

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ
November 18, 2013**

ROLL CALL:

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

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

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council Vice 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 made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

Mayor's Proclamation: Pancreatic Cancer Awareness Month

Mayor Bonaccorso: First off I would like to say good evening everyone. It's great to see everyone here this evening and our pancreatic people who stand so vigilant every year thank you for coming again. And our C.E.R.T people here tonight who help serve our community and Jerry Fewkes their leader amongst leaders who's done a great job with getting a lot of volunteers to do a lot of hard work here in town and we do appreciate that also.

Mayor Bonaccorso calls up the Cohen Family to join him up at the podium while Proclamation is read by the Township Clerk.

Mayor's Proclamation
Pancreatic Cancer

WHEREAS in 2013, an estimated 45,220 people will be diagnosed with Pancreatic Cancer in the United States and 38,460 will die from the disease; and

WHEREAS Pancreatic Cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS when symptoms of Pancreatic Cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years, approximately 1,180 deaths will occur in New Jersey in 2013; and

WHEREAS the incidence and death rate for pancreatic are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the US by 2020; and

WHEREAS the US Congress passed the Recalcitrant Cancer Research Act last year, which calls on the national Cancer Institute to develop scientific framework, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in Clark and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS the Pancreatic Cancer Action Network and its affiliates in New Jersey support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS the good health and well-being of the residents of Clark are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

THEREFORE, BE IT RESOLVED that Mayor Sal Bonaccorso designates the month of November 2013 as “Pancreatic Cancer Awareness Month” in Clark.

Mayor Bonaccorso presented the Proclamation to Todd Cohen and to Mrs. Cohen.

Todd Cohen: I just want to thank the Mayor, thank the Council for making this proclamation a reality. We’ve been doing this for the last five or six years. Whether it was super Storm Sandy we’ve been talking about...I mean it’s been awhile where Pancreatic Cancer month was announced for November and in those five years and in the last eleven years when we lost my father and this is my mom, her husband. The disease really hasn’t changed much and there hasn’t been much in terms of progress or Pancreatic Cancer. When you talk about other diseases that have seen progress, Pancreatic Cancer still is the fourth leading cause of cancer death. It’s still has a survival rate of six percent. That’s an amazing number when you think about the statistics, it’s about all the advancements that we’ve had with cancer research. And it’s not fair and you know I’ve known so many people that have lost their battles with this disease; Susan Barr is

here. Her husband passed away two years ago from Pancreatic Cancer and Councilman Barr's brother passed away. So it's really something that the people in Clark particularly are being more cognizant of and if you know someone who has been diagnosed with Pancreatic Cancer, we urge you to go to www.pancan.org and there are plenty of resources on the website. There is a toll free number you can call to learn about nutrition information, learn about clinical trials that are out there. There is no blood test, there's no early detection method, there are no viable treatment option for people with this disease and like it was just mentioned almost 1200 people in New Jersey are going to die and that number is going to rise every single year. Steve Jobs had this disease and you think about Steve Jobs all the money in the world couldn't beat it, Patrick Swayze and so many people have passed away from Pancreatic Cancer. And I'm asking everyone in the audience and everyone watching this...if you could on Friday, it's purple with a purpose day and you can learn more about it on twitter; wear some purple, whether it's lapel, whether it's a jacket...take a look at the newscast because we are trying to get this to go viral and we are asking people on channel 2, channel 4, news 12 to wear purple on Friday to raise awareness about this disease. This has been too long and nothing is being done. We are asking Congress to spend more money federal funding for cancer research because we need an answer and we need it as soon as possible to save lives. Before I go I just want to thank Fran and Edie Merkel for helping out with this Proclamation for making this true and as well as you Mayor for signing it and the Council, we truly appreciate it and we hope soon there will be a cure for Pancreatic Cancer as well as all cancers, thank you.

Mayor Bonaccorso: I would just like to say you know our friends have been coming here now since they lost Dad and their husband and again acknowledge Susan here and Councilman Barr's brother. People get very passionate when it hits home and that's why I'll support this and any form of that, sometimes we as people in our everyday lives are out there and we are not really paying attention to all the things that some others are going through or although we always hope that it never happens to us. But I give the Cohen Family a great round of applause for their vigilant effort showing that they care, the Pancreatic Cancer that hit Mr. Cohen who was a volunteer in this community; I remember he was an umpire and I never held the fact that he might have called me out on the third strike. But the truth be told is you know this can happen to anyone and I applaud your vigilance in also being here and that's why we will always be here for you. Hopefully someday people can put you know more money to it, Lord give strength to the doctor's to find a cure and your light and your persistence can make a difference in someone else's life and applaud you both.

Jerry Fewkes: C.E.R.T. Presentation

Mayor Bonaccorso: First I want to welcome the C.E.R.T people here tonight. And for those of you in the community who don't know who these people are behind those capes because they are also great volunteers and heroes to this town, okay. Jerry Fewkes is our Emergency Management Leader, he is a member of the Volunteer Fire Department past Deputy Chief and probably every rank that's out there Jerry held at one time or another. But Jerry has put together a group of volunteers who really the only time I think we are going to see them working real hard is when we had the super Storm Sandy or the Hurricane Irene's but they do lots of other things. I remember one night there was a person in Scotch Plains that they believed was heading this way that was confused and lost and the County along with Jerry and the Scotch Plains people were

also organizing a search party of the C.E.R.T volunteers. And I remember them very, very clearly, it must have been what Jerry about ten years ago or so by now, time flies and we are getting older but you know these are special people who want to give back to the community. They have a very good leader in Jerry Fewkes because he's been giving back, see everyone is nodding Jerry I like that, but he's been given back to Clark on many, many times and even with Emergency Management...Jerry does a lot of the day to day and he goes about his business, he is in and out of town hall smiling and going on his way and then all of a sudden we have one of those days or one of those weekends or two days that Jerry and Mike Nenortas and his people go into overdrive around the clock to help all of us and I appreciate that.

Mayor Bonaccorso invites Jerry up to the podium.

Jerry Fewkes: Good evening. Again I have the pleasure of being here to present certificates to those people that have completed our Emergency Response Training Program otherwise known as C.E.R.T. It's a 24 hour program, we give it over a nine week period and once the classroom work is all done, people actually get a chance to go down to the Union County Fire Academy and they get to practice putting out small fire's with extinguishers and they get to go through the kind of dark and dirty fire tower down there to test out their search and rescue skills and their medical operation skills which is all part of the program. Overall the program talks about general emergency preparedness, basic fire safety, basic medical operations, life search and rescue, emergency management organization and terrorism. We started this program back in 2005 and we probably had more than way over 100 people to go on through this over the course of the years. And from that training these people get if they only use it for themselves and their family they certainly are more prepared I think in order to be able to handle a variety of situations. And certainly then if they volunteer on a town basis they end up helping out both their neighbors and other people in the communities, so it becomes major assets for us. Even with this group here since completing the basic program, some of them have already been involved with some things; like we had a workday a couple weekends ago where some of the people were there and they get a chance to operate and learn how to operate our various equipment, our pumps and generators of that nature. So if we do need that stuff in an emergency they are available and they will be able to take care of things. We also just recently have done some sign language classes, it was offered to us and we thought well who knows it might be a chance down the road at some place where we are dealing with shelter operations or evacuations or something in that nature where that skill might come in maybe handed, so some of the people have been involved with that. Right now we are doing CPR and AED classes which we try to do every year. In fact one of the people here tonight Al Ramsberger is actually a certified instructor, so she is actually the person now who is teaching the C.E.R.T people and certifying them in CPR and AED, so we appreciate that. I'd also like to mention that we probably will be starting another class hopefully in the winter. We will start advertising for that now, so if anybody is interested they can call the Office of Emergency Management (732) 388-3600 ext. 3007 and they can get more information and hopefully we will get enough people to start another class after the 1st of the year. I wanted to point out that several of the people that are here tonight are actually from Springfield. And they got involved and they are taking our class through us, so we actually have some people from Springfield OEM, Scott S., Wally Shultz and Jim S., and one of their C.E.R.T members Karen Bonacorta are here to support their people that actually took the class with us.

Jerry Fewkes hands out the C.E.R.T certificates to: Veronica Bearison., Matt Agnese (who actually is Veronica’s son), Vicky Jorda, Patricia Imbriale, Danyella Coffey, Austin Pencinger., Illanda Kerobo, Albert DiGiovanni, Lee Rinderman, Valerie Ramsberger, Ted Nugent, Eugene Weinstein and Walter Pommnitz and Ronald Aronds.

Mayor Bonaccorso: Again thank you to Jerry and all of the volunteers with C.E.R.T. Thank you for your time that you are going to give us in advance and hopefully it will be just on an easier basis rather than some of the things that we have seen here, okay, thank you and have a wonderful evening.

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

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Thank you Mr. President, Members of Council, ladies and gentlemen good evening. I have a little bit of a report tonight so bear with me. First we will start on December 1st which is the Sunday after Thanksgiving; we will be hosting breakfast with Santa Claus at the Gran Centurions. This is for Clark residents. If you would like to book a reservation, the seatings are 9:00 am and 10:30 am. I think the 10:30 may already be sold out or booked up if you would. It’s free of charge to Clark residents and their immediate parents, if you would like to bring friends, neighbors and relatives there is a cost for others outside the family. So please call my office at (732) 388-3600 and ask for Fran and she will fill you in with the details. That kicks off the holiday season in Clark with our Tree and Menorah Lighting and a very festive day and hopefully we will see everyone there.

Secondly, leaves, we are going around and around, the DPW is bringing in about 60 to 70 loads of leaves per day which I applaud them. It is an excellent job. You know I’ve been here for 13 years sitting and saying every Monday we clean up leaves in the school areas first, so we can have safe parking and safe drop-offs of our children and please to tell you know obviously yourselves and your lawn contractors to do the leaves the later part of the week if not on Saturday. We know sometimes people don’t work on Saturday but at least on Friday in the school areas and today I know the back of Hehnly was picked up and I went to pick up my child and there was this gigantic pile of leaves sitting right on the corner in back of Hehnly School. So I thank you for your cooperation. We will just continue to chase our tails and try to keep everything clean and then we will have someone come over and blow them out into the street and take up parking and safety for the children. So it’s only been 13 years but I appreciate everyone else who has cooperated with our leaf program and it’s by far the best of all in Union County. We will have your leaves up as soon as the trees drop them; we take a lot of pride in that. And I want to thank Joe Bonaccorso, Scott McCabe and the entire DPW guys for doing a great job so far. I am proud of you and I appreciate it.

I was called the other day; it was I don't know not so long ago that I was very excited when I sat down with the Feil Group, which is one of the biggest landowners in all of New York City and they had purchased at that time Terminal Avenue the L'Oreal buildings and other buildings there. They purchased the new A & P property, Bally's, Rite-Aid and Shop Rite. And I was very excited that a company from New York City who's the biggest landowner there would come and spend somewhere of a hundred million dollars in our community. I was very proud of that. And they have been very good neighbors so far and to work with them has been a delight. And the other day they gave me a call and on a business decision they sold some of their holdings and we have a company called Kimko coming into Clark who only happens to be the biggest retail landowner in all of the United States of America. So I am very, very excited with people with that kind of resources would invest their money into our community. It just goes to show me Clark is a place worthwhile for people to invest in and believe in and want to be a part of and I'm very, very proud of that. The Feil Group will still have some holdings in town. They are also working with L'Oreal as we talked about a few years ago where they were going to lease the land from Feil at the old Tyco site, if you remember back to the old original senior housing site, but they are selling that property to L'Oreal so L'Oreal can spend close to a billion dollars to put a beautiful research and development facility into Terminal Avenue on that vacant site which would be great. And as Mr. Laezza has reported at the, I believe was at the last meeting, they are also selling off (the Feil Group) the manufacturing building on the corner of Westfield Avenue and Terminal to Kerry Industries who are going to be bringing and created about 200 new jobs to our community and we are very, very excited about that. You know when you see people with a kind of (tape inaudible) with all of these companies have and the financial backing they have; they can invest their money anywhere they want probably in the world. And when I see them investing in Clark Township it just makes me very proud to be a part of this community.

On such a nice note unfortunately but our very good neighbor to this community and people that have done a lot here, the Wakefern Company, who is the owner of the Shop Rite in Clark has filed suit unfortunately against the development over at the Gypsum Property. They were brought into the project and they were asked to be a part of it. I know the developer worked very hard. He brought me and Mr. Laezza into a lot of the conversations they were having with Shop Rite. The Planning Board went through the process. We talked to the members of the community who came up and had concerns who were very professional and very, very smart and intellectual in the way they handled themselves that night and the questions they had. It was really nice to see people with you know concerns but on a very, very honorable level to ask the questions. I think they were satisfied. Unfortunately the Wakefern Corporation who does have a track record in suing developers when they think some competition may be coming in and from what I heard from other Mayors across our area and out of our areas that they like to do that to kind of slow the ball, to keep things a little quiet for one year or a year in a half, and then they lose in court and they will lose in court. As I said the last time this township was sued by the Miele opposition, that everything was done, the i's were dotted, the t's were crossed. People had their say and their chance and from what I read of the lawsuit, I'm not an attorney, but I'm smart enough to see something that is just trying to gum up the wheels of progress, and that's unfortunate. I do not want to bad mouth the Shop Rite store, the managers there during my tenure at Mayor... Frank Juba and Dominick have been giving good neighbors to the community. I'm sure it's not their decision but I'm a little saddened by the fact that Wakefern is trying to take this action, but they too will be defeated and defeated soundly in the courtroom.

And we will eventually have this project that is going to bring a half a million dollars a year in new money into our school district, money into the township and county coffers. So we may have to wait a little bit but we will see the pot of gold at the end of the rainbow. And I wish Mr. Krame all the luck and I know our Planning Board will have to defend its action and Mr. Cresitello and his team will be ready to defend their actions and take another win in the court of law.

I would also like to welcome...it seems like some people are very excited in town, to our new township business Manny's Diner. I've been there and it's great, a nice place, very well decorated and the food is terrific, go down and support one of our new Clark businesses and welcome Manny.

I would also like to take a moment to thank Superintendent of School Mr. Knopps, Assistant Superintendent Ed Grande, the Board President Lorraine Aklonis, and the fourth grade class of Hehnly for an enjoyable day I spent with them. And then at the Statehouse Senator Bateman was their tour guide and took them through the Assembly Chambers and the Senate Chambers and a tour of the Statehouse. It was very well received by the youngsters of our town and it was a nice trip. And they got to ask some questions and were given some facts and it's nice to visit the Statehouse especially when there is not too much politics going on. So it was at a quieter time but it was very nice. And that concludes my report for this evening Mr. President, Members of Council, ladies and gentlemen I thank you for your time.

Business Administrator Meeting Summary:

John Laezza: Mr. President, Members of Council...the important part of the meeting was the proclamation for Pancreatic Cancer and the volunteers for the C.E.R.T Program. The rest of the meeting is logistical information basically a business meeting by enlarge the entire council at the workshop meeting has approved of all the resolutions but will be authorizing the Mayor to sign a resolution accepting the Kids Recreation Trust Fund Grant in the amount of \$23,245.00 from the County for our recreation program; Authorizing the transfer of funds within our 2013 Municipal Budget. At this time every year there are different areas of the budget that have been under budgeted and other areas that have sufficient monies to accommodate those. By law we have the opportunity to make those transfers to continue our year and those transfers will be in effect.

The Consent Agenda basically is an agenda that says the entire members of the Governing Body have approved the actions without question and they basically are accepting a Quarterly Report from the Health Department; an Interlocal Service Agreement with the City of Linen for Animal Control Services; Authorizing the Health Officer to enter into a contract for 2014 with the Visiting Nurses Association; Authorizing the Clark Special Events Committee and the Dept. of Recreation to conduct the community Bonfire as we do each year with the Board of Education; Approving the meeting calendar for 2014; Approving the holiday schedule for the employees; Executing an Developer's Agreement for Clark Development to accommodate the Planning Board's initial requirements; Authorizing the forfeiture of an A & P Maintenance Bond to correct an outstanding construction and engineering issues; Releasing Performance Guarantees for two projects that have been completed; And authorizing the Tax Collector to settle a Tax Appeal for the Gypsum Property which is interesting to know that the US Gypsum thought they

were going to get a million dollar refund of property taxes over the last three years, but I'm happy to say that we negotiated a refund of \$165,000.00.

Township Clerk: I have the Police, Fire and First Aid reports as well as the Health Officer's quarterly report received and on file for anyone wishing to view them.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: No report.

Councilman Barr: Thank you Mr. President...the police dispatcher had the Clark Volunteer Fire Department respond to 34 calls this past month. You know I'm always telling you how much the Clark Volunteer Fire Department members are dedicated, knowledgeable and constantly (tape inaudible). Well it definitely pays off. If you also remember at the last council meeting Mayor Bonaccorso told you about that fire at the Kerry building and kind of saying I was a little remiss in not mentioning it, but like I said at the meeting when the Mayor tells about it, it's so much more dramatic and dynamic when he talked about it. But in the last three weeks the fire department responded to two house fires in Clark and in both cases because of their firefighting knowledge, there was only minor damage to the houses and no structural damage. The residents in both cases were telling the fire department how grateful they were for such quick action and the fire department responded with "you're welcome but we are only do our job" which is really good.

Now the Mayor mentioned about the leaves on how much of it there is and all that. We are all aware of that and the fire department has been responding to many of these fires that are started by people just flicking cigarettes out of their cars. And you know first of all I say well make sure they are extinguished probably but better yet use the automobile ashtrays. And with the wind that we have the dry humidity, it comes out to be very, very dangerous. In fact we've had on what started out as a small mulch fire on Charles Street where one of our Councilman lives. Because of the dryness and wind it turned out to be a huge area and the fire department did contain it and kept the embers from going on the houses. So people be very careful now, there are leaves all over and like I said if you have cigarettes, put them out in the ashtray. And that concludes my report.

Councilman Kazanowski: No report this evening.

Councilman Mazarella: Yes thank you I have two brief reports. To summarize the police department's monthly report; October of 2013 saw a total of 3,128 calls, a bit more than September. Calls for service of which; 103 were ambulance requests, 12 were fire department requests, 102 were alarm requests, 4 were vandalism, 58 were motor vehicles accidents and 2,817 were miscellaneous calls. Again that was a bit more than September and a job well done to our police department keeping our community safe.

The next report is the DPW Report; the Mayor had touched on the leaves, but please ladies and gentlemen don't put any branches in the leaves. You can get a summons and the DPW will take those branches and put them on your lawn. We can't pick up the leaves with the branches, they

won't accept them. So don't put any branches in the leaves. Bulky and appliance pick-ups have ended for 2013 and will resume in the spring of 2014; electronic drop-off will be on January 25, 2014. There's one item that DPW wanted me to relate to all of you...please when your children are finished playing with their basketball on the basketball hoops, drag it onto your property, because if they are in the township's right-of-way and if one of our DPW vehicles strike or hit the basketball hoops, it can cause a lot of damage to the vehicle not to mention the basketball hoop. There is an ordinance that prohibits that hoop to be stationed in and about the roadway. So please when your children are finished playing basketball, drag it on to your property a little bit more.

Mulch is still available for township residents; please call DPW to schedule a delivery. And I would just like to add one thing that Councilman Barr was saying about the leaves and the fire department. Please ladies and gentlemen we have a lot of leaves out there and we didn't have any rain yet, so please if you see a lot of leaves don't park your vehicle on the leaves especially if you were driving around because the catalytic converter and everything is red hot, which can ignite the leaves. So if you could use a little sense in that and try not to park on the leaves that would really be appreciated. Thank you very much and that concludes my report.

Councilman Smith: Thank you Council President O'Connor...for the Recreation Department: Ralph Bernardo asked me to communicate the following information to the citizens. There will be a winter supplement coming out this week for additional winter classes and programs. The booklet is available outside his office or you can drop down to the municipal building and visit with Ralph and ask him any questions and fill out any paperwork that needs to be completed. There is also a time to sign up for indoor soccer. Again if you are interested please contact Ralph in his Rec Office. And lastly the Mayor alluded to earlier...Sunday, December 1st in the morning is the Breakfast with Santa, in the afternoon from 3:00 to 6:00 pm is the Tree and Menorah Lighting. There will be plenty of rides. There are horse and buggy rides, pony rides, petting zoo, music, wagon rides, train rides, there are pictures with Santa and there's puppet shows. I know the Kumpf choir will be there and there's plenty of food and snacks. So come on out. It's a great evening. For the last few years the weather has cooperated and thousands of people have attended, so it is a fun evening especially for the children. And that concludes my report for this evening thank you.

Councilman Toal: Thank you Mr. President...the Clark Environmental Commission will be going into a special session on Thursday, November 21st at 7:00 pm in Room 30. The public is welcome to attend. That's all I have for tonight thanks Pat.

Council President O'Connor: And for me with regard to the Emergency Squad, the statistics for the month of October are as follows; 139 total ambulance requests, with the most frequent calls being falls 21, breathing problems 18, and motor vehicle accidents 11.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PAYMENT OF CLAIMS: Council President O'Connor, Chairman of Finance Committee made a motion to approve the payment of claims on current and capital expenditures in the

amount of \$244,405.02 for the period ending November 15, 2013, seconded by Councilwoman Albanese

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

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Council President O'Connor opened the Citizen Hearing on the Agenda

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

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

RESOLUTIONS:

Resolution 13-138

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes and directs the Mayor and/or Business Administrator to enter into an Agreement with the County of Union to accept an award of Twenty Three Thousand, Two Hundred Forty Five Dollars (\$23,245.00) from the Kids Recreation Trust Grant Program toward recreational improvements.

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

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

Resolution 13-139

WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2013 budget appropriations in accordance with the attached schedule of transfers.

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

Council President O'Connor directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 13-140

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

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

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

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

Resolution 13-141

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to N.J.S.A. 40:8A-1 et. seq. does hereby enter into an Interlocal Services Agreement with the City of Linden Board of Health, 301 North Wood Avenue, Linden, New Jersey 07036 for Animal Control Services for a fee of \$23,400.00 per annum, to be effective January 1, 2014 through December 31, 2014.

Resolution 13-142

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) in the amount not to exceed \$4,129.00 for the period commencing January 1, 2014 and terminating on December 31, 2014, pending the approval of the 2014 Municipal Budget.

Resolution 13-143

WHEREAS the Clark Special Events Committee in conjunction with the Department of Recreation desire to conduct a Community Bonfire; and

WHEREAS the Township has received a Certificate of Insurance for this activity under the Township’s Community Insurance Policy along with the required consent and approvals of the Board of Education, Fire Department and Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School JV Soccer Field on Wednesday, November 27, 2013 at 6:00 pm.

Resolution 13-144

BE IT RESOLVED the Township Council of the Township of Clark does hereby approve the Meeting Calendar for the Year 2014 outlined below.

CLARK MUNICIPAL COUNCIL 2014 MEETING DATES
Reorganization Meeting January 6, 2014
315 Westfield Ave. - 7:00 PM

WORKSHOP MEETINGS 7:30 P.M
430 Westfield Avenue
Room 30

PUBLIC MEETINGS 7:30 P.M.
315 Westfield Avenue
Council Chambers

January 6*
February 3
March 3
April 7
May 5
June 2
July 7
August 4

January 21 (Tuesday)
February 18 (Tuesday)
March 17
April 21
May 19
June 16
July 21
August 18

September 2 (Tuesday)	September 15
October 6	October 20
November 5**(Wednesday)	November 17
December 1	December 15

* Council Chambers, 315 Westfield Ave.
 ** November Election (4 Wards)

Resolution 13-145

BE IT RESOLVED by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee’s choosing, will constitute the official Township employee holiday calendar for the year 2014.

New Year’s Day	Wednesday	01/01/2014
Martin Luther King Jr. Day	Monday	01/20/2014
Presidents Day	Monday	02/17/2014
Good Friday	Friday	04/18/2014
Memorial Day	Monday	05/26/2014
Independence Day	Friday	07/04/2014
Labor Day	Monday	09/01/2014
Veteran’s Day	Tuesday	11/11/2014
Thanksgiving Day	Thursday	11/27/2014
Day after Thanksgiving	Friday	11/28/2014
Christmas Day	Thursday	12/25/2014
Day after Christmas*	Friday	12/26/2014

Resolution 13-146

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and Township Clerk to execute a Developer’s Agreement with Clark Developers, LLC, having its principal office located at 820 Morris Turnpike, Short Hills, New Jersey, 07078 for an Age Restricted Residential Development on the tract of land identified as Block 57, Lots 2, 3, 4, 8 and 10, situated at the intersection of Terminal Avenue and Westfield Avenue, Clark, New Jersey 07066.

Resolution 13-147

WHEREAS the Township of Clark has made repeated requests of the A & P to repair the portion of the water service trench located in the parking area of the store located at 1060 Raritan Road and to replenish escrow funds in arrears; and

WHEREAS the Township afforded the A & P an additional thirty (30) days in a letter dated August 16, 2013 to address the trench settlement and restoration issues and to deposit deficient escrow funds; and

WHEREAS to date, neither issue has been rectified.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the forfeiture of the A & P Maintenance Bond held as \$10,000 in cash; and

BE IT FURTHER RESOLVE that the Township will make arrangements to correct the portion of the water service trench and replenish the deficient escrow account using the applicant’s maintenance guarantees to fund the costs.

Resolution 13-148

WHEREAS the Township of Clark has made repeated requests of the A & P to repair the portion of the water service trench located in the parking area of the store located at 1060 Raritan Road and to replenish escrow funds in arrears; and

WHEREAS the Township afforded the A & P an additional thirty (30) days in a letter dated August 16, 2013 to address the trench settlement and restoration issues and to deposit deficient escrow funds; and

WHEREAS to date, neither issue has been rectified.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the forfeiture of the A & P Maintenance Bond held as \$10,000 in cash; and

BE IT FURTHER RESOLVE that the Township will make arrangements to correct the portion of the water service trench and replenish the deficient escrow account using the applicant’s maintenance guarantees to fund the costs.

Resolution 13-149

WHEREAS John Vizzoni of 727 Raritan Road Associates has requested release of the Performance Guarantee reduced by Resolution 13-101 posted in the amount of Nineteen

Thousand, One Hundred Ninety Dollars and Twenty Cents (\$19,190.20) to guarantee site work at 727 Raritan Road; and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by 727 Raritan Road Associates to be Six Thousand, Three Hundred Ninety Six Dollars and Seventy Three Cents (\$6,396.73) to be held for one year; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees to 727 Raritan Road Associates upon receipt of a Maintenance Guarantee in the amount of \$6,396.73 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

Resolution 13-150

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

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>
144/2	1255 Raritan Road	3,917,800	791,600	242,190.45

BE IT FURTHER RESOLVED, that a refund be issued in the amount of \$165,000.

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

Council President O'Connor directed roll call:

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

NEW BUSINESS ON THE CALENDAR: None

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Council President O’Conner opened the public portion of the meeting to the public.

Joanne St.Amand, Cranford NJ: I am the president of the family association at Woodbridge Developmental Center and I am the sister of Rosemary a profoundly intellectually disabled woman that lives at Woodbridge. And I am here to ask the township for your help to write a resolution to the Governor and to ask him to keep open two Developmental Centers (Woodbridge Developmental Center, Woodbridge, NJ and North Jersey Developmental Center in Totowa, NJ).

About a year ago the Governor put a taskforce together to look at the seven Developmental Centers and they chose to close two of them, the only two that we have in North Jersey, Woodbridge and Totowa. And so this leaves a big dilemma for the families because if we choose to stay in a Developmental Center, we are forced to move to South Jersey with the closest one being about two hours away either in New Lisbon, Vineland or Woodbine New Jersey. So you know we are asking your help to write this resolution to ask the Governor to keep these two centers open.

Just to put a face on the individuals that we are talking about. My sister Rosemary has been at Woodbridge 38 years. She is 58 years old. She went there when she was 20; she is like a 3 month old. She cannot make eye contact, she can’t walk or talk, and she needs to be lifted and carried everywhere. She has to be fed pureed food. She suffers severe scoliosis and seizure disorders. She is typical of the residents at Woodbridge; there average age is in the 50’s. You know the Governor had said that he wanted everyone to go into group homes in the community but the group homes are...we need more group homes and we definitely need more services. I’m not against group homes at all but these individuals have the right to stay in these Developmental Centers. It has been their home for so many years.

And the reason why the centers are so important; the population that you have in these centers are the most profound of all the DD population, they probably only represent about five percent of all the people that have disabilities. They need the support of the centers; these centers are called Intermediate Care Facilities. They are licensed, they follow over three hundred and fifty rules and regulations, they have an active treatment plan, they have bundled services, they have to have onsite doctors, and nursing, therapies, and they have to be engaged in programs. This is the most comprehensive program that Medicaid offers. If they go into a group home they have to waive their right to this ICF Program and go into a group home where they don’t have the same licensing, they don’t have the same onsite professionals; it could be life-threatening for a lot of them, this is why this is so important to us.

Mayor Bonaccorso: May I ask a question please. (Ms. St.Armand: sure) I agree with you. I don't see how a group home would be able to handle someone who is in such need of care. But the thing I would like to ask you, where does your legislative leader stand on this? Have you gotten any reaction from our legislative leaders in the State like Senators and Assembly people, etc.?

Joanne St.Armand: Yes we have two bills out there right now, Assemblywoman Valerie Huttle in the Assembly is sponsoring a bill to keep one open in each region. And Senator Vitale has a bill also to redo the taskforce basically and have another look, because we can't understand how they selected these two centers in the same location and obviously you know there are disabilities. (Mayor Bonaccorso: right)

Mayor Bonaccorso: Do you have any other feelings from any other legislators around that this is something that they are going to be supporting? Have you heard anything positive?

Joanne St. Armand: Senator Sweeney and Senator Cody both put a resolution together and I forget who else is co-signers on that (Mayor Bonaccorso: good) and sent that to the Governor.

Mayor Bonaccorso: And the reason for the closures, is it financial, is that what the problem is?

Joanne St. Armand: You know we've gone around in a circle and first they said it was because the care was better but we proved that the care is not better. And then they said they were going to save money but obviously they are not going to save any money because these are the most profoundly intellectually disabled individuals. I think it's about the money. I think its part of privatization and just you know...there's a lot of provider groups out there, there's a lot of money that will follow individuals into the community. And so you know a lot of these bit advocacy groups are...

Mayor Bonaccorso: We would definitely be glad...I would be glad as Mayor to look at what you have...if you give it to our Clerk or get it over to our Clerk and we will talk about it at our workshop meeting. I mean if it's (tape inaudible) the way I see it. And I can give you a place that you can help the Governor and I'm a Republican. You can tell him that next year he won't have to spend twenty million dollars keeping his name off the ballot with Cory Booker's name on that special election. Because I'm sorry, these are the things that frost me, when we have a gimmick like that for politics and people in real need can't get the help. So he can find twenty million dollars there next year the way he found it to run that scam in October Special Election. And I'm a Republican but I don't care because I tell it the way I see it to either party that's there. That was a shame, it was a waste of taxpayer's money and here's a group and point where these people could have used that funding.

Joanne St.Armand: Yeah...I mean he is spending money now because he is moving them down to Vineland that had downsized and now they are putting the money in there.

Mayor Bonaccorso: But it's not fair for the people in North Jersey to have to make that trip. You know I mean sometimes you do have to scale back I understand that being in government. And sometimes you have to scale that in areas that you are not happy to even scale back in. But you know the mere fact that everything is going to be down in Vineland and Woodbine, what about

the people that live up in Bergen, Essex, Union County and Middlesex County, it's not even fair to their loved ones to make that trip. So please get your stuff over to our Clerk (Joanne St.Armand: thank you) if you don't have it tonight, email it over and we will look at it (Joanne St.Armand: I have packets and I have sample resolutions) If it's like what you are saying I would be glad to sign that because that's you know, people in need and like I said maybe you can point out to the Statehouse where he can find an extra twenty million for next year.

Joanne St.Armand: Thank you very much.

Councilman Barr: I was just wondering did they give any timeframe when they are supposed to be closing?

Joanne St.Armand: They said five years from last summer August 2012. But they've had a big push since July to move these individuals. See there aren't places in the community, so in order to make that timeline; they are pushing them out of the Developmental Centers. And I guess most of you probably saw the article in Sunday's Star Ledger where we had a death unfortunately at the Developmental Center. I just think they are moving too fast. They need to have a plan. They need to know how many they are moving out and where they are going. They are just moving too fast now and we need to slow them down. I would love to see a moratorium on the movement until they can actually decide what to do.

Mayor Bonaccorso: Maybe you should also go to Westfield and alert Senator Tom Kean to this and see where he stands on it.

Joanne St.Armand: Yes we plan to. We did sit down with Assemblyman Brammick in Trenton and we haven't gotten to Senator Kean's office yet.

Mayor Bonaccorso: Well good luck to you and thank you.

Janelle Blackman, from CWA Local 1040, Trenton NJ: I just wanted to come and support our sister Joanne. Just to give you a few more facts. The former Deputy Commissioner of this division that oversees these Developmental Centers said that there would be a death rate of 47% higher than there currently is if these centers were to close. This comes from States that have already done this like Ohio and California. So we are very concerned about the mortality rates in New Jersey as it pertains to this very sensitive population. Additionally, I just wanted to let you know three of the CWA workers that work at North Jersey Developmental Center live here in Clark. They spend a combined total of about 149,900.00 in your town and are your residents. I say that because the Governor's Taskforce determines that the finances lost to the municipalities would not have any effect on you all. But this is a combined total economic package of about 91 million dollars in these two Developmental Centers combines. Can anyone stand to lose any part of 91 million dollars in these hard economic times? It's just very rough out here. Or have your city or can your city rather support the added cost of four group homes placed in your city when you need additional police, emergency services, fire and rescue cost that are required by these group homes. I mean on average you have constant EMT's over at these group homes just because of the nature of you know these individuals.

We are asking you to stand with these residents and the family members by passing a resolution and support in keeping North Jersey and Woodbridge Developmental Centers opened and there have been over twenty-nine other municipalities that have supported this cause, thank you so much.

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

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes I would like to take a moment for a resolution that we passed this evening to thank the Freeholder's in Union County for their grant for \$23, 245.00 for a Children's Trust Fund. It is very well appreciated and on behalf of Ralph Bernardo our Director I'm sure he is very, very happy with that. So I would like to thank the Freeholder's for their continued support in that area.

I would like to also mention to the folks here that the Senior Housing Complex Building 1 is almost done. They are giving tours if you are interested in rentals and they are quite magnificent to see, they are really, really nice units. So you can stop by there and pick up the...I believe there is a gentleman onsite who will take you through there and show you the units. They are still under construction, be careful when you pull in because there are trucks and tractors running around and I don't want to see anyone get hurt.

Councilman Mazzarella mentioned earlier about basketball hoops the portable ones that are out in the street. I was approached by a resident the other day saying that she got a letter to remove it, and her driveway is kind of on a downward slope and she lives on a quiet street her kids like to play basketball and I'm all for that. But the only thing that I explained to her is you would just have to move it back on your property as Frank said earlier. Folks when we're picking up leaves or plowing snow or things of that nature, when DPW truck goes down the road and they can't judge that and they clip the rim or the backboard with their truck body, we can't pay for it. It's on our property and it's not supposed to be there. I'm not against the kids shooting baskets, believe me, it's better than getting in trouble somewhere. But I mean the fact remains and it's better than sitting on the couch playing video games constantly, that's what we use to do when we were kids. But the thing is just be understanding that it is a township right-of-away and it is our property. And if a fire truck is going down the street to a fire and they clip the top of it, we are not going to pay you for it, so please understand that; just roll it back, they are on wheels, lay it down or stand it up on your property and that will be fine.

And I would like to congratulate you on your mission for these group homes. I wish you the best of luck. And the State Legislature really needs to get behind you; they are the people that can really make it happen. It is a burden in people's lives, they do need help for family members and it bothers me too when I see money just regarded or problems dumped on the municipalities, that's a very, very old trick that Trenton has been doing for a long, long time dumping it in our

laps and then we have to fund and they want to come out with budgetary constraints and things of that nature and look like the hero and we are the bad guys. We've got dumped on with the Newark Bay lawsuit this year where we had given ninety some thousand dollars to the State when they were suing a chemical company. That's another story for another day. But good luck to you ladies and I do appreciate you coming out to our meeting tonight.

And also Councilman Barr I'm glad that you are back supporting our firefighters again after that last fire last month you were kind of quiet. So I'm glad that you are back with the boys, they are good men, thank you.

Councilwoman Albanese: I would just like to wish everyone a very Happy and Healthy Thanksgiving with their family.

Councilman Barr: The Mayor already said it but Joanne and Janelle keep up the fight, I think you are going to have a lot of people backing you. It's horrible when you have especially family in that kind of predicament, so keep it up.

Councilman Kazanowski: Yes I would congratulate all the C.E.R.T people who got their diplomas this evening. Jerry you are doing a great job out there. Also I would like to extend my wishes that you continue with your journey because it's a very good cause. And I would like to wish everyone a very Happy Thanksgiving.

Councilman Mazarella: Yes thank you. First I would like to commend you on your mission. I'm sure if you continue to go through other municipalities; you will receive the overwhelming support as our Mayor has. To all the residents out there please don't forget to recycle, it's very important for our future and our children's future. Until next month please have a Happy and Healthy Thanksgiving, thank you.

Councilman Smith: Thank you...again good luck in your fight, it shouldn't be a fight or a battle, it should be common sense. Hopefully you will get the legislators behind you, so good luck with that. Again the tree and menorah lighting, the holiday festival is Sunday, December 1st, it's preceded by the Breakfast with Santa over at the Gran Centurions, seating is 9:00 and 10:30. And the tree lighting is from 3 to 6, so hopefully we will see everyone out there. And again congratulations to all the C.E.R.T people on their certificates this evening.

Councilman Toal: You know what Thanksgiving...that means Christmas is coming up and that means it's time to shop Clark. I ran into two wonderful people who run the Designer's Gallery over in the Clarkton Shopping Center. Stop in there and buy all your gifts. I was talking to Randy and Bill who run it and they were telling me that there's a local artist who are now being featured out of there if you want to get something nice. This one artist is Cynthia Dawly. and she is doing a painting of Clark. She is going around and doing images that we see every day and putting it on canvas. And her collection and artwork is over at the Designer's Gallery if you are interested in maybe getting a little something different for maybe that special friend or family member. Please think about. I'm just doing plugs because I want you to shop in this town and put your hard earned money back into the town. So Designer Gallery has a lot of selections and there are other

things in this town to go out and shop. Target is always jammed as you can tell. And again just give back to your community because the community gives back to you.

To Todd Cohen who was here, Todd's devoted efforts to keep your father's memory alive and working for a great cause in Pancreatic Cancer. And to Mrs. Barr (Gary Barr's wife) who is here today and Al for keeping the memory of those special people who we have lost to Pancreatic Cancer. And to add we've lost last month John Swankert, Robert Barrett Jr., and again to those who maybe I hadn't mentioned who were a part of Clark in some ways. I will see you next month hopefully and again please go out and if you need anything we are here to help you.

John Laezza: Nothing to report Council President

Attorney Triarsi: I have no report Mr. President.

Police Chief Scherb: No report just wishing everyone a Happy Thanksgiving.

Emergency Squad: No report.

Rich O'Connor: No report Council President.

Township Clerk: No thank you.

Council President O'Connor: And for me just a couple of things. First off I would like to congratulate the Clark Pop Warner Junior Midgets. They are State Champions. They defeated Plainfield on Sunday 44-20 and now they are moving into the National Tournament, so congratulations to them. And congratulations to the Junior Pee-Wee Cheerleaders. I believe they went to the National's in Albany and then to Florida.

With Thanksgiving comes of course the Thanksgiving Day football game. This year it's away at Rahway and the night before is the Bonfire at the high school. So please if you are alumni of Johnson or you live in town and you would like to be a part of it, please stop by and help celebrate the great win that we are going to have in Rahway this year. So with that I would like to wish everyone a Happy Thanksgiving and a safe rest of the month.

ADJOURNMENT:

Motion to adjourn was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

ADJOURNMENT

APPROVED

PATRICK O'CONNOR
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk