

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
July 21, 2014  
7:30 PM**

**ROLL CALL:**

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Barr _____	Councilman Smith _____
Councilman Mazzarella _____	Councilwoman Soyka _____
	Council President Toal _____

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County 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.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Police, Fire and First Aid Reports for the month of June, 2014 have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

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

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 2. AN ORDINANCE TO AMEND CHAPTER 302, SECTION 302-7 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SOLID WASTE"**

Public Hearing August 18<sup>th</sup>

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

Public Hearing August 18<sup>th</sup>

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

Public Hearing August 18<sup>th</sup>

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 18, 2014 in the amount of \$267,081.49

**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.

**RESOLUTIONS:**

5. Authorizing the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to bulky waste
6. Authorizing the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. to administer the Self Insured Retention for a period of one (1) year at an annual fee of \$14,280.00
7. **Council as Board of Health:**  
Accepting and approving the Quarterly Health Status Report
8. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2013 Annual Audit entitled General Comments and Recommendations
9. Approving the 2013 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
10. Authorizing the Mayor and Township Clerk to execute a developer's agreement with Clark Commons LLC
11. Authorizing the Business Administrator to acquire services necessary to remediate falling bricks on the municipal building
12. Authorizing the Business Administrator to acquire services necessary to remediate adverse underground conditions discovered at fire station 2 resulting in a change order to the original construction contract

**CONSENT AGENDA RESOLUTIONS:**

13. Appointing Board of Adjustment positions: John Moricz as a Regular Member, William Helm as Alternate I Member and Christopher Tierney as Alternate II Member filling unexpired terms until December 31, 2014
14. Appointing Planning Board positions: Michael Triola as Alternate I Member and George Olear as Alternate II Member until December 31, 2015
15. Authorizing the Tax Collector to refund and/or transfer overpayment of taxes in the amount of \$406.54

16. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$9,206.32
17. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$25.00
18. Authorizing the Mayor to enter into a lease agreement with the Union County Educational Services Commission for use of the gymnasiums in the Municipal Building
19. Endorsing the submission of the recycling tonnage grant application and designating Scott McCabe to ensure that the application is properly filed

**NEW BUSINESS ON THE CALENDAR:**

**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.

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

PH # 1

**TOWNSHIP OF CLARK**

**Ordinance No.** \_\_\_\_\_

**Adopted** \_\_\_\_\_

Introduced: July 7, 2014 Public Hearing: July 21, 2014

Motion: O'Connor Motion: \_\_\_\_\_

Seconded: Albanese Seconded: \_\_\_\_\_

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

-----  
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 fund the municipal contribution to roadway improvements at the intersection of Raritan Road and Central Avenue in connection with the Clark Commons Project in, by and for the Township. Said improvements shall include the acquisition of interests in real property and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general

improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$500,000, and (4) \$25,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$475,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$25,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$25,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$475,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: August 14, 2014

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord 14/7-7BondOrd\$500,000RaritanRdCentralAveRoadImpr

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____



TOWNSHIP OF CLARK  
Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_

INTRO 2

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date: September 10, 2014

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord14/7-21Ch302-7BulkyCleanup	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

INTRO 3

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

Adopted \_\_\_\_\_

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

Effective Date: September 10, 2014

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord14/7-21Ch145Fees-PoliceDetails	
	Aye    Nay    Abstain    Absent
Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK  
Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_

INTRO 4

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

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

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

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

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

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

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

**SECTION 3:** **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 10, 2014

**ATTEST:**

**APPROVED:**

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**EDITH L. MERKEL, RMC**  
Township Clerk

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**BRIAN P. TOAL**  
Council President

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**SALVATORE BONACCORSO**  
Mayor

Ord14/7-21Ch195-120FencesandWalls  
Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

5

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

Motion \_\_\_\_\_ Second \_\_\_\_\_

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C generated within the township.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21AuthSharedServAgrmntSoildWaste-Bulky

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

6

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

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

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21 Inservco

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____



**CERTIFYING FUNDS FOR THE FULL AMOUNT OF A CONTRACT IN THE  
CURRENT FISCAL YEAR CERTIFICATION OF AVAILABILITY OF FUNDS**

DATE: July 3, 2014

As required by N.J.S.A. 40A:4-57, N.J.A.C.5:30-14.5, and any other applicable

requirement, I Terence O'Neill, Chief Financial Officer of the Township of Clark, New

Jersey have ascertained that there are available sufficient uncommitted appropriations to

award a payment/contract to Inservice Ins. Services in the amount of

\$ 14,280.00 for 3<sup>rd</sup> party Admin. for claims admin (SIR)  
annual fee

Funds for certification are therefore being made available and certified against the

appropriation for the Department of \_\_\_\_\_ Account No. 4-01-23-210-223

or Ordinance No. \_\_\_\_\_

Terance O'Neill

Terance O'Neill  
Chief Financial Officer

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

COUNCIL AS  
BD OF HEALTH  
7

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

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

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

**BE IT FURTHER RESOLVED** that copies of said report are available online at [www.ourclark.com](http://www.ourclark.com) and in the Clerk's office, at no charge.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21QuarterlyHealthReportJan-Mar

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

8

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS** the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS** the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

**WHEREAS** the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS** all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction,

may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21Audit-GroupAffidavit

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

9

Motion \_\_\_\_\_ Second \_\_\_\_\_

**RESOLUTION APPROVING THE 2013 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS** the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2013; and

**WHEREAS** the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

**WHEREAS** the Governing Body has received the 2013 Annual Audit – Corrective Action Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2013 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

**BE IT FURTHER RESOLVED** that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21AuditCorrectiveActionPlan2013

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

**TOWNSHIP OF CLARK  
UNION COUNTY  
AUDIT REPORT YEAR: DECEMBER 31, 2013**

**FINDING/CONDITION #1**

That at least two quotes be obtained prior to purchasing goods or services for expenditures in excess of the quote threshold

**EXPLANATION AND CORRECTIVE ACTION:**

All employees have been advised of the requirement to obtain quotes in excess of the quote threshold.

(Already accomplished)

**FINDING/CONDITION #2**

That all receipts be deposited within forty eight hours of collection as required by statute.

**EXPLANATION AND CORRECTIVE ACTION:**

All Departments have been advised that funds must be deposited within forty eight hours of collection.

(Already accomplished)

10

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21AuthDevAgrmntClarkCommons

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

//

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21 EmergencyBrickRepairs – MunBldg

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____



TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

12

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21 EmergencyRepairs – FireStation2

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

CA 13

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

**REGULAR MEMBER (4 year term)**

John Moricz  
4 Hall Drive  
Clark, New Jersey 07066

07/21/14 – 12/31/14  
Filling the unexpired term of  
Patrick Campione

**ALTERNATE I (2 year term)**

William Helm  
163 Jupiter Street  
Clark, New Jersey 07066

07/21/14 – 12/31/14  
Filling the unexpired term of  
John Moricz

**ALTERNATE II (2 year term)**

Christopher Tierney  
17 Acken Drive  
Clark, New Jersey 07066

07/21/14 – 12/31/14  
Filling the unexpired term of  
William Helm

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21AppointBdofAdjUnexpiredterms

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

CA 14

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

**ALTERNATE I**

Michael Triola  
400 Oak Ridge Road  
Clark, New Jersey 07066

07/21/14 – 12/31/15  
Filling the unexpired term of  
Michael Altmann (01/01/14 – 12/31/15)

**ALTERNATE II**

George Olear  
107 Tudor Drive  
Clark, New Jersey 07066

07/21/14 – 12/31/15

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21AppointPlanningBdAlternates

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

CA 15

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund and/or transfer overpayment of 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) and/or transfer(s) in accordance with the attached schedule:

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21TaxRefunds-Transfers

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____



CA 16

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
July 21, 2014

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed and approved the sewer fee adjustments.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21SewerAdj

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____



TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

CA 17

Motion \_\_\_\_\_ Second \_\_\_\_\_

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2014 sewer fees; 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 Treasurer/CFO is hereby authorized and directed to make the following refunds as per the following schedule.

SEWER REFUNDS 2014							
REF	#	Acct #	Name	#	Address	Reason	Refund
14	14R	1998-0	Gregory Kniss & Ellen Kotula	280	Madison Hill Rd	Overpayment	\$25.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

BRIAN P. TOAL  
Council President

Res14/7-21SewerRefund

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____



TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

CA 18

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the "Landlord" and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the "Tenant"; and

**WHEREAS** premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm commencing on September 1, 2014 and concluding on June 30, 2014 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an "as needed" basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

**NOW, THEREFORE, BE IT RESOLVED** the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement (attached hereto) on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21 UC Edu Serv Comm Gym Lease

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

July 21, 2014

CA 19

Motion \_\_\_\_\_ Second \_\_\_\_\_

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

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

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

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

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/7-21RecyclingTonnage

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____