

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
September 15, 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 August, 2014 have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF PROPOSED ORDINANCES:**

1. **AN ORDINANCE TO AMEND CHAPTER 347, SECTION 22 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through September 11, 2014 in the amount of \$209,500.31

**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:**

2. Award of Contract to Riversedge Contracting, LLC for the Collection and Disposal of Leaves at a rate of \$3.43 per cubic yard
3. Authorizing the Health Officer to enter into the 2015 Visiting Nurse and Health Service Agreement

4. Authorizing the Mayor to execute an Addendum to the Clark Commons Developer's Agreement
5. Authorizing an exemption for the Deutscher Club in order to obtain up to twelve temporary banner permits per year for fundraising events
6. Joining the Union County Board of Chosen Freeholders in declaring September 19<sup>th</sup> POW/MIA Remembrance Day

**CONSENT AGENDA RESOLUTIONS:**

7. Authorizing the Tax Collector to refund and/or transfer overpayment of taxes in the amount of \$4,582.71
8. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$1,035.00
9. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$25.00

**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:**

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

INTRO 1

Introduced: September 15, 2014 Public Hearing: October 6, 2014

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

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

**AN ORDINANCE TO AMEND CHAPTER 347, SECTION 22  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "VEHICLES AND TRAFFIC"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended in the following particulars:

**SECTION 1:** Section 347-22 entitled "Parking Restrictions" is amended as follows:

Delete the restrictions set forth in the within ordinance as related to Acorn Drive and replace with the following:

Acorn Drive – both sides, 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m.  
Monday through Friday from September to June  
Location - from the northerly curb line in front of 626 Raritan Road  
to 20 Acorn Drive

**SECTION 2:** **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 3:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

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

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

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
September 15, 2014

2

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

**WHEREAS** the Governing Body of the Township of Clark advertised on August 28, 2014 and received one (1) bid for Collection and Disposal of Leaves on September 10, 2014 at 10:30 a.m.; and

**WHEREAS** the lowest responsible bidder was Riversedge Contracting, LLC, 3092 Hutchinson River Road, Phillipsburg, NJ 08865 in the amount of \$3.43 per cubic yard; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Riversedge Contracting, LLC; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2014 Municipal Budget, Account Number 26-306-223.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Riversedge Contracting, LLC in the amount of \$3.43 per cubic yard subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

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

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

Res14/9-15AwardLeaves

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
September 15, 2014

3

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) in the amount not to exceed \$4,129.00 for the period commencing January 1, 2015 and terminating on December 31, 2015, pending the approval of the 2015 Municipal Budget.

ATTEST:

APPROVED:

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

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

Res14/9-15VNHScontract

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
September 15, 2014

4

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts the Addendum to the Developer's Agreement with Clark Commons, LLC, having its principal office located at 12 Route 17 North, Suite 210, Paramus, New Jersey, 07652 and the County of Union and authorizes the Mayor and Township Clerk to execute same in connection with the 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

Res14/9-15AuthAddendumtoDevAgrmntClarkCommons

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

September 15, 2014

5

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

**WHEREAS** the Deutscher Club of Clark, Inc., a non-profit 501c7 organization, located at 787 Featherbed Lane, Clark, New Jersey has requested an exemption from Chapter 195-160.1 entitled "Banners" for their ongoing fundraising events in order to pay their operating expenses; and

**WHEREAS** the ordinance restricts the organization to two (2) banner permits per year which limits their ability to draw the public to the events; and

**WHEREAS** the Deutscher Club has requested permission to obtain up to twelve (12) temporary banner permits per year; and

**WHEREAS** Section 195-160.1C (2) of the Code of the Township authorizes the Mayor and Council to grant such an exemption.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark hereby grants an exemption from Chapter 195-160.1 to allow the Deutscher Club to obtain up to twelve temporary banner permits per year.

ATTEST:

APPROVED:

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

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

Res14/9-15DeutscherClubexemption

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

September 15, 2014

6

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

**WHEREAS** the Governing Body of the Township of Clark and the Board of Chosen Freeholder of the County of Union, on Friday, September 19, 2014, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

**WHEREAS** Friday, September 19, 2014 has been declared "POW/MIA Remembrance Day" in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

**WHEREAS** in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, beginning at 11:15 a.m. All residents of Union County are urged to make a special effort to give thanks and remember the sacrifices made.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 19, 2014 be declared "**POW/MIA REMEMBRANCE DAY**" in the Township of Clark, County of Union, New Jersey; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution, suitably prepared, be forwarded to the Union County Board of Chosen Freeholders, the Clark American Legion and John L. Ruddy Post #7363 VFW.

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

EDITH L. MERKEL, RMC  
Township Clerk

BRIAN P. TOAL  
Council President

Res14/9-15 POW/MIA Remembrance Day

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

September 15, 2014

CA 7

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

Res14/9-15TaxRefunds-Transfers

Aye Nay Abstain Absent

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



TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
September 15, 2014

CAS

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

Res14/9-15SewerAdj

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



TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

September 15, 2014

CA 9

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 refund(s) as per the following schedule.

SEWER REFUNDS 2014							
REF	#	Acct #	Name	#	Address	Reason	Refund
14	17R	4764-0	Linda Frame	2340	Colonial Drive	Overpayment	\$25.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

BRIAN P. TOAL  
Council President

Res14/9-15SewerRefund

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