

**REORGANIZATION COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ
January 3, 2012**

The Reorganization Meeting of the Municipal Council of the Township of Clark was called to order at 7:00 pm by Township Clerk, Edith L. Merkel acting as Council President Pro Tem who welcomed everyone.

ROLL CALL:

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Color Guard: Clark Cub Scout Pack 145 directed by Cub Master Scott McCabe

INVOCATION: Father Zbigniew Kukielka from Saint John the Apostle Church

OPEN PUBLIC MEETING STATEMENT:

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 Local Source, 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.

First order of Business – Election of Council President

Township Clerk Edith Merkel opens the nominations for Council President.

Motion to nominate Sheila Whiting as Council President made by Councilman Mazzarella, seconded by Councilman O'Connor

Township Clerk Edith Merkel called for other nominations

Seeing none, nominations are closed by Councilman Kazanowski, seconded by Councilwoman Albanese

Roll call vote on the nomination of Sheila Whiting as Council President
Aye: Albanese, Barr, Kazanowski, Mazzarella, O'Connor, Toal, Whiting

Nomination is confirmed

Mayor Bonaccorso administers the Oath of Office to Councilwoman Sheila Whiting

Council President Whiting took her proper place on the dais

Election of the Council Vice President

Motion to nominate Pat O'Connor as Vice President made by Council President Whiting, seconded by Councilman Toal

Council President Whiting called for other nominations

Seeing none, nominations are closed by Councilman Toal, seconded by Councilman Kazanowski

Council President Whiting directed roll call:

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

Nomination is confirmed

Mayor Bonaccorso administers the Oath of Office to Councilman O'Connor

Council President Whiting: Okay before we move on to our regular order of business there's a few dignitaries in the room that I would like to recognize but one of them has a very special meaning to me, there's a young lady in the crowd today that became my adopted daughter and she actually just came back from a year in Iraq. So I would like us to recognize and applaud and welcome in our Clark way Brittany Woods who just came back from Afghanistan for the year. Okay there are a couple of other people in the room that need to be recognized in the room, we have Mayor Kathi Fiamingo from Kenilworth, Kathi was sworn in yesterday; John DeSimone, Public Safety Director; Joe Bonaccorso, Public Works Director; Ralph Bernardo, Recreation Director; Jerry Fewkes is in our audience, TJ McDonald our new Fire Chief, we have many various department heads and employees in the audience, thank you for being here and Keith Dunn of the NJ PBA.

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

Council President Whiting directed roll call:

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

Installation of New Police Officers: Miguel J. Acabou, Brian C. Pereira, Joshua Disano and Omer Olmeda

Promotions to Detective: Police Officers George Marmarou and Antonio Manata

Appointments to the position of Public Safety Telecommunicator Trainee: Michael P. Pollock

Mayor Bonaccorso: Good evening ladies and gentlemen, welcome and Happy New Year to all on this cold January night, the first taste of winter we have. Tonight amongst our normal reorganization agenda I'm going to have the swearing in of four new Clark Police Officers

and promotion of two from the rank of Patrol to Detective. And we are very, very happy about that. You are going to get to meet these officers and I think you are going to be quite intrigued from where they come and the different background that they are bringing to the Clark Police Department. And I'm going to be very, very, very happy to see these guys work here and do a great job in our community. I would like to call up Captain Al Scherb the Captain in charge of the PD, Al come up and Public Safety Director John DeSimone to join me.

Mayor Bonaccorso administers the Oath of Office to the new Police Officers

Mayor Bonaccorso administers the Oath of Office to Police Officers Marmarou and Manata to Detective

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

Council President Whiting directed roll call:

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

Mayor's Appointments (Confirmation of Council by Resolution required)

Resolution 12-01

WHEREAS Mayor Sal Bonaccorso has appointed the following individuals as Members of the Library Board of Trustees.

Natalie Belverio	01/3/12 – 12/31/16
Joan Szymonifka	01/3/12 – 12/31/16
Angel Albanese (Mayor's Alternate)	01/3/12 – 12/31/12

WHEREAS these appointments require the advice and consent of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby confirms the appointments of Natalie Belverio, Joan Szymonifka, and Angel Albanese as Members of the Library Board of Trustees whose terms commence this 3rd day of January 2012.

Moved to confirm made by Councilman Mazzarella, seconded by Councilman O'Connor

Council President Whiting directed roll call:

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

Mayor's Appointments (without confirmation of Council)

Emergency Management Coordinator:
Local Emergency Planning Committee:

Michael Nenortas
Alan Scherb
Sal Bonaccorso
John Laezza
Thomas McDonald
Laurie Sheldon

Michael Hajkowski
Sheila Whiting
John DeSimone
Nancy Raymond
Joseph Bonaccorso
Richard O'Connor
Joseph Triarsi
Dr. A. Kowalenko/Dr. T. Kowalenko
Richard Hedinger
Carol Lukac
Phyllis Cupo
Kenneth Knops
Robert Sarnecki
Kurien Chaluparampil
Dr. B. Orange (Veterinarian)
Scott McCabe
Tim Wierzbinski
Chris Matthews
Patricia Anderson

Jerry Fewkes 1/3/12 – 12/31/14

Deputy EM Coordinator
Police Captain, Officer-in-Charge
Mayor/ Public Information Officer
Business Administrator
Fire Chief
Emerg. Med. Coordinator (Emerg. Squad)
Emerg. Squad Captain
Council Liaison
Director Public Safety
Health Officer
Director Public Works
Township Engineer
Township Attorney
Township Doctors
Communications Officer
News Media Officer
Director Senior Citizens
Superintendent, Clark Public Schools
Dir. of Security, Clark Public Schools
L'Oreal USA
Lexington Animal Hospital
Clark Public Works/Fire Dept.
Clark Fire Dept.
Clark Fire Dept.
Library Director

Union County Community Development Revenue Sharing Committee (Public Improvements)

Councilwoman Angel Albanese	Regular Member	1 year term	1/3/12 – 12/31/12
Councilwoman Sheila Whiting	Alternate	1 year term	1/3/12 – 12/31/12

Union County Utilities Authority Solid Waste Advisory Board

Councilman Brian Toal	1 year term	1/3/12 – 12/31/12
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Traffic Advisory Board: 1 year term 1/3/12 – 12/31/12

Captain Scherb
Mayor Bonaccorso
Business Administrator, John Laezza
Township Engineer, Richard O'Connor
Councilman Alvin Barr, Chairman, Public Safety Committee
Councilwoman Sheila Whiting
Traffic Bureau Sergeant
Superintendent Clark Public Schools

Planning Board

Michael Kurzawski	Class IV Member	4 year term	1/3/12 – 12/31/15
Mayor Sal Bonaccorso	Class I Member	1 year term	1/3/12 – 12/31/12
John Laezza	Class II Member	1 year term	1/3/12 – 12/31/12

Environmental Commission:

Judy Brougham	Regular Member	3 year term	1/3/12 -12/31/14
Joseph Seebode	Regular Member	3 year term	1/3/12 -12/31/14
William Hoepfel	Regular Member	3 year term	1/3/12 -12/31/14

CITIZENS 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 Whiting opens the meeting to the public regarding agenda items only

Seeing no one coming forward Councilman Kazanowski made a motion to close the citizens hearing on the agenda, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O’Connor, Toal, Whiting

Council’s Appointments

Resolution 12-02

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby re-appoint Nancy Raymond as Registrar of Vital Statistics along with Laura Caliguire as Deputy; Theresa Mazzarella and Patricia Korley as Alternates for the Township effective this 3rd day of January 2012 for a term of three (3) years, pursuant and subject to the provisions of N.J.S.A. 26:8-11 et seq.

Moved by Councilman Barr, seconded by Councilman Kazanowski

Council President Whiting directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O’Connor, Toal, Whiting

Resolution 12-03

WHEREAS the Township of Clark is a member of the Municipal Excess Liability Joint Insurance Fund and the New Jersey Municipal Self Insurers Joint Insurance Fund requires the appointment of Fund Commissioners to represent the Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following appointments are hereby effective January 3, 2012 and concluding December 31, 2012.

FUND COMMISSIONER

John Laezza

ALTERNATE

Councilman Alvin Barr

Moved by Councilwoman Albanese, seconded by Councilman O'Connor

Council President Whiting directed roll call:

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

Resolution 12-04

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to the Union County Community Development Revenue Sharing Committee effective January 3, 2012

Regular Member (Social Services)

Term

Councilman Brian Toal

01/03/12 – 12/31/12

116 Dorset Drive

Clark, New Jersey 07066

Alternate Member

Councilman Alvin Barr

01/03/12 – 12/31/12

42 Malvern Drive

Clark, New Jersey 07066

Moved by Councilwoman Albanese, seconded by Councilman Mazzarella

Council President Whiting directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O'Connor, Whiting

Abstain: Toal

Resolution 12-05

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby re-appointed to the Planning Board effective January 3, 2012.

CLASS III MEMBER

Councilman Frank Mazzarella

01/03/12 – 12/31/12

(Council's Representative to Board)

ALTERNATE I (2 year term)

Tim Nugent
16 Tudor Drive
Clark, New Jersey 07066

01/03/12 – 12/31/13

Moved by Councilman O’Connor, seconded by Councilman Toal

Council President Whiting directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O’Connor, Toal, Whiting

Resolution 12-06

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby re-appointed as an Alternate I Member of the Board of Adjustment.

Alternate I (2 year term)

Ed Ruth
8 Brentwood Road
Clark, New Jersey 07066

01/03/12 – 12/31/13

Moved by Councilman Toal, seconded by Councilman Mazzarella

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O’Connor, Toal, Mazzarella

Resolution 12-07

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby re-appointed as an Alternate I Member of the Environmental Commission.

Name & Address

Term

Alternate I

Ellen Tiller Mulligan
46 Wendell Place
Clark, New Jersey 07066

01/03/12 – 12/31/13

Resolution 12-08

BE IT RESOLVED by the Township Council as the Municipal Pool Utility does hereby appoint the following Chairperson and Vice-Chairperson to serve a term of one year until the next ensuing organization meeting and election of successor(s).

CHAIRWOMAN: Councilwoman Sheila Whiting

VICE-CHAIRMAN: Councilman Brian Toal

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

Council President Whiting directed roll call:

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

Resolution 12-09

BE IT RESOLVED by the Township Council as the Municipal Pool Utility that the following individuals are hereby appointed as Members of the Clark Community Pool Advisory Board effective January 3, 2012.

<u>Regular Members:</u>		<u>Term</u>
Toni Bilella	23 Whittier Road	01/3/12 – 12/21/12 (1 year)
Christine Thornton	55 Cornell Drive	01/3/12 – 12/31/12 (1 year)
Phyllis Cupo	101 Briarwood Path	01/3/12 – 12/31/13 (2 year)
Maria Rose Breien	17 Schuyler Drive	01/3/12 – 12/31/13 (2 year)
Karen DeMarco	38 Post Road	01/3/12 – 12/31/14 (3 year)
 <u>Alternate I:</u>		
Kathy Prestinari	190 Dorset Drive	01/3/12 – 12/31/13 (2 year)

Moved by Council President Whiting, seconded by Councilman Toal

Council President Whiting directed roll call:

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

INTRODUCTION OF PROPOSED ORDINANCES:

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

BE IT ORDAINED and enacted by the Township Council of the Township of Clark, County of Union, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Clark of a general and permanent nature adopted by the Township Council of the Township of Clark, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 357, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of Clark," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Clark by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Clark" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of Clark, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township.

Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Clark to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to October 20, 2011.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. The agreement and ordinance of conveyance entered into on October 2, 1951, as updated in 1995, providing for the Township's conveyance of its interest in the Rahway Valley Joint Meeting to the Rahway Valley Sewerage Authority.

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Nomenclature.
 - (1) The following nomenclature changes have been made throughout the Code:
 - (a) All references to "State Department of Health" have been changed to "State Department of Health and Senior Services."
 - (b) All references to "Magistrate" have been changed to "Judge."
 - (c) All references to "Fire Official," "Fire Marshal" and "Fire Code Official" have been changed to "Fire Official/Fire Marshal/Fire Code Official."
 - (d) All references to "Construction Official" have been changed to "Construction Code Official."
 - (2) Throughout Chapter 80, all references to "Code Officer" and "Code Official" have been changed to "Construction Code Official."
 - (3) Throughout Chapter 185, all references to "Department of Administration, Health and Welfare" have been changed to "Department of Administration and Health."
- C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.

§ 1-15. Continuation of existing ordinances.

The provisions of the former 2002 Revised General Ordinances of the Township of Clark which are not inconsistent with prior ordinances in effect at the time of adoption of the Code of the Township of Clark shall be construed as a continuation thereof, rather than as new enactments.

§ 1-16. Reference to chapters and sections.

All references in the Code of the Township of Clark to chapters or sections are to chapters or sections of the Code of the Township of Clark. Such references to chapters shall be construed to refer to all the sections within the chapters to which such references are made.

§ 1-17. Summary of Ordinance.

This ordinance codifies, amends repeals and saves from repeal ordinances contained in the Revised General Ordinances of the Township of Clark Volumes I and II adopted 2002. The full and complete ordinances comprising and included in this codification are on file in the office of the Township Clerk and provided for in section 1-4 hereof. The ordinances included in this codification may be inspected and obtained by the general public through the office of the Township Clerk without cost. A complete and unabridged copy of the adopting ordinance is also available on the Official Township website www.ourclark.com

Moved by Councilman Barr, seconded by Councilman Kazanowski

Discussion: None

Council President Whiting directed roll call:

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

Public Hearing will be on January 17, 2012

Township Clerk: May I also say that it is in the newspaper and you can also find the entire ordinance on our website.

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A 16 AMBULATORY/2 WHEELCHAIR MINI-BUS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$75,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire a 16 Ambulatory/2 Wheelchair Mini-Bus and any ancillary costs related thereto.

Section 2. The sum of \$75,000 is hereby appropriated for the acquisition of a 16 Ambulatory/2 Wheelchair Mini-Bus and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as “capital purpose”). Said appropriation shall be funded from the Capital Surplus of the Township of Clark for the payment of the cost of said “capital purpose.”

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion:

Mayor Bonaccorso: Yes Madame President...I would like to point out to the viewing public that this is a new senior citizen bus. The one we have has gotten a little old and has been going on the fritz more often than not and that will be used as a back-up. So this would be a new state of the art bus for the township senior citizens to help them get around, thank you.

Council President Whiting directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazzarella, O’Connor, Toal, Whiting

Public Hearing will be on January 17, 2012

CONSENT AGENDA RESOLUTIONS:

Resolution 12-10

BE IT RESOLVED the Township Council does hereby desire to enter into a Cash Management Plan for the Township of Clark pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for deposits, investment of certain public funds, and the assurance that all public funds identified herein are deposited in interest or dividend bearing accounts. (Copy of Plan to be made part of the Resolution); and

BE IT FURTHER RESOLVED by the Township Council of the Township of Clark at a meeting held on January 3, 2012 that the Treasurer/Chief Financial Officer be and hereby is

authorized to utilize as depositories any banking institution which can provide a Government Unit Deposit Protection Act Certificate issued by the State of New Jersey, Department of Banking.

THEREFORE, BE IT RESOLVED the designated officials authorized to make deposits and investments under the plan, are the Township Administrator, and the Township Treasurer/Chief Financial Officer.

THEREFORE, BE IT FURTHER RESOLVED the Township Council authorizes and directs the Treasurer/Chief Financial Officer and other officials to follow the Cash Management Plan as may be modified from time to time effective January 3, 2012 to December 31, 2012.

**CASH MANAGEMENT PLAN OF THE TOWNSHIP OF CLARK
IN THE COUNTY OF UNION, NEW JERSEY 2012**

I. STATEMENT OF PURPOSE.

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A 40A:5-14 in order to set forth the basis for the deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the Township, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest or dividend bearing accounts or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. CASH MANAGEMENT POLICY.

- A. Objectives: The priority of investing policies shall be, in order of Descending Importance, security, liquidity, and yield.
 - 1. Security: The safety of principal is the foremost objective of the cash management plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk.
 - 2. Credit Risk: Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - (a) Limiting investments to the safest types of securities.
 - (b) Pre-qualifying the financial institutions, broker/dealers,

intermediaries, and advisors with which an entity will do business.

- (c) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- 3. Interest Rate Risk: Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:
 - (a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
 - (b) By investing operating funds primarily in shorter-term securities.
- 4. Liquidity: The investment portfolio must remain sufficiently liquid to meet all structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).
- 5. Yield: The investment portfolio must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objective described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate any investment offering above market yields. Securities shall not be sold prior to maturity with the following exceptions.
 - (a) A declining credit security could be sold early to minimize the loss of principal.
 - (b) A security swap would improve the quality, yield, or target duration in the portfolio.
 - (c) Liquidity needs of the local unit require that the security be sold.

B. Standard of Care

(1) Prudence

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio in accordance with the State Law and this policy. The Chief Financial Officer, acting in accordance with written procedures and this cash management plan and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviation from expectations are reported in a

timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of the cash management plan and policy.

Investments shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

2. Ethics and Conflicts of Interest

The designated officials involved in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Actions of individuals involved in administering the cash management plan shall be governed by the Local Government Ethics Law. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. The designated officials shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Township.

3. Delegation of Authority

Authority to manage the cash management plan is granted to the Chief Financial Officer pursuant to N.J.S.A. 40A:5-14. Responsibility for the operations of the cash management plan is hereby delegated to the Chief Financial Officer. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township (and any other that may be needed during the plan period).

- | | |
|----------------------|-----------------------------------|
| Current Fund | Dog License Fund |
| Capital Fund | Public Assistance Trust Funds |
| Insurance Trust Fund | Unemployment Insurance Trust Fund |
| Other Trust Fund | Community Development Trust Fund |
| Pool Utility Fund | Grant Trust Fund |
| | Housing Development Fund |

And the following interest accounts:
Payroll Agency Account

IV. DESIGNATION OF OFFICIALS OF THE TOWNSHIP AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Township Administrator, the Chief Financial Officer, and the Township Treasurer (The “Designated Official”) are hereby jointly or severally authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

V. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan. The Chief Financial Officer may designate other institutions, during the period of this plan, as deemed necessary for successful accomplishment of the plan objectives:

- | | |
|---------------------------------|----------------|
| New Jersey Cash Management Plan | TD Bank |
| Valley National Bank | Community Bank |
| Wells Fargo | Columbia Bank |
| Bank of America | Investors |
| MBIA Class Fund | Sovereign Bank |
| Provident Savings Bank | |

Also, for purposes of investing, all institutions presenting a GUDPA certificate may be used. All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Officials referred to in Section IV above.

VI. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Officials of the Township referred to in this Plan may deal for purposes of buying and selling securities identified in the Plan as Permitted Investments or otherwise providing for Deposits. The Designated Officials of the Township referred to Section IV above may designate additional brokerage firms and/or dealers. All such brokerage firms and/or dealers shall acknowledge in writing receipts of this Plan by sending a copy of such acknowledgment to the Designated Officials referred to in Section IV above.

- | | |
|---------------------------|------------------|
| Summit Discount Brokerage | Fleet Securities |
|---------------------------|------------------|

Commerce Capital Markets, Inc. Columbia Savings Bank

VII. AUTHORIZED INVESTMENTS

- A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extend not otherwise held in Deposits, in the following Permitted Investments:
 - (1) Bonds or other obligations of the United States of American or obligations guaranteed by the United States of America;
 - (2) Government money market mutual funds;
 - (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
 - (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part of within which the school district is located;
 - (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
 - (6) Local government investment pools;
 - (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (c.52:18A-90.4); or
 - (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c236 (C.17:9-4 1); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposed of the above language, the terms “government money market mutual find” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment rust:

- (a) which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940”, 15U.S.C. sec.80a-1 et seq., and operated in accordance with 17 C.F.R. sec270.2a-7.

- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which has:
 - (i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisor Act of 1940”, 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government management in excess of \$500 million.

Local Government Investment Pool

An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec.270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the “Administrative Procedure Act”, P.L. 1968, c410 (c.51:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9(C.49:3-56 and has at least

\$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township to assure that there is not unauthorized use of the funds or the Permitted Investments or Deposits.

IX. REPORTING REQUIREMENTS:

On the first day of each month during which this Plan is in effect, the Designated Officials referred to in Section III hereof shall supply to the governing body of the Township a written report of any Deposits of Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township as a Deposit of a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township.

X. TERM OF PLAN

This Plan shall be in effect from January 3, 2012 to December 31, 2012. Attached to this Plan is a resolution of the Governing Body of the Township approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Resolution 12-11

WHEREAS the 2011 Municipal Budget totaled \$19,998,365.71; and

WHEREAS the Temporary Municipal Budget for 2012 cannot exceed 26.25% of the prior year’s budget less Capital appropriations and Debt services; and

WHEREAS the total amount that may be introduced as a Temporary Budget for 2012 is \$4,743,925.78

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following line items are hereby adopted as the Temporary Budget for 2012 in the total amount of 4,712,900.00 exclusive of debt service.

Resolution 12-12

WHEREAS the Municipal Sewer Budget for 2011 totaled \$4,000,000.00; and

WHEREAS the Temporary Sewer Budget for 2012 cannot exceed 26.25% of the prior year’s budget which is \$1,060,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following line item is hereby adopted as the Temporary Sewer Budget for 2012 in the total amount of \$400,000.00.

Salaries and Wages	\$200,000.00
Miscellaneous Other Expenses	\$200,000.00

Resolution 12-13

WHEREAS the Municipal Pool Budget for 2011 totaled \$315,000.00; and

WHEREAS the Temporary Pool Budget for 2012 cannot exceed 26.25% of the prior year's budget which is \$83,475.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, and State of New Jersey that the following line item is hereby adopted as the Temporary Pool Budget for 2012 in the total amount of \$80,000.00.

Miscellaneous Other Expenses \$80,000.00

Resolution 12-14

WHEREAS the Petty Cash balances of the Business Administrator, Police Officer-In-Charge and Pool Director were turned over as of 10:00 a.m., December 31, 2011 to the Treasurer's Office.

NOW, THEREFORE, BE IT RESOLVED there has been established a Petty Cash Fund for the Year 2012 and the Treasurer's Office is hereby authorized to issue checks to the following department heads:

Business Administrator \$250.00
Police Officer-In-Charge \$150.00
Pool Director \$300.00

Resolution 12-15

WHEREAS NJSA 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for non-payment of taxes as provided by law; and

WHEREAS NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey as follows:

1. The Tax collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 be delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency subject to any abatement or discount for the late payment of taxes as provided by law.

2. Authorize Tax Collector to sell prior years delinquent taxes.

3. Effective January 3, 2012, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

4. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

5. This resolution shall be published in its entirety once in an official newspaper of the Township of Clark.

6. A certified copy of this resolution shall be provided by the Township Clerk to the Tax Collector, Township Attorney, and Township Auditor for the Township of Clark.

Resolution 12-16

BE IT RESOLVED by the Governing Body of the Township of Clark that the funds of the Township of Clark be subject to withdrawal upon checks signed by any two of the following:

- Mayor
- Business Administrator
- Treasurer/Chief Financial Officer

BE IT FURTHER RESOLVED that checks drawn upon the payroll account and agency account shall require the signature of any two of the following:

- Mayor
- Business Administrator
- Treasurer/Chief Financial Officer

Resolution 12-17

BE IT RESOLVED by the Governing Body of the Township of Clark in the County of Union, State of New Jersey that the Union County Local Source, NJTODAY.NET and the Star Ledger be designated as the official newspapers of the Township of Clark for the Year 2012.

Resolution 12-18

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Administration/Township Clerk to advertise for upcoming Bids for all necessary government operations including capital projects and swim pool requirements for the year 2012.

Resolution 12-19

WHEREAS in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer or **P.A.C.O.**; and

WHEREAS the **P.A.C.O.** is the liaison between the Division of Public Contracts Equal Employment Opportunity Compliance (the Division) and the Public Agency and is the Public Agency point of contact for all matters concerning implementation and administration of the statute; and

WHEREAS the **P.A.C.O.** is also responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers; and

WHEREAS the service provider shall include but shall not be limited to goods and services vendors, professional service vendors and construction contractors; and

WHEREAS the **P.A.C.O.** must have the authority to recommend changes to effectively support the implementation of the statute and its regulations; and

WHEREAS each year, all Public Agencies are required to submit the name, title, address, telephone, number, fax and e-mail address of the **P.A.C.O.** designated by the Public Agency to the Division no later than January 10th of each year; and

WHEREAS it is the responsibility of the Public Agency to update the **P.A.C.O.** designation at any time during the year if any changes are made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby designates, John Laezza, Business Administrator as the Public Agency Compliance Officer, effective January 3, 2012 for a period of one year ending December 31, 2012; and

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Division of Public Contracts Equal Employment Opportunity Compliance.

Resolution 12-20

WHEREAS the Municipal Land Use Law and in particular N.J.S.A. 40:55D-53.2 authorizes the Township to offset the cost of professional fees incurred by it in connection with Township’s or its administrative boards’ review of applications for development, the preparation of documents and the inspection of developments and improvements under construction; and

WHEREAS the fees or charges to be assessed in connection therewith shall be based upon a schedule to be established.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.S.A. 40:55D-53.2 that the following 2012 fee schedule as the same may be periodically updated yearly, for in-house review of applications for development,

review and preparation of documents, inspection of improvements or other charges authorized by the Municipal Land Use Law is hereby approved.

ESCROW FEE SCHEDULE (In-House)
Plan Review, Site Inspection & Testing Fees

<u>Title Category</u>	<u>Name</u>	<u>Salary</u>	<u>Work Hours</u>	<u>Hourly Rate</u>
Township Engineer	Richard O'Connor Grotto Engineering Associates, LLC	-0-	As needed	\$130.00
Engineering Tech	Richard O'Connor Grotto Engineering Associates, LLC	-0-	As needed	\$ 75.00
Planning Board Attorney	Michael Cresitello DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC	-0-	As needed	\$150.00
Board of Adjustment Attorney	Howard Spialter	-0-	As needed	\$150.00

Resolution 12-21

WHEREAS in the past, 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

WHEREAS it is desirable from time-to-time to obtain materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS it is contemplated that it will be necessary or desirable to obtain materials, supplies and equipment under such contract or contracts entered into on behalf of the State of New Jersey by said Division during the year 2012.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, as follows:

1. That the purchases by the Township of Clark, through the several municipal departments shall be purchased under a contract or contracts for such materials, supplies or equipment entered into on behalf of the State of New Jersey by the Division of Purchase and

Property in the Department of the Treasury, in those cases where it is desirable and in the best interest of the Township of Clark, and in those cases where bids have been sought by advertisement therefore and no bids are received.

- 2. That a copy of the Resolution be forwarded to the Municipal Administrator, all Department Heads of the Township of Clark, Township Auditor, and any other party of interest.

Motion to adopt the Consent Agenda made by Councilman Toal, seconded by Councilman O'Connor

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

COUNCIL PRESIDENT ANNOUNCES THE COUNCIL COMMITTEES FOR 2012

FINANCE COMMITTEE
Patrick O'Connor, Chairman
Angel Albanese
Frank Mazzarella

LEGISLATIVE COMMITTEE
Patrick O'Connor, Chairman
Frank Mazzarella
Brian Toal

PARKS & RECREATION
Sheila Whiting, Chairman
Patrick O'Connor
Angel Albanese

PUBLIC WORKS
Frank Mazzarella, Chairman
Richard Kazanowski
Brian Toal

PUBLIC SAFETY
Alvin Barr, Chairman
Richard Kazanowski
Frank Mazzarella

COUNCIL LIAISON

<u>Board of Education</u> Angel Albanese	<u>Emergency Squad</u> Patrick O'Connor	<u>Recreation</u> Sheila Whiting	<u>Public Works</u> Frank Mazzarella
<u>Police Department</u> Frank Mazzarella	<u>Emergency Management</u> Sheila Whiting	<u>Senior Citizens</u> Alvin Barr	<u>Fire Department</u> Alvin Barr
<u>Public Library</u> Angel Albanese	<u>Environmental Commission</u> Brian Toal		

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 Whiting opens the public portion of the meeting

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

Council President Whiting directed roll call:

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

MAYOR'S STATE OF THE TOWNSHIP ADDRESS

Good evening everyone, welcome again. First I would like to take a special thanks to the Cub Scouts, Cub Pack 145, for being here tonight. I thought it was terrific. I would like to again welcome Members of Council, my Administration, members of the Clergy, family, friends and citizens of Clark, Happy New Year to all.

It is an honor and a privilege to stand before you today as I enter my 12th year as Mayor. So much has been accomplished over the past 12 years in the Township of Clark thanks to the hard work and dedication not only from this Administration and Council but from you the citizens of this great town. With your cooperation and appreciation our proven success would not be what it is today. Our success thus far has been due mainly to one crucial component and that's called teamwork. It has been because of our ability to work together professionally, competently and most of all with integrity that has enabled to help this administration to work successfully, not only on the local level but with the county and state as well.

It is a pleasure to work together as a team without obstacles and personal agenda along the way; after all it's all of us who will benefit in the end. When you build a strong, stable, safe, and happy community with a top notch school system property values go up. And the township as a whole becomes more desirable from singles to seniors we all benefit inevitably.

There are many members within the community who are a part of our team, for example, we have members of our police department, who are in my opinion are among the best in this state, I thank you all for keeping this community so safe. We also have a top notch volunteer fire department as well as a top notch volunteer first aid squad, also among the best of the best. And I especially take my hat off to you folks for volunteering your time, thank you so much and God Bless you all. Thank you for your work for all our continued dedication and commitment and compassion for the citizens. I would like to congratulate outgoing Fire Chief Andy Beach today who completed his second tour of duty and I would like to wish the best to TJ McDonald our new Chief.

Also we have a hard working dedicated Department of Public Works who strive each day to keep our town in tiptop shape. I would like to thank Director Joe Bonaccorso for his hard work and dedication and commitment. We have an excellent and incredible Recreation Department that is lead by our outstanding Director Ralph Bernardo who continues every day to improve and increase the programs for all of us to enjoy, thank you Ralph for your dedication, enthusiasm and commitment to this community. Thank you all for our recreational boards, coaches, players, parents who all work together and so many of the volunteers leagues in this town that you've

worked all so hard to achieve, learn and grow and most of all have fun. I would like to take a moment and especially after this past year to say a special thank you to Jerry Fewkes our Emergency Management Coordinator and his top assistant Mike Nenortas with Hurricane Irene and some of the other things we had to run around with Jerry, God Bless you and your diligence and your hard work also.

The youth of Clark though is the future; therefore, it is vital for us to provide the best for them both academically and athletically. It is equally important for the youth of Clark to feel safe, sound and secure here at home. In our hometown we feel proud to call their home of Clark. It is in that a sense of pride of the community as well as overall success and a desire of ability that puts Clark Township of one of New Jersey's top rank places to live. My heart is in this town, I grew up here, it's where I went to school, and it's where I chose to raise my family. That is why I continue to do the best I can each and every day. Speaking of my family, I would like to thank my daughters Christina and Kellie, my son Joey, and my wife Geraldine for your patience, understanding, and sometimes bumps and bruises you take along the way.

Fortunately I have great people to work around every day and I would like to introduce them, they've helped me so very much over the years. Of course my Administrator John Laezza, our Township Attorney Joseph Triarsi, our Engineer Rich O'Connor, Building/Sub Code Official Mike Khoda, Health Officer Nancy Raymond, Township Clerk Edie Merkel, again Ralph Bernardo and Joe Bonaccorso I would like to thank. Again I appreciate Terry O'Neill our CFO, Tax Assessor Mike Ross, Jon-Henry Barr, Phyllis Cupo, and again Andy Beach, Jerry Fewkes for their outstanding help they do and Captain Al Scherb. This administration has achieved greatness and will continue to do so undoubtedly.

As for my friends on Council; Angel, Al, Frank, Pat, Rich and Brian and of course Sheila I thank you all for your continued cooperation, dedication, compassion and friendship throughout the years. We have achieved so much together and I look forward to achieving even more this year. Councilman Mazzarella, I would like to thank you Frank for a great year as President, you did a terrific job in running this Council and it was a job well done. Council President Whiting, Sheila I would like to congratulate you and wish you the best of luck leading this Council into this New Year.

Where do we go from here? Well I truly believe Clark will continue to grow and remain on an upward path that we've been on for many years now. This past year signs appeared in the First Ward claiming that Clark is an overdeveloped community, I disagree. Our Master Plan confirms that 1/3 of Clark Township is open space, 1/3 of this community is open space. I believe the neighbors in the area of the Miele's property have an issue with a proposed development of that property and that is their right and I respect that right. However, please folks we understand what one project means to you, don't cloud the rest of this community, we are moving forward and too fast to hear about overcrowding in the State of New Jersey, County of Union. The whole county and the whole state are overcrowded. We are living where we live. The Miele property was zoned for townhouses in 1991, not now, not by this Mayor not by this Council. At the time the State of New Jersey demanded that the townships in the state had to come forward with a low income housing Master Plan, the Mayor and Council in those days conformed to the law with the State of New Jersey asked them to do. Please understand that the low income housing obligation

is being paid for, it will not be built on this site. In addition the Planning Board will follow New Jersey State Land Law and I'm sure they will vote accordingly. I too would have liked to see the Garden Center remain as it was but it's not my property. Changes occur and its part of life folks, we should look at the change as a good thing and except it and move on. This new development ladies and gentlemen if you look at the plans, it's going to kind of mirror the log cabin on Raritan Road and I think you'll agree that the Log Cabin has been an asset to the township and not a detriment.

Moving on today you saw us hire four new police officers and promote two men to detective. I'm so proud that we can afford to fill these positions unlike other towns that are cutting public safety. Due to several recent retirements the Clark Police Department has several new faces. I can assure you this community although the faces may have changed; the dedication for safety to our residents will always remain the same.

Let's talk about remaining the same; all services that the Clark residents have grown a custom to and enjoyed will be remaining in this year's budget; bulky clean-up, branch clean-up, grass clean-up, 4th of July fireworks, Breakfast with Santa, tree lighting, Easter Egg Hunt, a new senior bus, and all still will be ours to enjoy and we go on and on.

I proposed 2012 budget is about ready with a very minimal tax increase. I do believe that the council will be pleased with the budget. I proposed smart spending and budgeting not just for today but for the future of this town. That has been the key to our success. Last year we were smacked with extra ordinary as well as costly storms such as Hurricane Irene and most recently the Halloween snow storm, hours and hours of unexpected overtime, cost on top of cost, but we survived and we will still provide all our services even with those extra costs paid for with only a minimal tax increase this year.

I must thank again our township budget wizard John Laezza and this council for allowing us to manage this town so successfully. In 2010 Bloomberg Business Weekly named Clark the most affordable town in the State of New Jersey and the 10th most affordable in the nation. Again fiscal discipline and teamwork, the town's fiscal future of this town is bright and we will adhere to the discipline that we started 12 years ago. With the added ratables with the Clark Senior Housing Project and the L'Oreal billion dollar commitment to Clark on the horizon, our future is on the rise, even with that added revenue we will continue our frugal ways, we will not waste your money, we will provide sensible budgets to keep this town safe, clean, and a town that we are all proud to call home. Just think about how our school district will benefit from all those added ratables with almost 2/3 of those ratables going directly to the children of this town. The desirability of this community will be flourishing as it is today, people will want to stay here and of course move into the Township of Clark.

Clark is truly on the fiscal cutting edge. Governor Christie talks about this type of government, I say hey Mr. Governor look up, it's been happening in Clark long before you became Governor of this State and this township is big enough to lead this State and small enough to call our hometown. Over the past years we've had triumphs and we had tragedies but always we came together as one to stand beside our neighbors and our friends when we needed each other the most. That is truly our Clark.

I would like to take an opportunity to thank you all from allowing me the privilege to lead this great community for which I'm so proud of. Let's continue to work together, let's continue to see dreams become realities for Clark's future and let's continue to grow that hometown pride. Clark Township is a leader whether it is in local government, schools, service, safety but most of all Clark is all of us. May God Bless you, may we have a Healthy and Happy New Year, thank you very much.

COUNCIL AND PROFESSIONAL REMARKS

Councilman Toal: Thank you Madame President...Happy New Year everyone. Its 2012 do you believe it, 12 years have passed and beginning a new century but I promise I'm going to keep my New Year's resolutions intact, keep it short and simple.

Madame President to you, may you know nothing but good health, and may the Irish Blessing be with you in this year of challenges and good times before us. Madame President I served with you and it's been a privilege and we look forward to working with you as the Council President. Pat O'Connor, Vice President again good work and good tidings to you in the New Year. To Frank Mazzarella we said thanks to you Frank at our last meeting but I'm going to say it again Frank, you did a hell of a good time in 2011 and we are proud and thankful.

We are in the 12th year and it's the 148th year of the Township of Clark. In two years it will be the 150th. As we begin Clark's 148th I say these words to you today...today I reaffirm to you the citizens of Clark, I'm here because of you, you elected me to this seat. I reaffirm the pledge that I always say to you, that we will continue to make sure that Clark maintains a safe, clean, green and historical township. As the Mayor said and it is, it's our home, we are here for one purpose to make a better Clark and that's why you sent us to this office, it is your seat, we are here to work with you to make a better community.

To the new officers who were sworn in tonight, welcome to Clark, and please be safe out there in your new patrol and welcome to the Township of Clark.

I want everyone to know that the 2012 newsletter is not there yet, I will be working with the Clerk to get all the dates and things and we will have this out by the end of this month or early February.

Again it's a new year and I promise to keep it short and simple. To the residents of Clark we are here to serve you and to everyone a Healthy and Happy New Year, it's a new year and we will have new challenges before us but we are going to work together. Mr. Mayor I pledge to you sir, we have grown up here, this is our hometown, this is where we decided to stay and I pledge to you and again I reaffirm that I will work with you sir to make a better Clark and with the rest of the council members in 2012.

Councilman O'Connor: Thank you, good evening and Happy New Year and thank you for participating in our annual reorganization meeting.

As the councilman in charge of the Finance Committee it is my pleasure to bring you the financial status of Clark Township. Throughout the year you may hear me asking for resolutions to approve the payment of bills as an ongoing action to do the towns business. Everything moves along without a hitch, this does not happen by chance. At the beginning of each year the Mayor and Administration presents a Budget to council to review, question, add or delete in areas that we believe can accommodate to satisfy our departments. We review to assure that the departments have sufficient funds to operate. We want to be certain that the services are delivered at a reasonable cost to our citizens. Then it is the responsibility of the Administration to live within those bounds. I am happy to announce that we have set our goals and attained them even during some stressful weather events. Now at the end of this fiscal year I can say without fear of contradiction that the township is fiscally sound and is prepared to meet our 2012 obligations within the state perimeters of the 2% Cap Levy. I'm also happy to say as you can see by the swearing in of new police officers that we are cognizant of the need to protect our citizens.

We are also proud to announce that during these tough economic times we did not have to lay anyone off. I look forward to another banner year in the Township of Clark. With that Mayor, Mr. Laezza, your staff did an outstanding job once again in 2011 and I know as you referred to just before Mayor that 2012 Budget will be in line and ready to take this community to the leading edge of what the State should be doing, so thank you for that.

I also would like to take this time to thank Councilman Frank Mazzarella for his past year as President, and to Council President Sheila Whiting all the success in the coming year and to let her know that I will be here to support if and when it is needed. And finally I would also like to thank my wife Nancy and my children Kyle and Courtney for all their love and support; they could not be here this evening, so I would like to say I missed you and good night.

Councilman Mazzarella: Thank you Madame President... good evening ladies and gentlemen... as you know last year I was your Council President and at our December meeting I thanked the Mayor and my Colleagues. I wish to repeat that one more time officially this upcoming year and I would like to thank first and foremost Mayor Bonaccorso, my Colleagues of Council, our Administrator, our Clerk, our Attorney and our Township Staff for their commitment to me, the Township Council and our community. To Councilwoman Whiting I wish you well this upcoming year and I pledge my support to you.

Ladies and gentlemen... I am embarking my 10th year as your First Ward Councilman, I've said many times in the past, I can only commit to one thing, that I will do the very best I can and continue to bring to you the quality of life you have come to expect and a Governing Body you could be proud of. As your Councilman it has always been my mission to bring your concerns to Administration and to respond to your questions and concerns to the best of my ability.

I and my colleagues are always enhancing our efforts and accountability to you and to communicate with you better. As I have done in the past I will continue to reach out to the residents of the First Ward to receive your input to insure my continued accountability to you.

Please continue to call me with your concerns, comments or questions. Always remember I and my colleagues are here to serve you the citizens of our community, together we can achieve a better life for ourselves and our community, together we can continue to bring Clark to another level of greatness and I truly believe that we can make a difference.

As liaison to the Department of Public Works, I would like to extend my appreciation to take a few minutes to acknowledge our Director Joe Bonaccorso and our personnel's efforts this past year, it has been a very trying year for us all. And the efforts and performance our public works personnel showed was outstanding from grass pick-up to branch pick-up to bulky waste pick-up to responding to the hurricane and ice storm and now upcoming storm events through this winter time with an appreciable amount of snow. To me you have proven your dedication to our community and I am proud to acknowledge you for your efforts. Thank you all for your efforts in an outstanding job.

In closing may 2012 be a happy, healthy and prosperous year for us all and May God Bless you and our community and until next month stay safe, thank you.

Councilman Kazanowski: Good evening. I would like to wish everyone a happy, healthy and prosperous New Year. I hope that you enjoyed a wonderful holiday season with family and friends and that 2012 will bring you much happiness and success. As we begin this New Year, please know that I am grateful to the Third Ward residents for giving me the opportunity to represent you. As your councilman, I am here to serve you; please don't hesitate to voice your opinions, questions and concerns to me.

I would like to briefly touch on some of the challenges that lay before us. In spite of a slowly recovering economy, we need to maintain and improve the quality services we provide for our residents. This has become increasingly difficult with the state mandated 2 percent budget cap but we must work diligently to give our residents the quality of life they deserve. One of the departments that will require attention is DPW. Manpower in that department has been significantly affected by retirements and long-term disabilities. The remaining employees, as diligent and hard-working as they are, cannot keep up with the demand for services. Simply put, we need more men; I will work with the administration toward filling those DPW positions. On another note, I am very pleased to see that we will be filling the 4 vacant positions in the police department with experienced police officers.

Finally, I would like to take this opportunity to thank all the officers of our Clark Police Department, our township employees and all our volunteers (fire department, emergency squad, emergency management, cert group, boards and organizations) for the outstanding services they provide for us. Your time and sacrifices are greatly appreciated. I urge all residents to come out and get involved - attend public meetings and become familiar with how your local government works. Together we can overcome whatever obstacles may lay before us and be proud of our township. Hope to see you at a meeting.

Councilman Barr: Mayor Bonaccorso, members of Council, ladies and gentleman. As has been my custom since 2001 which was when I first took office as a Councilman, I have always brought you up to date on all the programs and positive accomplishments that we planned and

those that have been achieved. I could go on and on listing all the items that have definitely improved the lifestyle of Clark's residents and transformed Clark Township into one of the most progressive and highly recognized Municipalities in all of Union county.

As I planned what to say in this year's reorganization day speech, I made the decision not to once again inform you about all our accomplishments, because I believe Clark's residents are already very much aware of all the services this municipality provides to them.

(As was already stated) We have gone from being just another basically unrecognized Municipality to being rated as the 24th best place to live in all of New Jersey by the New Jersey Monthly Magazine and The Bloomsberg Business Magazine ranked Clark, "the best affordable suburban community in New Jersey and the 10th best affordable suburban community in the United States." I can also tell you I feel very proud to be a part of the governing body of Clark Township because after speaking with so many people from our neighboring townships, those residents are very envious of the many services we provide that their townships do not.

I remember when I was first elected I was always wondering what could we do to make Clark a perfect township. As time passed, I found out there is really no such thing as a perfect township, because I know If I asked ten residents what they felt we could do to make Clark perfect, I would get ten different answers. So...here is what we do to try to make Clark the best it can be. When there is an important decision to be made or when planning some new program, first, we make sure whatever we are planning we will be working within the law. Then, we try to see what works out best for the majority of our residents, but, always keeping in mind how any decisions we do make will affect everyone else. We have our youth, homeowners and seniors that must always be taken into consideration with any decisions that are made. I have also learned from my experience on Council, no matter what decisions we make, there will always be those who will not agree with some of those decisions. That is why I emphasized we have to decide what will benefit the greatest majority of residents and then proceed on those decisions.

As I have stated in every reorganization day speech I have made and I will do so once again, we have a Mayor whose love for this town and sincerity in continually trying to improve the lifestyle of our residents is beyond question. I also told you we have without a doubt, the best Business Administrator in the state, whose extensive knowledge of finance and government always leaves me in awe. I, along with the rest of my colleagues on Council work collaboratively to insure that all decisions we make, will be in the best interest of our Township. As I reflect upon everything that has been achieved since I first took office, as I previously stated I can honestly and sincerely say to you, I am genuinely proud to be a part of the governing body of Clark Township. In closing I want to thank Councilman Mazzarella for his exceptional performance as Council President this past year and to congratulate Councilwoman Whiting on becoming our new Council President and Councilman O'Connor our new Council Vice President. To all of you, have a happy, safe, prosperous but most important, healthy New Year. Thank you.

Councilwoman Albanese: Thank you Council President...I think many of the sentiments that I feel were expressed by everyone here and I've documented a list of accomplishments and if anyone wants a copy, we can make that available to you, so I'll be as brief as possible but there are a few things that I must share with you.

First of all to the Council, it's been a pleasure to work with you this past year and I look forward to working with you in 2012.

Thank you to our outgoing Council President Frank Mazzarella for doing a great job last year. And Council President Whiting I wish you well in your new duties, you have my support of course.

To our great Mayor Sal Bonaccorso, it's a pleasure to be a part of your team. As the Mayor said it does take teamwork to get everything accomplished that we have done over these years. As in the past I look forward to working with you and I can't say enough as Al Barr said how wonderful it is to be associated with such a dedicated individual. Mayor you have done an outstanding job to make Clark a place we can all live in and be proud of.

As I said I have the list of accomplishments that have occurred over these past twelve years and I think what I've seen or to summarize it all...it's not something that was done overnight, it's a period or a program of continuous improvement where continuously year in and year out we've made improvements to the town. And probably some new folks that are new to the town, I don't think they do appreciate that but we don't want to revisit the old days so to speak.

Most important to the citizens of Clark I also want to express my gratitude. It is a pleasure to serve you, that is why I'm here and I am committed to do the best job possible for Clark. Of course all of this wouldn't be possible without a great team day in and day out as the Mayor touched upon.

In that regard I want to thank our Business Administrator John Laezza. Councilman O'Connor emphasized the importance of making sure that all of our finances are intact. Of course that's near and dear to my heart having a finance background. I also want to thank the directors, township employees and the many volunteers who serve on the fire department, emergency management, and the rescue squad and the many boards and committees for all their hard work this past year. I look forward to working together with you to achieve our goals. Of course we need input from our citizens and the continued support of the many volunteers who contribute their time and talent to our community, whether it's serving as a volunteer fireman, on a township board or coaching a team for our youth. Utilizing all these resources we will make Clark the best it can be.

The best of health and happiness and peace to all, thank you.

Council President Whiting: Goodbye 2011. Another incredible year is behind us. As we turn the page and begin a new year, I'm so thankful to have "weathered" the tornado, the nor'easter, the earthquake, the economy and other "storms" that we experienced this year; luckily without extensive damage. The township did a fabulous professional job dealing with all these adversities. And I'm truly grateful to have had quite a few good times in between all of these bad times.

I'm looking forward to 2012 because it is going to be an exciting year. Thank you for your support in nominating me as President. I can only hope to do as good a job as some of the

President's before me. I am proud to work with such a successful board, administration, and employees that make up the Township of Clark. I've received a couple of phone calls since I moved from the first ward to the third ward asking me if I can still help people in the first ward. Angel, Al and I are council-at-large which means we do not have residential boundaries, we cover the whole town. Anyone can call on me for any reason, anytime from anywhere in the township...we always give you options in Clark. Thank you to my husband Fred for his unending endurance of my schedule and my love to Catie and Brittney. Thank you to the residence of Clark for allowing me to represent you in the past years and I look forward to the New Year approaching. God Bless you all, I wish for you a Happy, Safe and Prosperous New Year and now on to business.

Mayor Bonaccorso: None thank you.

John Laezza: Thank you Council President...Members of Council and citizens of Clark, Happy New Year first and congratulations Council President Sheila Whiting. You know listening to all of these accolades about the administration and the department heads is outstanding. When I came here in 2001 it was to take Clark out of the dregs of the world and in the State of New Jersey it was considered not the best to live. The Mayor told me that he wanted to make sure that our department heads were courteous, gave service and alike. And in my first couple of weeks I understood what he was talking about. It took a while, I think we have employees and department heads now that are courteous to our citizens ninety nine and forty four one hundred percent of the time, once in a while we do get a little emotional. But I think that's what makes Clark the place it is, we give the services, we have a great team, you've given me great people to work with...the Mayor has given me a great deal of latitude. The one word that Clark lives on is integrity and we match ourselves with any place else in the State of New Jersey, thank you, Happy New Year and I'm sure 2012 will be great. We have a budget ready to give you on January 15th under the old rules; we now have till February 3rd to give it to you under the new rules. We are ready to go and we hope the Council will look to where we are going because we think we can make Clark a great place to live again under the 2% Cap Levy, thank you.

Township Clerk: Thank you Madame President, congratulations and also to Pat O'Connor. Members of Council, Mayor thank you for a great year last year. I'm looking forward to a very good year this year. And I would also like to thank my staff members in the audience Theresa Mazzarella and Dawn DelVecchio for all of their hard work.

Attorney Triarsi: I would just like to wish the Mayor and Members of Council a very Happy New Year and a Healthy and Prosperous New Year for themselves and for the community, thank you it's been a pleasure.

Township Engineer Rich O'Connor: Congratulations and Happy New Year to all.

Police Chief Al Scherb: Congratulations to you and Council I wish you all a Happy and Safe New Year and I look forward to working with you in the 2012.

Fire Chief TJ McDonald: Congratulations Sheila and all of Council, I look forward to working with you, the Mayor, the Business Administrator and Edie in 2012.

Public Works Director Joe Bonaccorso: Happy New Year and everybody stay healthy.

Recreation Director Ralph Bernardo: Congratulations to you Sheila and a Happy Healthy New Year to all.

Public Safety Director John DeSimone: Congratulations on your position, Pat also, and I want to wish everybody a Happy, Healthy New Year and Chief congratulations.

Emergency Management Coordinator Jerry Fewkes: Just a Happy, Healthy and a Safe New Year to everybody and hopefully we won't have to deal with some of the major events like we had this past year.

Public Works Supervisor Scott McCabe: A Happy New Year to everybody and congratulations to the Council President and to the Vice President.

John Kristof: I wish you all well; congratulations to you have a safe evening and a happy and safe New Year.

BENEDICTION: Father Zbigniew Kukielka from Saint John the Apostle Church

ADJOURNMENT

A motion for adjournment was made by Councilman Kazanowski, seconded Councilwoman Albanese

Council President Whiting directed roll call:

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

ADJOURNMENT

APPROVED

SHEILA WHITING
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk