

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
July 5, 2022
7:30 pm

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Hund _____	Councilman Smith _____
Councilman Mazzarella _____	Councilman Toal _____
	Council President Minniti _____

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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

PRIVATE MEETING:

1. Discussion will be limited to pending litigation venued in the Superior Court of NJ captioned Monika Solarska-Gnat, et al. v. Township of Clark et al. as well as the settlement of the dispute concerning the Shared Services Agreement with the Plainfield Municipal Utilities Authority (PMUA)

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

2. **22-07 AN ORDINANCE TO AMEND ARTICLE I, CHAPTER 145, SECTION 3 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "POLICE DEPARTMENT"**

RESOLUTIONS:

3. Authorizing the settlement of pending litigation entitled Monika Solarska-Gnat et al. v. Township of Clark et al. in the amount of \$500,000.00
4. Authorizing the settlement of the dispute concerning the July 16, 2018 Shared Services Agreement with the PMUA in the amount of \$60,000.00
5. Award of Contract to S. Brothers Inc. for the 2022 NJDOT Road Improvement Program for Mildred Terrace and Brentwood Road in the amount of \$487,937.52

PUBLIC COMMENTS:

Each person addressing the Council shall give their 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

Resolution 22-110

July 5, 2022

PRIVATE

RESOLUTION FOR CLOSED EXECUTIVE SESSION

WHEREAS, the Township of Clark (the "Township") is a party to certain pending litigation venued in the Superior Court of New Jersey, Law Division, Union County, bearing Docket No. UNN-L-003547-20, captioned Monika Solarska-Gnat, et al. v. Township of Clark, et al. (collectively the "Litigation"); and

WHEREAS, the Township is embroiled in a dispute with the Plainfield Municipal Utilities Authority ("PMUA") concerning PMUA's failure to perform services required under a certain Shared Services Agreement for the Provision of Collection and Recycling Services for Recyclable Materials, dated July 16, 2018, between the Township of Clark and the Plainfield Municipal Utilities Authority, as the same may have been amended, extended and renewed, and PMUA's claim that the Township must reimburse the cost to PMUA of, or return, recycling containers provided by PMUA to the Township (the "PMUA Dispute"); and

WHEREAS, legal counsel defending the Township in the Litigation and the PMUA Dispute is to report to the Township Council thereon, and such communication falls within the attorney-client privilege; and

WHEREAS, in accordance with N.J.S.A. 10:4-12 (b) (7), the Council may exclude the public from its meeting with such legal counsel to preserve the attorney-client privilege and such exclusion also further is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that such Township Council meet in private with such legal counsel excluding the public from such meeting in accordance with N.J.S.A. 10:4-12 (b) (7) to discuss the Litigation and the PMUA Dispute; and

BE IT FURTHER RESOLVED that the discussion conducted in such closed executive session of the Township Council with such legal counsel may be disclosed to the public after the Litigation and the PMUA Dispute have been fully resolved by settlement (subject, however, to the terms thereof) or adjudication by the Court.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

JAMES MINNITI,
Council President

Res22/7-5ClosedSessionResolution-Gnat&PMUA

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
Minniti						
Entire Council						
TOTAL						

TOWNSHIP OF CLARK
Ordinance No. 22-07
Adopted _____

PH 2

Introduced: June 13, 2022 Public Hearing: July 5, 2022

**AN ORDINANCE TO AMEND ARTICLE I,
CHAPTER 145, SECTION 3
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "POLICE DEPARTMENT"**

WHEREAS, the Township Council wishes to change the fees payable for certain applications, permits and services.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the following changes be made to Article I, Chapter 145, Section 3 of the Code of the Township of Clark entitled "Police Department" be and hereby is supplemented, modified and amended to state as follows:

SECTION 1. Article I, Chapter 145, Section 3 of the Code of the Township of Clark, entitled "Police Department," be and hereby is supplemented, modified and amended to state as follows:

145-3 Police Department.

A. Firearms:

- (1) Application for firearms ID card (in addition to all state and federal fees and requirements): \$25.
- (2) Application for permit to carry handgun, each (in addition to all state and federal fees and requirements): \$25.

B. Escort service, per round trip: \$25.

C. Fingerprints: \$10.

D. Alarms: See § 70-5D and E.

E. Charges for outside police details undertaken by police.

(1) Traffic work not paid by Township; use of police vehicle.

(a) All requests for outside police details under this section shall give at least three hours' advance notice. Failure to provide such advance notice shall result in an increase of the hourly fee for such detail from \$80 per hour to \$90 per hour. The employing person or employing entity shall file a certificate attesting to the existence of worker's compensation coverage for all police officers so employed on outside police details.

(b) All traffic work not paid by the Township of Clark shall be at the rate of \$80 per hour, with a detail minimum of four hours, for jobs in excess of four hours, the officer will be compensated for no less than eight hours together with an administrative fee as per 145-3 E [4].

(c) After 8 hours the rate will increase to \$120 per hour or \$135 per hour if an officer is working on an emergency basis as per 145-3 E (1) (a), paid in thirty-minute increments together with an administrative fee as per 145-3 E [4].

(d) Use of a police vehicle (local use only) shall be fixed at \$108.00 for each assignment.

(2) Traffic work for Township vendors and all other indoor/outdoor details not requiring traffic control will be \$60 per hour for the first 8 hours, after 8 hours the rate will increase to \$90 per hour plus an administrative fee as per 145-3 E [4].

(a) Detail minimums:

(i) Funeral homes: 2 hours.

(ii) Board of Education: 3 hours.

(iii) All others: 4 hours.

(b) All requests for outside police details under this section shall give at least one hours' advance notice. Failure to provide such advance notice shall result in an increase of the hourly fee for such detail from \$60 per hour to \$70 per hour.

(3) Contractors/employers must provide at least two hours' notice in advance to cancel a detail. Officers shall be entitled to the detail minimum payment should this notice not be provided.

(4) In addition to the rates payable by said person(s) or entity(ies) for the police officers employed on outside police details and/or other costs set forth in this section, Clark Township, either directly or through a contracted vendor, shall collect an administrative fee to offset the administrative costs associated with the assignment of the Clark police officers. This administrative fee shall include: (i) a fee calculated at the rate of 24.2% of fees payable to Clark Township; and (ii) a fee calculated at the administrative rate imposed by any contracted vendor utilized by Clark Township for the scheduling or administration of assignment of the police officers employed on said outside police details.

(5) Future changes in fees shall be by resolution of the governing body.

SECTION 2. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 4. Effective Date - This ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective: July 27, 2022

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC,
 Township Clerk

JAMES MINNITI,
 Council President

SALVATORE BONACCORSO,
 Mayor

Ord22/6-13 22-07Ch145-3PoliceDepartment

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Albanese								
Hund		✓						
Mazzarella	✓							
O'Connor								
Smith								
Toal								
Minniti								
Entire Council								
TOTAL								

3

TOWNSHIP OF CLARK
Resolution No. 22-111
July 5, 2022

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the settlement of certain pending litigation entitled Monika Solarska-Gnat, et al. v. Township of Clark, et al., bearing Docket No. UNN-L-003547-20, in consideration of payment to Plaintiffs of the amount of Five Hundred Thousand Dollars (\$500,000.00) (Two-Hundred Fifty Thousand Dollars (\$250,000.00) for Monika Solarska-Gnat and Two-Hundred Fifty Thousand Dollars (\$250,000.00) for Slawomir Maciej-Gnat), be and hereby is approved, ratified and confirmed.

ATTEST:

APPROVED:

EDITH L. MERKEL
Township Clerk

JAMES MINNITI
Council President

Res22/7-5AuthSettlement-Gnat

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
Minniti						
Entire Council						
TOTAL						

TOWNSHIP OF CLARK
Resolution No. 22-112
July 5, 2022

4

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the settlement of dispute concerning a certain Shared Services Agreement for the Provision of Collection and Recycling Services for Recyclable Materials, dated July 16, 2018, between the Township of Clark and the Plainfield Municipal Utilities Authority (“PMUA”) (the “Agreement”), PMUA’s performance thereunder, and PMUA’s claim that the Township of Clark owes PMUA the sum of One-Hundred Fourteen-Thousand Seven-Hundred Seventy-Five Dollars (\$114,775.00) for recycling containers that PMUA provided to the Township of Clark under the Agreement, in consideration of payment by the Township of Clark to PMUA of the discounted amount of Sixty-Thousand Dollars (\$60,000.00), as opposed to the aforesaid amount of PMUA’s claim, in exchange for a Release by PMUA to and in favor of the Township of Clark, be and hereby is approved, ratified and confirmed.

ATTEST:

APPROVED:

EDITH L. MERKEL
 Township Clerk

JAMES MINNITI
 Council President

Res22/7-5AuthSettlement-PMUA

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
Minniti						
Entire Council						
TOTAL						

TOWNSHIP OF CLARK
Resolution 22-113
July 5, 2022

5

WHEREAS the Governing Body of the Township of Clark has advertised for bids on June 9, 2022 for the 2022 NJDOT Road Improvement Program – Mildred Terrace and Brentwood Road; and

WHEREAS four (4) bid proposals were received on June 21, 2022 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were DLS Contracting, Inc. of Fairfield, NJ with a bid in the amount of \$487,388.15, S. Brothers, Inc. of South River/Manalapan, NJ with a bid in the amount of \$487,937.52, and Black Rock Enterprises, of Old Bridge, NJ with a bid in the amount of \$509,312.87, and;

WHEREAS the Township Engineer has reviewed the documentation provided, and despite the fact that DLS Contracting was the apparent lowest bidder, their bid indicates the value of work to be performed by sub-contractors is 55.6% exceeding the 40% allowable outlined in the Bid Specifications which the engineer believes to be a material deviation from the specifications and is disqualifying; and

WHEREAS the Township Engineer recommends that a contract be awarded to the next lowest bidder, S. Brothers, Inc., 16 Sobechko Road, Manalapan, New Jersey, 07726; and

WHEREAS S. Brothers, Inc., submitted the lowest responsible bid in the amount of Four Hundred Eighty-Seven Thousand, Nine Hundred Thirty-Seven Dollars and Fifty-Two Cents (\$487,937.52) which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C-04-22-005-001 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to S. Brothers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$487,937.52; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

JAMES MINNITI
Council President

Res22/7-5Award2022NJDOTRoadImpr-Mildred&Brentwood

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
Minniti						
Entire Council						
TOTAL						