents who are graduating college. We wish you the best, we want you to enjoy yourself sober and we want you to drive safely. We've been very lucky as the old saying goes "knock on wood" here in Clark for many years now. There was a time that we've talked about up here us Council members that every graduation year there seems to be a motor vehicle tragedy. Speaking on behalf of Chief Scherb, the Clark Police Department will have zero tolerance and I applaud and stand behind the Chief on underage drinking and parties. Folks, I know you all a long time, you know me, I don't stand for it. And I don't want to be a part of it and I don't think you should tolerate that on your premises or to your children. I am not here to tell you how to raise your children. I'll raise mine and you'll raise yours. But it seems like whenever there's an underage party that gets busted by the police department, a lot of people have a lot of anger towards the police department, myself and others in this town, when the truth of the matter is they should be thinking about what they are doing. The Clark Police are doing their job. There's laws out there folks that we all have to abide by. The speed limit says 25 and I know all of us go over 25, that is technically bending the law. The drinking age is 21, not 16, not 17 or 18. When the Clark Police get a call, they are going to show up. You for hosting a party will be charged, over 18 will be charged and under 18 will be charged through our Youth Aid Bureau here at the police department. When that happens and we've had one here a couple of months ago and I had some people trying to reach out to me and the bottom line was "no thank you, I won't even approach that conversation with you." You can be a family member or my best friend...Mayor Sal does not get involved in that whatsoever. I have children and my philosophy is very simple. I don't tolerate it or expect it out of my children. If they saw me trying to help your child, I think my children might think "well if Daddy would do that for them, I'm sure he would do it for us." And I don't need that on my mind when my kids are out at night on what they are doing. Children will be children, I'm the first to agree with that but I don't want to sit here and have my children say "well he's helping them, he'll help me." I don't need it for my children, I don't want it from your children, and I most certainly don't want to hear about any fatality behind a wheel of a car.

So folks, again you do what you need to do in your home with your family. There's an ordinance on the book that if there's an underage party, the police have a right to come on your property to break that party up. Children who are driving, the DUI laws are way different for you under 21 than they are for us. They are very stringent for us adults also but under the age of 21, if that

breathalyzer needle just moves a hair or an eyelash, you are going to lose your license and be charged with DUI. So think about the consequences. There's a million other ways to celebrate this festive time of year, make us all proud. None of us want to show up at the local funeral homes to mourn you. So please have a great time, we'll see you at the graduations and enjoy yourselves and God Bless you all and may you all achieve the highest, highest goals that you could ever possibly obtain for yourself. Don't sell yourself short, work hard and you will get there.

Also folks summer is starting. There's going to be a lot issues out there with kids on bicycles, so please be careful driving at all times. Our rec program is going to be open and you know it's always hectic and let out time at recreation in front of Brewer, please drive slowly, please drive safely. I'm talking about all of this today because one of our DPW men, and thank God he is not injured badly at all, was hit by a car weed wacky the curb out in front of town hall. And the driver was so nice he or she just continued to go. But lucky for him he is safe, he's okay. He's got a little bump and a little bruise nothing more, he's a tough guy who I admire very much for his great work ethic. So that's why I'm talking about the safety tonight more so because it happened right today and thank God everybody is okay. You know the driver whether he or she knew they hit him or not I'm not sure, but just continued to take off and no one witnessed it. That was a shame. I went by him like two minutes prior; I wish I would have seen the car take off. But please be safe, have a great summer and enjoy the shore and God Bless to you all and we'll see back here a little bit later on, thank you.

Township Clerk: Thank you. I have the police, fire and first aid reports for the month of May in my office if anyone would like to see them.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Barr: Thank you Mr. President...the police dispatcher had the Clark Volunteer Fire Department respond to 28 fire calls last month. Besides the time spent on fire calls in Clark and mutual aid calls in surrounding towns our Volunteer Fire Department also has many training sessions every week. Now added to all the time they put in on fire calls and training sessions, this month they also did special maintenance on all their buildings and apparatus. They powered washed many areas in both fire houses, painted all their equipment sheds, did all necessary work on shrubbery, trees and put up a security fence at the Broadway station house. So it appears that besides our regulars all the new recruits that have been put on these past few months are doing an outstanding job. I think I can safely say, Clark residents give a hardy thank you to our Clark Volunteer Fire Department. And I keep mentioning volunteer folks because remember when they go on fire calls in the middle of night or whenever it is, they come back, they also have to go back to work the next day. And when they have all these training sessions they also have to work so they are really doing a great job. Thank you to the fire department and that concludes my report.

Councilman Mazzarella: Yes thank you Council President...for the police report for the month of May 2014 saw a total of 2,556 calls for service. I'm not going to mention the fire or the ambulance because Councilman Barr has mentioned about the fire department and Councilman O'Connor will talk about the ambulance. 94 were alarm calls, 67 were motor vehicle accidents

and 2,373 were miscellaneous calls. Again ladies and gentlemen those were a lot of calls our police responded to, to keep our community safe for you the residents and people that are traveling through our community.

For our DPW report for June, not many changes, the bulky-pickup will continue by ward by appointment only. Our DPW does not take mattresses or box springs, construction debris, paint or other chemicals found in bulky waste. And if it's put out there, that will result in suspension of pick up and service for that resident. Please do not put your bulky waste out before Saturday of your scheduled pick-up to keep the township clean. Mulch is available, call DPW office to make an appointment for them to deliver the mulch. Electronic drop-off for this month is June 28th from 9:00 am to 1:00 pm. Branches need to be out by next Sunday for pick-up and branches should not be put out until the third full week of the month. Ladies and gentlemen I've noticed at the end of last month after we had our branch pick-up there were residents that were putting out branches at the beginning of the month. Please ladies and gentlemen it makes the township look unsightly, hold them off and keep them on the side of your property until the appropriate time. It's safer for anyone walking along the roads and it makes the town look a little bit better. Grass pick-up is Monday; it needs to be placed in no larger than 30 gallon containers and not loose on the roadway. They will not be picked up if they are loose on the roadway. And that concludes my report thank you.

Councilman O'Connor: Thank you very much. I have Angel Albanese's library report that I will be relaying information now. The Summer Reading Club sign-up for all age groups begins today June 16th. One Clark resident in each of the three Clubs will be eligible to win a Kindle. There are a number of kickoff events scheduled. And the Kindle and the prizes were donated by the Friends of the Library.

Spark a Reaction Ice Cream in a bag, Monday 2pm, June 23rd. Join us as we make homemade ice cream in a Ziploc bag. Teen event grades 6 through 12.

Jedi Academy, Monday, 7pm, June 23rd. You are invited to learn the ways of the Jedi with Panniken Moonjumper, a true Master of intergalactic fun and adventure. During this engaging program by veteran family entertainer David Engel (the creator of the popular show Pirate School) your little Jedi Warriors, Princesses and Darth Vaders will be delighted by comic antics, exciting physical challenges, magical mayhem, light saber lessons and a visit from his furry alien sidekick. May the FORCE be with you! Kids encouraged to dress as their favorite Star Wars character. Ages 4 and up.

Fizz Boom Ready, Tuesday, 3:30pm, June 24th. Mad Science presents a hands-on workshop where you will learn all about sonic sounds and sound travel. Each child will take home a sonic horn. Program is for children entering 1 – 6. Priority registration for Clark residents.

Sing-Sign-Dance with Nina Music, Saturday, 10:30am, June 28th. Sing-Sign-Dance is the mantra of award-winning children's musician Nina Music. Nina incorporates sign language and directional movement into her music for a uniquely high-energy and fun performance. Nina has headlined at the Mauch Chunk Opera House (Jim Thorpe, PA) and Growing Stage Theatre (Netcong, NJ) in addition to appearing at Musikfest; the country's largest music festival. She'll

be singing and dancing to the groovy songs from her CD, “Shake, Shake, Shake.” This program is for children ages 2 through 7 years old. Please see the library’s schedule for more events and prizes. So that’s the Library report for this month.

I now have the report from the Clark First Aid Squad for the month. There were 115 total ambulance requests, 95 to Clark and 20 mutual aids. The most frequent calls were motor vehicle accidents 19, fall victims 14 and psychiatric 11. Again these are volunteers. As Al and myself talk about volunteers on how they do a lot for this town. So they are doing their job but they are also doing their job as well, so thank you very much to all of the volunteers. And that’s my report for this evening.

Councilman Smith: Thank you Mr. President...the Clark Pool will be celebrating its 40th Anniversary Birthday Bash on Saturday, June 28th. The days’ events will include a ribbon cutting ceremony, games, free food, crafts, inflatable obstacle course in the pool and many other surprises! It’s not too late to register for a pool membership. Registration forms are located the Brewer Recreation office or on the Clark Website at www.ourclark.com. The Clark Pool is the most affordable pool in the area with recent improvements with upgraded concession, new picnic tables and umbrellas, new Volley Ball Court and new Adirondack Chairs. The pool offers swim lessons, Aqua Zumba, Swim Team, Adult Swim times, late night swim and other swim classes and activities.

Recreation Report: The 6 week summer rec program begins Monday, July 7th at the Brewer Rec Center. Signups are still taking place for Summer Tennis Camp, Women’s Softball, Adult Tennis, Bocce and more. Contact Ralph Bernardo in the Brewer Rec Office for more information.

Lastly, don’t forget the July 4th Celebration at Brewer and ALJ High School with games, rides & vendors culminating with Fireworks at 9:15pm. So I hope all the residents can attend it as they usually do. That’s my report this evening

Council President Toal: I have nothing to report on council committee.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No written objections were received in connection with the following Ordinance.)

Ordinance 14-11

AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3-29 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “DEPARTMENT OF POLICE”

Council President Toal opened the Public Hearing on Ordinance 14-11

Seeing no one coming forward Councilman O’Connor made a motion to close the Public Hearing, seconded by Councilman Mazzarella

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

Motion to adopt Ordinance 14-11 was made by Councilman Mazzarella, seconded by Councilman Smith

Discussion: None

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

Ordinance Adopted

Ordinance 14-12

AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3-30 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “VOLUNTEER FIRE DEPARTMENT”

Council President Toal opened the Public Hearing on Ordinance 14-12

Seeing no one coming forward Councilman Smith made a motion to close the Public Hearing, seconded by Councilman O’Connor

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

Motion to adopt Ordinance 14-12 was made by Councilman Barr, seconded by Councilman Mazzarella

Discussion: None

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

Ordinance Adopted

Ordinance 14-13

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR MUNICIPAL PURPOSES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$185,000 AND PROVIDING THAT SUCH SUM SO

APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF CLARK

Council President Toal opened the Public Hearing on Ordinance 14-13

Seeing no one coming forward Councilman O'Connor made a motion to close the Public Hearing, seconded by Councilman Smith

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

Motion to adopt Ordinance 14-13 was made by Councilman O'Connor, seconded by Councilman Smith

Discussion: None

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

Ordinance Adopted

Ordinance 14-14

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY

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

Seeing no one coming forward Councilman O'Connor made a motion to close the Public Hearing, seconded by Councilman Mazzarella

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

Motion to adopt Ordinance 14-14 was made by Councilman Mazzarella, seconded by Councilman Smith

Discussion: None

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

Ordinance Adopted

Ordinance 14-15

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OR IMPROVEMENTS TO THE INTERSECTION OF WESTFIELD AVENUE AND TERMINAL AVENUE 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 APPROPRIATE A STATE GRANT, 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

(The Supplemental Debt Statement has been properly and timely filed in accordance with State Law)

Council President Toal opened the Public Hearing on Ordinance 14-15

Seeing no one coming forward Councilman O’Connor made a motion to close the Public Hearing, seconded by Councilman Mazzarella

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

Motion to adopt Ordinance 14-15 was made by Councilman O’Connor, seconded by Councilman Barr

Discussion:

John Laezza: This is the intersection of Terminal Avenue and Westfield Avenue. They are reconfiguring the light at that intersection. Because of Kerry Industries and the new senior age-restricted housing are going to have a better right hand turn. So there will be a better practice of traffic flows coming from Raritan down Westfield Avenue toward Terminal Avenue toward Rahway. So this basically is... we’ve been given a grant of a hundred and ninety-five thousand dollars from the State of New Jersey. And it’s a five hundred thousand dollar project which we will be doing reconfiguring the traffic signal also and making the interchange rather than a break parallel to each other.

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

Ordinance Adopted

Ordinance 14-16

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20” OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “PROHIBITED ACTS” ADOPTED FEBRUARY 18, 2014

Council President Toal opened the Public Hearing on Ordinance 14-16

Seeing no one coming forward Councilman O’Connor made a motion to close the Public Hearing, seconded by Councilman Smith

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

Motion to adopt Ordinance 14-16 was made by Councilman O’Connor, seconded by Councilman Smith

Discussion: None

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO AMEND CHAPTER 279, ARTICLE VI,
SECTION 279-25H
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED “GREASE TRAPS”**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 279, Article VI, Sub-Section 279-25H of the Code of the Township of Clark entitled “Grease Traps” is hereby amended and supplemented, as follows:

SECTION 1: Delete existing Section H.

SECTION 2: Replace existing Section H as follows: “The operator of the affected establishment shall provide a quarterly grease trap report to the Township. Complete reports shall include the grease trap cover sheet as provided by the Township, grease trap cleaning invoice(s), grease trap bioenzyme invoice(s), and waste oil disposal records for each quarter. Quarterly reports shall adhere to the below schedule. The grace period shall mean calendar days and shall include weekends and holidays.”

<u>Quarter</u>	<u>Due Date</u>	<u>Grace Period</u>
Jan 1 – March 31	March 31	April 10
April 1 – June 30	June 30	July 10
July 1 – Sept 30	Sept 30	Oct 10
Oct 1 – Dec 31	Dec 31	Jan 10

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 Mazzarella, seconded by Councilman Smith

Discussion: None

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

Public Hearing on July 7th (in town hall)

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF
CHAPTER 161, ARTICLE 8, SUB-SECTIONS 35 THROUGH 41
OF THE CODE OF THE TOWNSHIP OF CLARK
TO CREATE THE POSITION OF DIRECTOR OF THE
DIVISION OF FIRE CODE ENFORCEMENT**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 161, Article 8, Sections 35 through and including 41 of the Code of the Township of Clark are hereby amended and supplemented, as follows:

SECTION 1: Section 35 is hereby amended to read “There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the head of which shall be known as the "Director." Said Official shall report any and all operations of the Fire Code Enforcement Office to the Mayor, Business Administrator and Township Council. Any fire inspectors employed by the Fire Code Enforcement Office shall report directly to the Director. All vehicles and equipment used by the Office shall be under the control of the Director, subject to the final approval of the office of the Mayor and/or his designee.”

SECTION 2: Section 39, Subsection A is hereby amended to read “The Division of Fire Prevention and Protection shall be under the supervision and control of the Director.”

SECTION 3: Section 39, Subsection B is hereby amended to read “The Division of Fire Prevention and Protection shall have at least one paid Fire Official/Fire Marshal/Fire Code Official, who shall be the Director, and such paid inspectors and other employees as may be necessary to properly enforce the Uniform Fire Code.”

SECTION 4: The title of Section 40 is hereby amended to read, “Director of the Division of Fire Prevention (Director).”

SECTION 5: Section 40, Subsection A is hereby amended to read “The Director shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.”

SECTION 6: Section 40, Subsection B is hereby amended to read “The Director, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of the Division. Inspections, budget and vehicle assignment shall be within his discretion.”

SECTION 7: Section 40, Subsection C is hereby amended to read “The Director shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed appropriate for such compensation as may be approved by the governing body of the Township of Clark.”

SECTION 8: Section 40, Subsection D is hereby amended to read “The Director shall have command authority to the rank of Deputy Chief at any fire or emergency calls in the Township of Clark and Union County prior to the arrival of the Assistant Chief or Chief of the Clark Fire Department. During any fire or emergency calls, the Director will pass command to the Assistant Chief or Chief of the Clark Fire Department only. The Director will report to the Assistant Chief or the Chief of the Clark Fire Department only during the duration of any such emergency or fire call.”

SECTION 9: Section 40, Subsection E is hereby amended to read “Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark

SECTION 10: Section 40, Subsection F is hereby amended to read “Removal. The Director, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

SECTION 11: **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 12: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved by Councilman Barr, seconded by Councilman Mazzarella

Discussion: None

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

Public Hearing on July 7th (in town hall)

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 \$262,913.07 for the period ending June 12, 2014, seconded by Councilman Smith

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

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 Toal opened the public portion of the meeting regarding agenda items only

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

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

RESOLUTIONS:

Resolution 14-84

WHEREAS, The Township of Clark is the owner of a 1991 Pierce Lane 7 Man Cab Fire Truck VIN #E-6446 and Chassis Serial #4PICT02D4MA000661 containing certain equipment as referenced on the Purchase Sale Agreement attached hereto; and

WHEREAS, the Governing Body of the Township of Clark has determined that said fire truck and equipment is no longer needed by the Township and is surplus property; and

WHEREAS, the Borough of Kenilworth has offered to acquire the aforesaid fire truck and equipment for the sum of Sixty Five Thousand (\$65,000.00) Dollars; and

WHEREAS, the Township of Clark is desirous of accepting the offer of the Borough of Kenilworth for the sale of the aforesaid fire truck;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the 1991 Pierce Lane 7 Man Cab Fire Truck, VIN #E-6446 and Chassis Serial #4PICT02D4MA000661, is hereby declared to be surplus property which is no longer needed for public use; and

BE IT FURTHER RESOLVED by the Governing Body that it has authorized the sale of the above referenced fire truck to the Borough of Kenilworth for and in consideration of a purchase price of Sixty Five Thousand (\$65,000.00) Dollars.

Moved by Councilman Barr, seconded by Councilman Mazzarella

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

Resolution 14-85

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 16th day of June, 2014.

Robert Hendrickson
194 Miller Avenue
Clark, NJ 07066

Ryan Might
126 Briarheath Lane
Clark, NJ 07066

Moved by Councilman Barr, seconded by Councilman Mazzarella

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

Resolution 14-86

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$24,938.20 from the State of New Jersey, Clean Communities Grant and wishes to amend its 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$24,938.20 which is now available as a revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Clean Communities Grant

BE IT FURTHER RESOLVED that the like sum of \$24,938.20 be and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from CAPS
 - State and Federal Programs Off-set by Revenues:
 - Clean Communities Grant

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

Moved by Council President Toal, seconded by Councilman O'Connor

Council President Toal directed roll call:
Aye: Barr, Mazarella, O'Connor, Smith, Toal

Council as ABC Board:

Resolution 14-87

BE IT RESOLVED by the Governing Body of the Township of Clark that the following licenses are approved for their annual renewal: Plenary Retail Consumption Licenses in the sum of \$2,500.00; Plenary Retail Distribution Licenses in the sum of \$1,728.00; Club Licenses in the sum of \$188.00, be renewed for the Year 2014-2015, effective as of July 1, 2014.

- 2002-33-001-003 Brinker New Jersey Inc.
t/a Chili's Grill & Bar
225 Central Ave., Clark, NJ 07066
- 2002-44-002-004 Clark Circle Liquors & Lounge Inc.
t/a Wine Anthology
77 Central Ave., Clark, NJ 07066
- 2002-33-003-003 Aliperti's Restaurant, Inc. (Pocket)
1189 Raritan Road, Clark, NJ 07066
- 2002-33-004-007 Garry's Catering LLC
440 Madison Hill Road, Clark, NJ 07066
- 2002-33-005-009 Clark BBQ Inc.
1419 Raritan Road, Clark, NJ 07066
- 2002-36-006-010 Largo Clark SPE LLC
t/a Holiday Inn
36 Valley Road, Clark, NJ 07066

- 2002-33-007-006 Apple Food Service (Pocket)
7 Pearl Court, Allendale, NJ 07401

- 2002-44-008-005 Rotondo's Oak Ridge Liquors Inc.
t/a Rotondo's Liquors Deli and Fine Foods Inc.
1040 Lake Avenue, Clark, NJ 07066

- 2002-33-009-004 1085 Central Ave. Restaurant Corp.
t/a Molly Maguire's Irish Pub & Restaurant
1085 Central Avenue, Clark, NJ 07066

- 2002-33-010-006 CLKDIN LLC
t/a Manny's Diner
1030 Raritan Road, Clark, NJ 07066

- 2002-33-011-007 1199 Corp.
t/a Tarantella's Ristorante
1199 Raritan Road, Clark, NJ 07066

- 2002-31-012-001 Clark Post #328 The American Legion
t/a American Legion Clark Post 328
78 Westfield Avenue, Clark, NJ 07066

- 2002-31-013-002 Deutscher Club Clark Inc.
787 Featherbed Lane, Clark, NJ 07066

- 2002-31-015-001 The Gran Centurions
440 Madison Hill Road, Clark, NJ 07066

- 2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

- 2002-33-018-011 Central Blue LLC (Pocket)
77 Central Avenue, Clark, NJ 07066
Mailing address: PO Box 665, Rahway, NJ 07066 (Clark Branch)

- 2002-31-019-001 Columbian Club of Clark Inc.
27 Westfield Ave., Clark, NJ 07066

- 2002-31-020-001 Polish Cultural Foundation Inc.
177 Broadway, Clark, NJ 07066

Moved by Councilman Smith, seconded by Councilman Mazzarella

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

Resolution 14-88

WHEREAS an application has been filed for a Person-to-Person and Place-to-Place transfer of pocketed Plenary Retail Consumption License Number 2002-33-018-011, heretofore issued to Central Blue LLC., with a mailing address of PO Box 665, Rahway, New Jersey 07066 (Clark Branch); and

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2014-2015; and

WHEREAS the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark does hereby approve, effective June 16, 2014 the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Consumption License to Paragon Restaurant Group LLC, from the pocket to its new location, 77 Central Avenue, Clark, New Jersey 07066 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Paragon Restaurant Group LLC, and to premises located at 77 Central Avenue, Clark, New Jersey, 07066 effective June 16, 2014."

Moved by Councilman Smith, seconded by Councilman O'Connor

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

CONSENT AGENDA RESOLUTIONS:

Resolution 14-89

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Mayor and the Clerk to execute a certain Deed of Easement with respect to certain property located on Loeser Avenue in the Township of Clark, in accord with the Deed attached hereto.

Resolution 14-90

WHEREAS Laura Caliguire submitted formal notification on June 2, 2014 of her intention to resign from her position as Deputy Registrar effective June 30, 2014.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby accepts the resignation of Laura Caliguire as Deputy Registrar effective June 30, 2014.

Resolution 14-91

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A COOPERATIVE AGREEMENT WITH THE COUNTY OF UNION FOR FISCAL YEARS 2015 – 2017

WHEREAS the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant (“CDBG”) Entitlement Program, HOME Investment Partnerships (“HOME”) Program and Emergency Solutions Grants (“ESG”) Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Municipality of Clark shall be utilized to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Municipality of Clark to enter into a Cooperative Agreement with the County of Union for successive three year periods; and

WHEREAS, it is the desire of the County of Union to re-qualify for Entitlement status as an Urban County.

NOW THEREFORE BE IT RESOLVED that the Municipality of Clark hereby is authorized to enter into and execute said Cooperative Agreement. Said Cooperative Agreement is to be substantially in the form of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that a copy of the Resolution shall be forwarded to the County of Union.

Resolution 14-92

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 2011

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 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2014-2015 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.

Motion to adopt Consent Agenda made by Councilman Smith, seconded by Councilman Barr

Council President Toal directed roll call:
Aye: Barr, Mazzarella, O’Connor, Smith, 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 in duration.

Council President Toal opened the public portion of the meeting

Eric Levine, Paragon Restaurant Group: Good evening, this is Purvi Shah and we will be partners in Paragon Restaurant which will be at 77 Central Avenue. And we just wanted to introduce ourselves and we are very exciting about being a part of the community. We are partners in Morris Tap and Grill in Randolph, New Jersey which is a gastro pub. And we are looking forward to serving the community in any way that we can. We have a lot of fun with food and beverage. And we hope to see you at the restaurant once we open and hopefully it will be sooner than later.

Council President Toal: Is there a time table may I ask.

Eric Levine: We are hoping by the beginning of August or middle of August. So we are going to have everything from simple burgers to vegetarian, vegan items, steaks, pastas, everything made in house and desserts made in house. And I will be cooking so I'll see you there hopefully and you will be enjoying the food and we're very excited in being part of the community. So this has been a fun ride so far, so we are looking forward to be a part of it.

Mayor Bonaccorso: Well we welcome you to the community and I hope you have many, many successful years in Clark. I think you are going to find with our community is that there are really a lot of nice people here, we like good food. Let me tell you that there's a Diner here in town, it did great at one time and they struggled and changed and struggled and new people came in put it together, the food is outstanding, the atmosphere is great and there's a line to get in on the weekends and they are busy all day and all night long. So I know one thing about us Clarkites, we like to eat and try different places around. Again we would like to welcome you and your endeavors and anything we can do for you, please feel free. God Bless and good luck.

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

Council President Toal directed roll call:
Aye: Barr, Mazarella, O'Connor, Smith, Toal

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No Mr. President I think I'm done for tonight, thank you very much.

Councilman Barr: Just as it was said before, summer is coming and kids will be playing, be safe and let's have a good summer.

Councilman Mazzarella: Just to be careful out there in the summer heat and be safe until next month.

Councilman O'Connor: Thank you very much. My son is a senior at the high school and he was fortunate enough to receive a scholarship. So I went to the scholarship ceremony in town and I was really taken back by the generosity of everyone in this town and a number of awards and scholarships that were given to the children, it's amazing. I knew we were a giving community but like I said it really took me back. We were there for a good 1 ½ (hours) giving out scholarships to children, awarding them for their academic excellence. So you know scholarships range anyway from hundreds of dollars to thousands of dollars. And it was really, really nice to see the excitement of the kids' faces when they knew they could contribute to their college education themselves outside their parents paying for it or outside taking loans and their hard work paid off. So again thank you to the Clark community for everyone who has been given scholarships. And if you are interested you know I don't know the process, but I would say get in touch with the school's guidance department. Congratulations to the graduates as the Mayor said. And I just want to thank everybody and have a great summer.

Councilman Smith: Schools is out in a few days and as most of my constituents over here alluded to please drive safely, especially around the parks and the rec center in the month of July and into early August. Again the pool is open; we did a lot of work to it this year. It was freshly painted, we have a new food vendor, a new volleyball court and we have the 40th birthday bash in a week in a half. So please come on out.

Council President Toal: Spoke of his remembrance of Rich Kazanowski. (Transcript available in the Clerk's office)

Graduates be safe, this is the most important time in your life. You have crossroads now on what direction you go into and what happens next is up to you. But the Township of Clark will always be home, you can always find your way back.

We lost two people; Florence Koch which is the mom of Kevin Koch from our Clark Planning Board. To the Koch Family we are deeply sorry for your loss. To Audrey Wagner and to Helen Lydon, two residents who moved away but long time Clarkites who I went to school with both of their kids, our condolences to their families.

John Laezza: I only have a short comment to make about both Terry and myself; Terry O'Neill the former tax collector and our CFO. Basically he and I have been involved, our paths have crossed many times over the last 34 years and mentoring has always been our goal. And it was a pleasure mentoring our Clerk and it was pleasure mentoring Loretta to get their certificates from the State of New Jersey for the important positions in municipal government. A tax collector is an important position, we collected about fifty-six million dollars overall to distribute and pay the bills for the township and for the schools and our share of the county. And the Clerk for taking care of each of the seven of you, you all need babying, she does it well thank you.

Attorney Triarsi: I would like to have a brief executive (private) session discussing the municipal vacancy law, the requirements of law and the procedures that the council needs to go through.

We can do that in executive session and we will come back into public session with a statement on what we did and then a motion to adjourn will be in order.

Township Clerk: I just want to say that I've had the pleasure of working with Akik and Purvi Shah and Eric it's a pleasure to meet you. They are really a nice couple; they are going to be a great addition to the community. We worked on the liquor license together and I'm happy that it went through tonight.

Motion to go into private session was made at 8:22 pm by Councilman Mazzarella, seconded by Councilman Barr

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

Motion to adjourn private meeting and resume the regular order of business made at 8:41 pm by Councilman Barr, seconded by Councilman Mazzarella

Council discussed the details of the procedure to fill the vacancy left by the passing of Richard Kazanowski

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

ADJOURNMENT:

Motion to adjourn was made by Councilman O'Connor, seconded by Councilman Barr

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

APPROVED

BRIAN P. TOAL
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk

