

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
September 21, 2015

ROLL CALL:

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

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

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

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

Motion to Suspend the Regular Order of Business made by Councilwoman Albanese, seconded by Councilman Hund

Council President Smith directed roll call:

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

Recognizing the Clark Little League 12U team for their accomplishments

Presentation by Whole Foods Market of their donation to the Clark Recreation Department

Mayor Bonaccorso: Thank you Mr. President, Members of Council, ladies and gentlemen here and at home tonight, thank you very much and welcome to our meeting. Tonight we have a special night. We are going to be honoring a great group of young guys, that I got to see grow up before my eyes, for their achievement on the Little League fields. But it gets a little bit deeper into that and I will get into that in a moment. And we have Whole Foods here tonight for a presentation of generosity that they are giving to the Recreation Department on their grand opening and a percentage of sales we have. So it's a good night and the rest is just boring government business as usual. But anyhow I asked Council if we can have the 12U Clark Travel Little League Team here. Over the years I've had the distinct pleasure in watching these young men grow up as I said from the time they were seven and eight years old and some of them even younger to see how they developed. And their record on the baseball field was outstanding and astonishing to say the least. I was in contact with Coach Grady and I asked him to give me a synopsis of what you guys have done and he got together with Manager Sofianokos and I guess Coach Sasse and they put it all together. And as I was reading this I watched you, I watched you

win. But it was remarkable of the record of I believe it was a hundred and we'll read it in a second...but a 148 wins and 14 loses. Many, many district championships they played tournaments and they won. And they went up to Cooperstown which is like the twelve year old treat for all the little leaguers. And you know you are playing against teams from all over the country and if you win a game or two you go home happy, it's kind of an experience more so than you going up for the win. These guys were undefeated in their bracket and here they are in the playoffs. I'm back here in Clark going "I don't believe this", it's astonishing. But more importantly boys what I really want to recognize you for tonight is not the wins and losses, it's your attitude, the team play you've had, and the way you conducted yourselves on the field which is a direct reflection of how your parents raised you and how your coaches coached you. At the end of the day people aren't going to remember how many homeruns you hit or how many games you really did win. They are going to remember who you are and what you are about and what kind of character you have. Because you can be the best baseball, football, basketball player whatever you want to call it in the world but if you don't have the character and the integrity and the work ethic and the team play and the spirit, you are really going to be just another guy people talk about and say "wow he could have been so much more". Don't ever be the person who could be so much more, be the people who you are, young people achieving, people recognizing what a great job you did. But it's the character and the attitude and the team play and I said I've watched many of your games you know that and I was very proud of that. The wins, the championships that's to me secondary but it's definitely worth honoring.

When Coach Grady gave me this three to four page synopsis, he said "this could arguably be the best Little League team of all times". And I said "Pat who are you arguing with", he said my brother, he was on a great team and I'm arguing with him over the bats and the tournaments and this and that. But you very well could be and you guys have a great career ahead of you hopefully in high school and maybe some of you will play at the next level in college and who knows. But just remember boys whatever you do keep the attitude, the character, and the integrity because that's what your parents really taught you. They taught you how to play ball too I'm sure, the coaches and the manager worked hard to make you a great team and to do good things. But we want to recognize all that tonight and we are very, very proud of that.

Before I get on with that I would like to recognize a friend who is a Councilman in Mountainside Robert Messler is here tonight, Councilman welcome to our humble chambers, it's nice of you to be here.

Mayoral Proclamation

WHEREAS Mayor Sal Bonaccorso and the Township Council would like to congratulate the 2015 Clark Little League 12U travel baseball team; and

WHEREAS the 12U team has an overall record since their 8 year old season of 148 wins and 14 loses; and

WHEREAS the 12U team has won 12 Tournaments Championships, 3 District 10 Championships, and 3 Fall Championships; and

***WHEREAS** the 12U team was ranked #2 out of 30 at the Cal Ripkin Tournament in Aberdeen Maryland and ranked #10 out of 104 at the Cooperstown Dreams Part Tournament; and*

***WHEREAS** they were runner-up in New Jersey Section 3 play three times; and*

***WHEREAS** tonight the Mayor and Township Council recognize their outstanding records, but also recognize their attitude, conduct, and team play; and*

***NOW, THEREFORE, BE IT RESOLVED** that I, Sal Bonaccorso, Mayor of Clark Township, do hereby call upon all Little Leaguers to take note that records are something to be proud of but conduct, attitude, and team play is what it's all about.*

***IN WITNESS WHEREOF** the Mayor of the Township of Clark, New Jersey, has hereunto set his hand and seal this 21st day of September 2015.*

Mayor Bonaccorso: I want to tell you guys something real quick and then we will be done and have everybody come up. You talk about how things lead you through your life, right; I think a lot of you know, I coached Mr. Grady when he was a little leaguer. I did I was a young guy and I was coaching and you know its funny how things follow. Mr. Grady was a real good guy, he worked hard, and he was a good player and did the right things. And today I see him achieving through the police department to higher rank, so it does follow you through your life. But we want to congratulate you. At this time I want to call up the Manager and Coaches to say a few words and then we will present to the boys and then you guys can watch this on TV throughout the month.

Mayor Bonaccorso welcomed Manager Lou Sofianakos, Coach Pat Grady and Coach Sasse up to the podium

Lou Sofianakos, Manager: You know I think back of this team as starting eight year olds, the most enjoyment, and Sal alluded to it is that it's not all about all the wins and the losses, it's about watching these kids grow from eight year old boys you know through the years and now they are all twelve and thirteen you are all young men. And I'm just really grateful that I'm a part of their lives and I've enjoyed watching them mature and grow up in their next stage of their lives. And more importantly being a part of a great family and parents you guys couldn't have been greater for a manager to have. Boys I'm going to miss you all, maybe we will keep this together as we go forward in Babe Ruth and things of that nature. And once again thank you very much for allowing me to spend the time and coach you boys, thanks.

Mayor Bonaccorso presented proclamations to the Manager, two Coaches and each of the players

Township Clerk: The next presentation is by Whole Foods Market on their donation to the Clark Recreation Department.

Ralph Bernardo, Rec. Director: For years I had asked pleaded and begged Mr. Laezza for a major renovation in our Recreation Cafeteria especially the stove which was original to the

building 1949. We hold a lot of classes in the Rec Center, as you know Cooking for Kids, Mommy and Me cooking, adult cooking, Boy Scouts, Girl Scouts, Senior Citizens, and Pancake Breakfast, so the kitchen is used as much as the facility itself. But there has never been any extra money until Whole Foods came along. And Whole Foods wanted to do something for the township. They do it traditionally I guess with their first day sales of a new location and after going to the golf outing, the Mayor's Golf Outing, a month or two prior before that all day they had heard great things about our rec department which of course I'm proud of. And they came back and said we think we want to donate something to the recreation department. So what's your wish list? And that was the first thing that came to my mind and it also tied into cooking because they are also going to be doing their own cooking classes at the rec center as well. So Mr. Laezza said if they are paying you can have it. So needless to say we didn't waste time, we have a stove that's coming tomorrow morning. These are not little stoves that you get at Sears, this is industrial and with that you also have to change the suppression system because the suppression system is so old and outdated that that whole top unit and hood has to all be replaced as well. So we have the new appliances, new countertops coming in and we're ready and we thank you very, very much.

Alison Bauer: I'm the Marketing Team Leader for Whole Foods Market Clark. And again we are so excited to be in this community. We just opened our store August 7th, so we are pretty new. But we absolutely love being here so far, you guys have been very welcoming and we just want to return the favor. And I mean again like Ralph said we've heard so many great things about this recreation department and we wanted to help as soon as we could and as much as we could. So our 5% days we do four times a year and we give 5% of our sales for that day to an organization. And we gave the recreation department a really big check of \$11, 241.94. We were really, really excited to give this to them and we really look forward to the Clark Family Kitchen, thank you.

Mayor Bonaccorso: Alison I would like to thank you and Whole Foods. From the time we met you prior to the store opening you have been terrific to deal with and your store really kind of anchored our new Clark Commons. And it's a shopping center that I know a lot of people are very excited about and there's a lot of different people in there but a lot of people were very excited about Whole Foods coming in and you haven't disappointed and we felt this was so generous. The other thing I would like to mention about this stove is that of course Mr. Bernardo is going to tell you about all the recreation side of it which I would expect, but our building also can be used as a shelter during storms. And during Hurricane Irene people were sheltered there. The County had chosen our Brewer Recreation Center as one of the shelters; people were cooking in there for some of the people who were displaced. So not only does it take on a great recreational aspect, it also takes on an aspect for when you know our fellow persons are in need and Clark is always warm and welcoming. So it's well deserved not only for the recreation side but as a shelter. And Ralph is right; Mr. Bernardo that stove is so old I think Abe Lincoln cooked on it at one time. So thank you very much and I appreciate it.

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

Council President Smith directed roll call:

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes Mr. President thank you very much, a brief report. First off we'll talk about this weekend and the Rock Carnival that was up at Oak Ridge Park.

I would like to first off thank the citizens of the community for any inconveniences you may have put up with and especially some of the people that live up on Oak Ridge Road. I would like to take a moments to thank the Chief of Police Pedro Matos and Captain Patrol Commander Vinny Concina who was there all weekend along with many of our men who worked the detail to assure everyone's safety and to make sure things moved as well as they could. Over the years we have had Music Fest there and we had that blueprint pretty, pretty well down pat. This year although it was a lot of the same it was somewhat different. There's estimates on Saturday night of anywhere from twenty-five to forty thousand people that could have been in the park. And to say that we did not have anything that was worth talking about happened there, I can say that to you in all honesty. People were well behaved for the most part. Things flowed very well. Traffic of course at the end of night leaving was backed up but as I said to the Chief today it's that way at the Meadowlands and the Roc and everywhere else you go. I know the Chief will meet with the people who promoted it to have a meeting and to talk about some of the issues that we would like to see tucked in if they continue to do this next year, who knows. But again Chief to you and Patrol Commander Captain Concina and all the guys, thank you for your great effort. I would like to thank the County Police who also worked the event for doing a great job. And I hope everybody had a good time. I went and thought it was pretty good overall, not that I stood the entire evening, when I couldn't hear any more from the music that's when I kind of went home but it was a good time to say the least. And hopefully if it's here again next year we can improve off of it and make it that much better.

The branch clean-up is coming to an end. I would like you to go to www.ourclark.com our website because every year folks I go through the same thing, the branch clean-up is over and people decide to throw piles back out in the street. We do not like to say no to you, we like to clean them up but we also want you to recognize since March 15th you had the ability to place branches and shrubbery and things of that nature out into the street the third week of the month every month. Now that it's coming to an end please go to our website and find the exact dates of all our services because our bulky clean-up will be coming to a suspension in October because the last Monday of October we start cleaning leaves up. And the rule of thumb here has been under my administration once we start cleaning leaves we kind of suspend all other DPW services to make sure that the leaves are removed quickly and efficiently and we like to do that. For those of you who came out to the meeting tonight thank you, sorry about the parking lot being so jammed but the high school is having back to school night. So maybe we'll have to talk

to them if they can hold it to the third Tuesday of the month. But that concludes my report Mr. President, thank you very much.

Township Clerk: I have the police, fire, and the first aid reports for the month of August 2015 received and filed in my office.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: Thank you Mr. President. I would like to give my Library report and remind citizens that there is a 9/11 exhibit at the Library. I hope you will stop by and take a look at it on James Nelson who passed away in the Twin Towers on 9/11, there's a picture of him. And I also encourage everyone to visit the park which memorializes and is a remembrance of those who have passed on 9/11.

Moving onto other items happening at the Library, I'm pleased to say that the Library was one of twenty Libraries who received a grant from the Freeholders. The grant totaled Three Thousand Six Hundred And Twenty-Three Dollars. And I want to express my appreciation to Dawn Jenkin our Library Director who was very instrumental in obtaining the grant from the Freeholders. The purpose of the grant is to promote children's programming and materials. And with the monies the Library will be purchasing a Star Walk Kids Media E-book subscription, so that elementary children can go online and have access to various research books available to them. In addition the Library has a new early literacy work station for preschoolers and beginning readers, so I encourage everyone to take a look at that. Actually this evening unfortunately with the parking I don't know how it worked out they had a great program, very popular, called "Keep This, Toss That", it's provided by Jamie Novak who encourages everyone in a humorous way how to get rid of things and keep things and sort things out.

One program that is coming up also very popular is anything to do with you know I don't want to say gravestones but that's what this one is about. But anything to do with that sort of thing with Halloween coming around, but this one is on Thursday, October 1st, it's on gravestone art and symbolism. So if you are interested in not old gravestone art but current gravestone art and symbolism that program will be on Thursday, October 1st and that concludes my report thank you.

Councilman Barr: Thank you Mr. President. The Clark police dispatcher had the Clark Volunteer Fire Department respond to thirty-one calls in August. And some of you might have noticed if you went to the pool early about four weeks ago that the entire fire department was there. We have a very good fire department that takes care of all types of rescues and they went to the pool and they had water rescue training there. And from there they went to the reservoir, the entire department, and they had all kinds of water rescue there because in the past we've had incidents like that. So I just want to say thank you to the fire department for your constant training and good work. And that concludes my report.

Councilman Hund: Thank you Mr. President. For the Clark Police Department report for August we saw a total of 3,134 calls for service of which 79 were ambulance requests, 10 were fire department requests, 2 for vandalism, 16 were motor vehicle and residential lockouts, 109 were

alarm calls, 70 were motor vehicle accidents. And 2, 815 were miscellaneous calls which there were a total of 22 adult arrests which included 2 for burglary, 3 for theft, 1 for simple assault, 1 for criminal mischief, 2 for drug abuse, 1 for DUI, 2 for liquor law violation, and 1 for harassment. And that concludes my report for this month.

Councilman Mazzarella: Yes thank you Council President. My DPW report is as follows; we still have mulch and it's free to the residents, so please if you would like some to dress up your areas please call DPW to arrange for delivery. The Mayor touched on a couple of items; the grass pickup, the last date of that grass pickup will be October 12th, so jot it down please. For branch pickup, please put out your branches no later than September 28th at 6:00 am and this will be the last branch pickup. Electronic drop off is September 26th 9:00 am to 1:00 pm in the DPW facility behind the police station. Bulky pickup continues through October, appointments are required; please call (732) 428-8402 or dpw@ourclark.com to arrange for the township to pick it up. Appliance pickup continues through October, appointments are required for that as well. Appliance and metal pickup are different than bulky waste; we recycle all appliances and metal, so please specify when you are arranging for a bulky pickup on what your items are. The upcoming dates to remember as I said are October 12th is final grass pickup, October 26th is last appliance pickup, and October 26th leaf season begins. Please leave the leaves one foot from the curb to allow water to drain into the catch basins. And any branches that are mixed in the leaves will not be picked up, just leaves. And please pile your leaves in front of your property and not in front of the grates. School areas will be picked up every Monday during our efforts and if you live in those areas please put the leaves out the weekend before Monday's schedule pickup. And October 31st is the last electronic drop off. Thank you and that concludes my report.

Councilman O'Connor: Thank you very much. From the Finance Committee we continue to be able to meet our current obligations. And just a side note, I mean we hear people were on Mr. Laezza tonight but let me tell you something myself, Angel, and Frank are on the Finance Committee and Clark is lucky to have a man who not only has a sharp pencil but also has the wisdom to share with everybody on why he does things. So John thank you very much.

From the Emergency Squad; they had a total of 113 calls for the past month, 94 were Clark and 19 were mutual aid and of those motor vehicles led with 12, followed by falls 9 and sick persons 8. That's my report for this evening, thank you.

Councilman Toal: Thank you Mr. President. Just on what the Mayor had talked about the Music Fest or Food Truck or whatever they are calling it this year. I did get up there and again echoing on what the Mayor had said our police officers were there. I saw Bob Janus there; Mr. Janus is in the Chambers tonight. Bob thank you for everything standing out there for all of those hours and taking care of it. I know all of the other officers that were assigned to it, the Union County Police just a really well organized job in keeping the traffic flowing. I came in from the Colonia side from Inman Avenue, I didn't come up Oak Ridge from Raritan Road and Rotondo's area, I went in from the back way. And as I said the traffic moved fast you got in and out and it was just well organized. And again as the Mayor said thank you Clark Police, thank you Union County PD, thank you Chief for a great job in keeping things moving, there weren't any glitches where I saw when I was there walking the perimeter and I got out of there quickly because it wasn't my kind of music but again great job.

To the Union County Parks and Recreation Director and Open Space; we had an incident which I kind of mentioned it at the executive meeting, I'm not going to get into all of the details, but we had an incident in the reservoir, a lot of the residents don't know about it. But we had an incident where a deer was struck on the Garden State Parkway and it ended up in the reservoir and floated down towards the falls and residents along Ivy Street and Ivy Circle of course noticed it after a few days floating in there. We were able to get hold of the Clark PD and the Mayor's office and we were able to get Union County to get in there with boats to get that thing out of there and clear up the site. I just want to give a special thank you to Union County for their quick response to it because it became a bit of a smell issue, a health issue. Again Chief your guys responded to an unpleasant situation but one, two, three the thing was out in about a two day period. It wasn't pretty folks but when you do have a situation like that and I grew up in Clark and never had a deer incidence or deer stories, they are everywhere now. Again thanks to Union County, thanks to the Clark Police, Mayor's office for quickly helping us out in getting this and helping the residents along Ivy Street and Ivey Circle. That's it Mr. President thank you.

Council President Smith: Recreation and Pool reports; I want to thank the staff at the pool this year for a very successful and great season. I want to thank all of the members for coming out to the pool and choosing the pool for their entertainment and enjoyment. Sign-ups for the fall registration classes for the Rec Department are ongoing. If there's anything that you are interested in please contact Ralph Bernardo in the Rec Office. Rec Basketball, Indoor Soccer and many more programs are taking registrations at this time.

And lastly we have a very large event taking place Friday, October 9th through Sunday, October 11th. The Annual UNICO Festival on the Brewer grounds, the Municipal Building and Recreation area. We usually get about fifteen thousand people over the weekend. It's a well-run and well attended event and a lot of fun for the citizens. We are looking for volunteers, so if you are interested and can give an hour or two of your time I would appreciate it if you can contact Ralph Bernardo to volunteer and help out the town. All the money UNICO raises is given back in scholarships and grants through a lot of the local clubs and organizations. And that's all I have this evening on that.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 15-16

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE VEHICLE DIGITAL IN CAR VIDEO CAMERAS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$95,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

Council President Smith opened the Public Hearing on Ordinance 15-16

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

Council President Smith directed roll call:

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

Motion to adopt the ordinance made by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Councilman Toal: Yes Mr. President. Ladies and gentlemen in the Township of Clark we are in the 21st Century. We had a recent incident in the township involving one of our officers which the Mayor spoke about. We need to protect our officers. We need to get the truth out and this is a video age in the 21st Century fifteen years in and these things are needed today to protect our officers to get the truth out. And now we will completely wholeheartedly support this tonight into spending of taxpayers’ dollars for a great cause and a good cause. And Chief we will be behind your men 100%, thank you.

Mayor Bonaccorso: Mr. President...just for the public at home I would like to thank Chief Matos for his extensive research in this as he explained to you folks at the executive session. He and I had some conversations on this and he really broke down the differences not only what’s beneficial to his department which should be his first concern of course but also what was beneficial to the taxpayers about ongoing reoccurring costs and what would and what wouldn’t. So Chief thank you for your diligent research in this and again this is a video age we live in and it’s a shame that we have to put video cameras in police cars. But it’s good for everyone’s protection and that’s why we are doing it and again thank you so much for your hard diligent hard work in this effort, thank you.

No further discussion

Council President Smith directed roll call:

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCE

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

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 3, Section 29 of the Code of the Township of Clark is hereby rescinded in its entirety and replaced as follows:

§ 3-29 DEPARTMENT OF POLICE

§ 3-29.1. Department Established. [Amended 6-17-2013 by Ord. No. 13-09]

There is hereby established within, by and for the Township of Clark, the Department of Police, which is also being known as the Police Department, the head of which is the Chief of Police.

§ 3-29.2. Department Composition.

The Clark Police Department, which shall consist of no more than a Chief of Police, up to two (2), Captains, up to four (4) Lieutenants, up to eight (8) Sergeants and up to thirty (30) Police Officers, to be appointed to these positions by the Chief of Police at the approval of the appropriate authority with the budgetary approval of the governing body, as public need may require. Detectives shall be appointed from among the above-listed personnel on an as-needed basis with the recommendation of the Chief of Police and the approval of the administration. In addition, the Police Department may employ clerical personnel and other employees to assist its officers in preserving the peace and good order in the Township.

§ 3-29.3. Responsibilities of the Police Department.

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Clark; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its employees.

§ 3-29.4. Chief of Police. [Added 10-17-2011 by Ord. No. 11-18]

There is hereby created within the Department of Police the position of Chief of Police, who shall be appointed by the Mayor. The Chief of Police shall be directly responsible to the Mayor as the appropriate authority for the efficiency and routine day-to-day operations thereof, pursuant to policies established by the appropriate authority under N.J.S.A. 40A:14-118.

- a. The Chief of Police or, in case of the Chief's illness or absence, the officer next in the chain of command shall exercise control over the Department, its members and property, subject to the order of the appropriate authority.
- b. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- c. Have, exercise, and discharge the functions, powers and duties of the force.
- d. Prescribe the duties and assignments of all subordinates and other personnel.
- e. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and

- f. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

§ 3-29.5. Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Mayor of the Township of Clark is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law. The Mayor shall also serve as the hearing officer for all disciplinary hearings within the Department, unless a designee is appointed.

§ 3-29.6. Establishing the Rules and Regulations of the Police Department.

The Mayor as the “Appropriate Authority” shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

§ 3-29.7. Disciplinary Actions.

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Clark Police Department. Employees may be subject to discipline for violating laws, statutes, ordinances, rules and regulations and written directives.

§ 3-29.8. Organizational Components.

The Chief of Police shall establish organizational components of the Department as needed for the efficiency and routine day-to-day operations of the Police Department.

§ 3-29.9. Appointment of Police Department, Officers and Personnel

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in the department policy consistent with New Jersey Statutes.

§ 3-29.10. Working Test Period

Personnel shall be required to complete a working test period in accordance with N.J.A.C. 4A:4-5.1 et seq.

§ 3-29.11. Fees for Police Services.

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

REQUESTING AGENCY - Any person, public or private, desires to use such special escort service.

SPECIAL ESCORT SERVICE - The provisions of special police protection for any person, public or private, for the purpose of transporting money or other valuable goods within the boundaries of the Township.

b. Special escort service.

1) Administration. The desk officer shall record all requests received for escort service and shall file daily reports with the Chief of Police. The Chief of Police shall cause monthly bills to be forwarded to each requesting agency detailing the date, destination and total cost. All bills are payable before the 10th day of the following month. Failure of using agency to pay the monthly bill in accordance with the terms of this article will constitute grounds for the termination of such special escort service until all bills are satisfied. Checks in payment shall be made payable to "Police Department, Township of Clark." A report of receipts and a check representing total receipts shall be filed with the Township Treasurer on a monthly basis.

c. Fees. The cost of special escort service rendered by the Police Department to any person is as set forth in § 145-3.

d. Copies of public records. The charges as set forth in § 145-3 shall be made by the Record Bureau of the Police Department for the furnishing of photographs, photocopies, or other duplications of public records of the Police Department.

e. Collection. All charges and fees shall be collected by the officer in charge of the Record Bureau of the Police Department or his/her designated agent.

f. Disposition. Within 48 hours, all charges and fees collected under this subsection shall be delivered to the Township Treasurer and thereafter deposited by him/her in the appropriate account of the Township.

§ 3-29.12. Miscellaneous Regulations.

Emergency defined. Whenever the term "emergency" appears in the rules and regulations of the Police Department, the meaning shall be as follows: "Emergency" shall mean and include any unusual conditions caused by fire, weather or any circumstances or situation, including shortages in departmental personnel caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave, or both, whereby the safety of the public is endangered or imperiled, as

shall be determined within the sole discretion of the Chief of Police.

§ 3-29.13. Personnel. Assignment to Private Gatherings; payment.

Any organization or person desiring police service at private gatherings shall make such a request to the Chief of Police. The Chief of Police shall have the right to assign ~~voluntary~~ off-duty police officers or special law enforcement officers to such private gatherings.

The organization or person so requesting this police service shall pay the Township of Clark, and, in turn, the Township of Clark will pay the police/ special law enforcement officers, a sum equal to the prevailing rate paid to Township police officers.

§ 3-29.14. Special Law Enforcement Officers.

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

SPECIAL LAW ENFORCEMENT OFFICER - Any person appointed pursuant to N.J.S.A. 40A:14-146.8 et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department, or to provide assistance to the Police Department during unusual emergency circumstances.

b. Creation of position. The Township Council may appoint special law enforcement officers as it deems necessary for the preservation of peace and good order in the Township of Clark. They shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief of Police, the chief law enforcement officer designated by the Chief of Police.

c. Qualifications. No person may be appointed as a special law enforcement officer unless such person:

- 1) Is a resident of the State of New Jersey during the term of the appointment.
- 2) Residents of the Township of Clark shall be given preference for appointments as special officers. Nonresidents certified as special officers by the New Jersey Police Training Commission may be considered for appointment at the discretion of the appointing authority.
- 3) Is able to read, write and speak the English language well and intelligently and has a high school diploma or equivalent.
- 4) Is sound in body and of good health.
- 5) Is of good moral character.
- 6) Has not been convicted of any offense involving dishonesty, which would make

him/her, unfit to perform the duties of the office of special law enforcement officer.

- 7) Has successfully undergone similar psychological testing that is required of all full-time police officers.
 - 8) Complies with all other requirements set forth in N.J.S.A. 40A:14-146.8 et seq., the administrative rules and regulations of the Police Department and the general ordinances of the Township of Clark.
- d. Classification. Special law enforcement officers shall be classified as belonging to either Class One or Class Two, based upon the duties to be performed by each class, as follows:
- 1) Class One.
 - a) Class 1-A. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties as may be assigned by the Chief of Police or, in the absence of the Chief of Police, the law enforcement officer designated by the Chief of Police.
 - b) Class 1-B. Class 1-B officers shall have the same powers as Class 1-A officers and, in addition, shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of Township ordinances, and violations of N.J.S.A. 39:1-1 et seq.
 - c) Firearms. The use of a firearm by a Class One special law enforcement officer shall be strictly prohibited. No Class One officer shall be assigned any duty, which may require the carrying or use of a firearm.
 - 2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by a Class Two special law enforcement officer may be authorized only after the officer shall have been fully certified as successfully completing training, as prescribed by the Police Training Commission established in the Police Department.
- e. Training course. No person shall commence duties as a special law enforcement officer until having successfully completed a training course approved by the Police Training Commission. In addition, no Class Two special law enforcement officer shall be issued a firearm prior to having successfully completed the basic firearms course required by the Police Training Commission for permanent, regularly appointed police and annual requalification examinations.
- f. Persons ineligible for appointment. No person shall be eligible to serve as a special law enforcement officer in the Township of Clark if that person intends to serve as a special law enforcement officer in another municipality, nor shall any permanent, regularly

appointed full-time police officer be permitted to simultaneously serve as a special law enforcement officer in the Township. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township or supervision of the Police Department shall be appointed as a special law enforcement officer.

- g. Fingerprints. Every applicant appointed to the position of special law enforcement officer shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- h. Powers and authority. The Chief of Police, or, in the absence of the Chief of Police, such other law enforcement officer designated by the Chief of Police, may authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanent, regularly appointed police officers, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations not consistent with the certification requirements of N.J.S.A. 40A:14-146.8 et seq., as may be established by the Code of the Township of Clark.
- i. Appointment; term; revocation. A special law enforcement officer may be appointed for a term not to exceed one year. The powers and duties of a special law enforcement officer shall cease at the expiration of the term to which the special law enforcement officer shall have been appointed. At the expiration of such term, the Township Council shall have absolute discretion in determining whether to reappoint. The appointment of a special law enforcement officer may be revoked by the Chief of Police for cause and after an administrative hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require the reappointment upon the expiration of the terms.
Such special law enforcement officers shall not be classified as regular members of the Police Department entitled to tenure and other benefits of the Police Department. They shall receive such compensation for their services as recommended by the Chief of Police and set forth in the Township of Clark Salary Ordinance.^[2] *Editor's Note: The Salary Ordinance is on file in the Township offices.*
- j. Duty times. A special law enforcement officer shall be deemed to be on duty only while performing the public safety functions on behalf of the Township pursuant to N.J.S.A. 40A:14-146.8 et seq., and when receiving compensation, if any, from the Township at the rates or stipends as established by ordinance. A special law enforcement officer shall not be deemed to be on duty while performing private security duties for private employers, which duties are not assigned by the Chief of Police or his/her designee, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the Chief of Police, or his/her designee, to perform public safety functions for a private entity if the Chief of Police, or his/her designee, supervises the performance of the public safety functions. If the Chief of Police, or his/her designee, assigns a public safety duty and supervises the performance of those duties, then, notwithstanding that the Township is reimbursed for the cost of assisting a special law enforcement officer at a private entity, the special law

enforcement officer shall be deemed to be on duty.

- k. Hours of employment. Except in periods of emergency, in which event there shall be no limitation as to hours per week, no special law enforcement officer may be employed for more than 20 hours per week. An "emergency" shall be defined as any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel, as shall be determined by the Chief of Police or his/her designee. Vacations, shortages in police personnel caused by vacancies unfilled by the Township Council for more than 60 days or any other condition which could reasonably have been anticipated or foreseen shall not constitute an emergency. However, an emergency may continue when a vacancy remains unfilled for more than 60 days and when, on application of the Township Council, the County Prosecutor grants an extension for one or more sixty-day periods upon a showing by the Township Council of a diligent, good faith effort to fill the vacancy.
- l. Supervision; conduct. A special law enforcement officer shall be under the supervision and direction of the Chief of Police or his/her designee and shall perform all duties solely with the Township of Clark, except when in fresh pursuit of any person, pursuant to N.J.S.A. 2A:156-1 et seq. A special police officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Township, as well as all rules and regulations applicable to the conduct and decorum of special law enforcement officers.^[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 3-29.15. Police Director

If appointed, the Police Director shall report to the Mayor of the Township of Clark. The Police Director shall serve as the administrative and executive head of the Police Department. The Police Director, if appointed, shall be appointed by the Mayor and shall serve at the pleasure of the Mayor and may be removed by the Mayor. The Police Director's duties include, but are not limited to:

- a. Establish the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Director approve all expenditures with regard to the equipment and supplies.
- b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.
- c. Keeping and maintaining accurate records and submitting an annual report to the Mayor, which shall assess the operations of the Police Department, and its personnel, equipment and property.
- d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

- e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
- f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
- g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.
- h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.
- i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.
- j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
- k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

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.

Effective Date:

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

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

John Laezza: Council President and Members of Council, basically the Clark Police Department is seeking accreditation. We've looked through our ordinances and there are certain changes we have to make to accommodate both the upcoming statutes and the necessary criteria to make an easy transition to an accreditation operation. So rather than just change sections of our ordinance, this is a complete new ordinance regarding the operation of our police department.

No further discussion

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

Public Hearing October 19th

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 \$172,361.33 for the period ending September 10, 2015, seconded by Councilwoman Albanese

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

CITIZEN HEARING ON THE AGENDA:

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

Council President Smith opened the Citizen Hearing on the Agenda

Seeing no one coming forward Councilwoman Albanese made a motion to close the citizen hearing on the agenda, seconded by Councilman O’Connor

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

RESOLUTIONS:

Resolution 15-114

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that they hereby authorize the Mayor and/or Business Administrator to enter into a Memorandum of Understanding between the County of Union and the Township of Clark to participate in the Union County First Alert System as part of a shared services initiative for emergencies with the contract period ending October 31, 2018 at the rate of twelve (12) cents per call.

Moved by Councilwoman Albanese, seconded by Councilman Barr

Discussion: None

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

Resolution 15-115

WHEREAS Riversedge Contracting, LLC (the vendor) was awarded the contract for the Collection and Disposal of Leaves for the 2014 season through a formal bidding process; and

WHEREAS the Vendor has submitted a written request to be considered for a one (1) year extension of this contract; and

WHEREAS the contract may be extended in accordance with Part D-6 of the bid specifications entitled “Special Conditions” at the sole option of the Township for up to an additional one (1) year, in the event of such an extension, the bid price for the extension year shall be agreed upon by negotiations; and

WHEREAS the vendor has agreed to honor the original contract price of Three Dollars and Forty Three Cents (\$3.43) per cubic yard for 2015 and has agreed to comply with all the applicable terms and conditions as set forth in the aforesaid specifications.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby awards an additional one year contract to Riversedge Contracting, LLC and authorizes and directs the Business Administrator to execute said contract.

Moved by Councilman Mazzarella, seconded by Councilman O’Connor

Discussion: None

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

Resolution 15-116

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize Mayor Sal Bonaccorso and Robert Kobryn, Chairman of the Hyatt Hills Golf Commission to execute a new Operating Agreement with RACER Properties LLC.

Moved by Councilman O’Connor, seconded by Councilman Hund

Discussion:

Mayor Bonaccorso: Yes Mr. President, let me just bring the public quickly into a view on this. RACER Trust was a court appointed trustee for the bankrupt GM Motor Company who is the

original owners of Hyatt Hills Golf Course, RACER Trust is now running their operation. Years ago when Hyatt was first being formed the Township of Clark and Cranford formed a volunteer commission that would turn around and oversee the operations and basically run the course. And they did that. And I will say that both towns sent representatives there over the years that were pretty darn good. And they did a very good job. And the one thing that I would like to say about the Cranford representatives then is it was really great to be on a commission because I've served on it for many years where it wasn't about Clark and it wasn't about Cranford, it truly was about the Golf Course and all the members felt that way and that was nice. I really appreciated working with the Cranford Commissioners. RACER wanted to run the operation themselves which is their right to do; they are the owners of it. And basically the commission was a seven person commission which is now defunct down to two members which will be the sitting Mayor of Clark and the sitting Mayor of Cranford going forward whoever those persons may be in the future. And that's the way they want to do it, it's a way to keep their pledge that they're basically going to still relate to our communities. At the time GM capped this contaminated site after polluting it for many, many years said that they were going to put up a golf course up. Some of their expectations fell short as far dollars back to the community and things like this. If you look at the record I said it back in 96 and 97 that it might be a clean, green beautiful facility which it certainly was. But it was never going to see the revenues back to the towns. It was supposed to be that the townships do not have any liability which they don't but they were supposed to get any of the profits from it, which are very few; it's very costly to run a golf course. The commission at the time chose to run the golf course in a very, very prestigious manner where it was really noted for environmental and ecology up there and Audubon Society giving awards out and being probably one of the nicest nine hole facilities anywhere in New Jersey. So RACER will be running it and have been running it since a few months ago the facilities and the Mayor of Clark and Cranford will be their liaison commission going forward. And that's basically the whole thing, so I wanted to just give citizens at home an explanation, thank you.

Council President Smith directed roll call:

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

Resolution 15-117

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 15-23; and

WHEREAS the township wishes to purchase and install a postage meter including supplies from an authorized vendor as follows:

Neopost USA Inc. NJ State Contract # 75256
 478 Wheelers Farms Road
 Milford, Connecticut 06461

Equipment List:

Postage Meter including 1 In Series 700 Base with mixed size feeder, sealer, drop tray, ink cartridge and LAN cable; 1-10lb Differential Weighing; 1-10lb Weigh Platform; 1Power Line Conditioner; 1-10lb Scale Stand; Ink Cartridges; Meter Tapes.

Total equipment and installation price \$5,611.00 includes training and 12 month warranty:

WHEREAS the Business Administrator recommends the utilization of this contract on the grounds that it meets all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for this contract in Admin: Postage Account # 5-01-20-100-214.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark that it hereby authorizes the purchase and installation of postage equipment as described above.

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Smith directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 15-118

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize the Tax Collector to settle Tax Appeals and Issue Refunds in the amounts indicated as authorized by the Tax Court of New Jersey for the following:

<u>Block</u>	<u>Address</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>	<u>Year</u>	<u>Refund</u>	<u>Credit</u>
<u>/Lot</u>							
57/11	Westfield Avenue	34,800	25,300	9,500	2013		\$ 735.96
57/11	Westfield Avenue	34,800	25,300	9,500	2014		\$ 746.23
57/11	Westfield Avenue	34,800	25,300	9,500	2015		\$ 762.28
					principal		\$ 2,244.47
					interest		WAIVED
					Total		\$ 2,244.47

71/4	128 Westfield Ave	140,400	120,000	20,400	2012	\$ 1,553.05
71/4	128 Westfield Ave	140,400	120,000	20,400	2013	\$ 1,580.30
					principal	\$ 3,133.35
					interest	WAIVED
					Total	\$ 3,133.35

Resolution 15-119

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2015 taxes; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refund(s) in accordance with the following schedule:

REF	#	Account #	Name	#	Address	Reason	Refund
15	13R	2204-0	R J Kelly	16	Janie Lane	overpayment	\$20.90
15	14R	965-0	Edward Matthews	51	Briarwood Path	overpayment	\$112.50
15	15R	3091-2	Richard & Teresa Wray	75	Westfield Avenue	overpayment	\$25.00
						Total	\$158.40

Motion to adopt Consent Agenda made by Councilman Toal, seconded by Councilman Hund

Council President Smith directed roll call:

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

NEW BUSINESS:

Township Clerk: We have one item of new business which our attorney will explain to you

Resolution 15-120

WHEREAS, the Township Council of the Township of Clark entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

WHEREAS, the Township Council of the Township of Clark recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Council of the Township of Clark has determined that it is in the best interests of the citizens of the Township of Clark to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township of Clark, Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Council of the Township of Clark hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Clark with Econsult Solutions, Inc. and subject to approval of the Township Director of Law.
4. The Township Council of the Township of Clark further authorizes its Director of Law to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.
5. This Resolution shall take effect immediately.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark authorizes the Township to file a declaratory judgment action for the Court’s evaluation of the Township’s plan as proof of constitutional compliance.

Howard Lesnik: We filed an action in court declaring that Clark Affordable Housing Agreement complies with some certain requirements and we need an expert report for that probably because it needs to be approved by the Court. Two weeks ago the Council approved a resolution needing an expert for us to use in court that was going to be shared by a bunch of municipalities, that expert is now ill, so we are just going to do a new resolution naming a new expert who can perform his obligations. And that resolution will be signed tomorrow I believe.

Motion to add resolution to agenda was made by Councilman Barr, seconded by Councilman O’Connor

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

Discussion:

Councilman Toal: Was the first guy paid? Was there allocation of funding?

John Laezza: There was an allocation of funds and those funds are now being transferred for the new property. There are no additional funds required.

Councilman Toal: That’s what I was asking, thank you very much Mr. Laezza, thank you Mr. President for indulging the question.

Motion to adopt resolution made by Councilman O’Connor, seconded by Councilman Hund

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

Delia Collins, 72 Georgia St.: Good evening. I just wanted to advertise two events since they didn’t make it on to the TV. We are having adoption day this weekend at Investor Savings Bank on Saturday, September 26th from 10:00 am to 1:00 pm. We were graciously asked to come back by the manager of the branch. There will be three rescue groups present; All Star Pets from Linden, Best Friends from Cranford, and then (a group based in Clark – tape inaudible for name). Then we hope that people that are interested in adopting a cat or a kitten or dogs will be available for review on that day. There’s also another event happening on Saturday, October 10th

it's out of town but many people do go to Liberty Harvey. They will be having an event; many vendors will be there, many dogs will be there and there will be the Pittie Project that offers free micro chipping for pit mixes and pits. Also the Pittie Project will do micro chipping for any other breed at a reasonable cost and that's on October 10th at Liberty Harvey and there will be vendors, music, beverages, and again very important micro chipping.

Council President Smith: Do you have a time on that?

Delia Collins: Yes, its 11:00 to 4:00, thank you.

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes thank you Mr. President. I just would like to go back to the September 11th ceremony at Nelson Park. And I would be remiss not only to thank all of our citizens and our police department, fire department and first aid squad and of course you members of council who came out. But I would like to take a moment to thank Scott McCabe and Pat Hofschneider and the DPW crew who really you know keeps the place looking good by sprucing it up every year to make it a site that we all are proud of. And I would like to thank Scott McCabe and Jerry Scaturro and Ed Ruth for the rolling memorial that they did throughout the town; which was nine stops for eleven minutes I believe it was. They went to different areas of the community to honor all the people who fell on 9/11. And you know it's just so nice to see those gentlemen go out of their way and really make an effort. And as this time rolls on you know I think about 9/11 and it's probably the hardest ceremony I have to do every year. It's like what can you really say to one of the most horrific tragedies in America's history. But now you know talking more and more that a lot of the children that are in our schools weren't even born then. And I remember my children being born, Christina was a little girl and she was kind of horrified, my wife was kind of like trying to keep her from the TV but it was on all over and Kellie was I think just born and you know my son Joe wasn't even around. So it's very important that people do remind everyone who was alive and there at the time and those who are new to our country through birth of what happened on one of the most horrific days in the history of this country and how this country had stuck together to do that. So again it would be a shame if it didn't get recognized for especially those three guys for bringing it throughout the town a piece of metal from the North Tower. So thanks guys, it was really nice of you.

As Council President said earlier UNICO Feast is coming up. As I say it's a five pound weekend. Go there and eat and have fun and you will gain five pounds like I always do but it's enjoyable.

The other thing I would like to mention again and I hate to bring this up. I read a thing on Clark Neighbors the other day about the Rahway Park Stadium, it's not a stadium it's a football field. I think the word stadium is a little over blown at this point. And I normally would not comment on

a posting but the gentleman that wrote it, I got a little bit annoyed with it because we had had this conversation outside of Quick Check face to face at one time, my feelings and Councilman Hund what we have done as township leaders and professionals. And you know this gentleman approached me one day and started talking to me about the Rahway Football Field. And he said to me “I know you are in favor of it” and I said “excuse me who told you that, when and where? I mean that’s not a little bit true.” He said “well you know you are not at any of the meetings” and I explained to the gentleman for fifteen years as Mayor of this community I have an unbelievable outstanding relationship with Union County from the Freeholder Board right through the County Manager and right on through their department heads. Now why is that worth to be bragged about because we are of different parties, okay, and most times it’s all about fighting. Well when you are in a leadership position ladies and gentlemen, you have to either choose to lead or as I would say “get out of the way”. Because if you are going to just be an R or a D and look at the other party as the enemy and we have to take shots whenever we can you know who suffers, you the taxpayers of Clark.

In 2008 my second term I did an analyst with the Freeholder Board on the amount of money, goods and services we got back on our tax dollar. And at that time again don’t hold me to it...I have the literature safely tucked away in my desk. But off the top of my head I believe Clark paid about sixty-four million dollars in county taxes. And we received in goods, grants and services at the time I think somewhere around thirty-seven million dollars back, over fifty percent on our tax dollar. Well heck our two Democratic Senators in Washington can’t get that back through President Obama but what does New Jersey get back, nickels or dimes on a dollar that we send to the federal government, but I was very proud of that. Because it is about bipartisanship and people working together, the Freeholder Board working with us, myself and Council and us working with them and doing things professionally. So the citizens came to me and then Councilman Hund when he was elected and they emailed us some concerns that they had and objections to it and we have them all on file. Last October I met with County Manager and the Mayor of Rahway when this five thousand seats stadium was being proposed. And in one meeting we talked and negotiated and we got it from five thousand seats to about twelve hundred seats. We spoke to them about your concerns and your objection to it and I have continued to meet and to talk to them. As of Saturday night at the Rock Carnival I had a conversation with Freeholder Mirabella about it. Folks public meetings are for you, they are not for us. We do our discussions across conference room tables like professionals do. If those people the Mayor of Rahway and Union County were rude, if they were rude, and wouldn’t meet with us...well I would have no other forum but to go to a public meeting with you. I met with the Mayor of Rahway, Clark and Rahway share services; Clark and Union County share a lot of services, it’s about a professional decorum. They know full well how I feel, how you feel, what your concerns and what your views are. We have made that very, very clear. And I talked about this a meeting or so ago but it just kind of disappointed me when I saw this one gentleman who we had a face to face conversation with and he’s a nice man and there’s nothing personal I mean I think he’s a very nice guy. But then to say “well where’s the Mayor or you know where’s Councilman Hund”, well you know where we are, I told you where we are. Now you know if its rabble rousing you want, you have the wrong guy. I’ve been too successful with my relationships with county government, state government for that matter and other municipalities that touch us and working in a cooperative and professional manner.

Now if that park ultimately gets there, if it does well I'll feel bad for you because of those who don't want it I get it. But then it's going to be my job to make sure that the two entities perform on the promises them made us with traffic, with noise, buffers and things of this nature. At the end of the day it is Union County's Park and it is in Rahway, so I think they are going to take the needs of Rahway at hand first. Now I know people will say "well you know they are building that with county money, our money". Well that's true but county money also paid for Esposito Park, county monies paid for the reservoir, county monies are paying for a lot of things in a lot of different towns. Now whether you like that or not as a conservative, well I'm sorry, but you can bet one thing, if there's money being doled out, I'm going to be there to make sure Clark gets its fair share and it usually always does because of the cooperation and working manner we have together.

So please folks you know I hope when you read these things you understand and you watch these meetings and for those who have talked to myself and I know Councilman Hund and other members of council also., but I say Councilman Hund because he is the third ward councilman. That you know where we stand, you know where we are about, and we are transparent about it but we do our business a little different than the public does. And if you want me to get to a meeting and rabble rouse and yell and scream and call names of people, well I've gotten a little too old and a little too wise to be doing that when people are willing to open their door to their office shake my hand and say "please come in Mr. Mayor sit down and let's talk about all this." Okay enough said, thank you, if anybody has any questions concerning the parks, our feelings, our comments or whatever, just call me you are more than welcome to and I'll be more than happy to answer your questions or make an appointment to stop by and see me, either one or the other. But again if you are going to put stuff on these blogs, please just be correct on it and especially when I told it to your face exactly what I was doing. Thank you.

Councilwoman Albanese: Maybe we're going to have to check with the Chief and see if he has a camera for the Mayor to use so we can get the story straight. Which those cameras not only protect our officers but also our citizens. So I'm very happy about that resolution this evening.

I just want to congratulate again the boys from Little League 12U. Thank you very much to Whole Foods, I look forward to using the stove. And that recreation department is used by so many of our citizens, so it will definitely be put to good use. Thank you to the Freeholders for the Library grant for our children programs and equipment and E services. And last but not least I want to mention on the 9/11 display, that will be on display till September 30th. And a big thank you to Ed Ruth for putting it all together. And that concludes my remarks, thank you.

Councilman Barr: Thank you Mr. President. Actually I would just like to remind everyone that school is in session, please drive extra careful especially when kids are going to and returning from school. Thank you and that concludes my report.

Councilman Hund: Thank you Mr. President. I just want to concur with Councilwoman Albanese for the 12U boys, congratulations again, for Whole Foods for their generous donation that they provided to the recreation department. And to Chief Matos for the diligent report he gave to us in the cameras situation, so thank you for all that. So it's going to come into very good use. And that's all I have Mr. President, thank you.

Councilman Mazzarella: Yes thank you Council President. I would like to first personally thank our Chief Matos and our police department for keeping the area in the First Ward and the residents and motorists who traveled to and from this past event safe during the Rock Carnival.

It's getting darker ladies and gentlemen, so please be careful and mindful of your surroundings while you are walking or traveling throughout our community. And please ladies and gentlemen don't forget to recycling it's very important. Thank you that concludes it.

Councilman O'Connor: Thank you very much. Again congratulations to the boy's baseball, Chief thank you for all you have done, and thank you to the Freeholders for the Library. But for the residents in the Poplar Terrace or the New York Avenue area you will notice some changes going on at Curry Park. Angel and I are working with some of the residents over there for the park beautification. And so far we've taken down the unsightly fence that was there which residents said it's a safety hazard. The bleachers will be gone by Halloween and the bumpers and the chips underneath the play set will be replaced. Additionally the building that is there, not the Pop Warner building, but the other building to the right of it if you are looking at it that will be coming down and next year there will be a four foot or eight foot wide walking path around the entire park. So thank you Mr. Mayor, Mr. Laezza and the administration for the park beautification, thank you.

Councilman Toal: Thank you Mr. President. Congratulations again to the Little Leaguers of Clark. We are proud of all the kids in Clark and continue to follow those dreams and never give up as the Mayor had said. This is what it's all about and this is what the future of Clark is on what we are trying to build for them by giving them a nice and clean environment to play your games and do your things and to follow those.

To those we've just lost in the last month; Jean A, Kevin Collins, Donna Weber, Steven Meyer, Mary Adamo, Charles Vincente, JR Sangiuliano, Jennie Calandra, and Mary Marciano. We will never ever forget these people.

That's all I have for tonight and also as most of the people have said school is back in, please be safe. And we'll see you at the Italian Festival.

Councilman O'Connor: So Brian this made me think of something. So tonight obviously we talked about boys' baseball and they did so well. So one of the kids actually was a Brennan and his father was in the stands here (Kenny Brennan) who I was on Howard Johnsons Baseball Team with and I remember when Kenny hit his first homerun at Muchmore Field. So again Clark is a great town to raise your kids, we love it here, and it's a great town and great to be a part of it and glad to be part of the history of Clark and in the future, thank you.

Council President Smith: I have a few things. Delia thank you for the constant updates and your passion on the pet adoption and the updates you continually give us.

I'm sure everyone has noticed it's very dry out there, we lack a lot of rain, so please be careful. If you are smokers or if you have backyard fire pits be careful of the ashes and embers, otherwise

we will be hearing about it in one of Councilman Barr’s updates. So that’s really all I have this evening. And congratulations to the Little League and thank you to Whole Foods.

John Laezza: No comments.

Police Chief Matos: No comments.

Township Clerk: No comments thank you.

ADJOURNMENT:

Motion to adjourn was made by Councilman O’Connor, seconded by Councilman Hund

Council President Smith directed roll call:

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

APPROVED

WILLIAM F. SMITH
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk