

**AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
November 6, 2023
7:30 pm**

ROLL CALL:

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

RESOLUTIONS:

1. Authorizing the transfer of funds within the 2023 Municipal Budget
2. Award of a Non-Fair and Open Contract for the Appointment of Special Counsel, authorizing the Mayor to enter into a contract with O'Toole Scrivo, LLC
3. Appointing Emily Sa as a member of the Clark Volunteer Fire Department
4. Authorizing execution of an Agreement with the Morris County Cooperative Pricing Council to become a Member for the period of October 1, 2021 through September 30, 2026
5. Rejecting all proposal(s) for Information Technology and Network Support Services in the best interest of the Township and Authorizing the Business Administrator and Township Clerk to issue a new Request for Proposals

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 5 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK
 Resolution 23-163
 November 6, 2023

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WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2023 budget appropriations in accordance with the attached schedule of transfers.

**CLARK TOWNSHIP
 BUDGET TRANSFERS 2023**

	<u>To</u>	<u>From</u>
Administration: Other Expenses 3-01-20-100-202	5,000.00	
Clerk: SW 3-01-20-120-102	1,000.00	
Revenue: OE 3-01-20-145-203	2,000.00	
Zoning: OE 3-01-21-185-201	1,000.00	
Buildings & Grounds: OE 3-01-26-310-238	100,000.00	
Police: OE 3-01-25-240-224	16,000.00	
DPW: S&W 3-01-26-290-101		30,000.00
Tax Assessments: OE 3-01-20-150-201		58,000.00
Finance: S&W 3-01-20-130-101		23,000.00
Communications: OE 3-01-20-101-201		14,000.00
	125,000.00	125,000.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/11-6 163BudgetTransfers

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
<input type="checkbox"/> Adopted	Hund						
<input type="checkbox"/> Adopted as Amended	Mazzarella						
<input type="checkbox"/> Defeated	Minniti						
<input type="checkbox"/> Tabled	O'Connor						
<input type="checkbox"/> Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 23-164
November 6, 2023

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**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR THE APPOINTMENT OF SPECIAL COUNSEL**

WHEREAS, the Township of Clark has a need to employ Special Counsel pursuant to Section 3-27(c) of the Township of Clark Municipal Code as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$44,000; and,

WHEREAS, the anticipated term of this contract is one (1) year and may be extended two (2) times for the like one (1) year term as approved by the Township of Clark Governing Body; and

WHEREAS, O'Toole Scrivo, LLC has submitted a proposal dated October 19, 2023, indicating they will provide legal services as Special Counsel in connection with the investigation conducted by the New Jersey Attorney General's Office for the legal fee of \$325.00 per hour; and

WHEREAS, O'Toole Scrivo, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that O'Toole Scrivo, LLC has not made any reportable contributions to any political or candidate committee for any members of the Governing Body for the Township of Clark, in the previous one (1) year and that the contract will prohibit the Law Firm of O'Toole Scrivo, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer certifies, pursuant to N.J.A.C. 5:30-5.4 that there are adequate funds for this contract. Funds have been certified to be available in account number 20-155-201, from Law Special Services; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, that it hereby authorizes the Mayor to enter into a contract with O'Toole Scrivo, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/11-6 164AwardNon-FairSpecCounsel-AG

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
<input type="checkbox"/> Adopted	Hund						
<input type="checkbox"/> Adopted as Amended	Mazzarella						
<input type="checkbox"/> Defeated	Minniti						
<input type="checkbox"/> Tabled	O'Connor						
<input type="checkbox"/> Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
 Resolution 23-165
 November 6, 2023

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BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Emily Sa is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 6th day of November 2023.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res23/11-6 165AppointFireFighter - SA

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO BECOME A MEMBER FOR THE PERIOD
OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Clark desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to become a member of the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Governing Body of the Township of Clark hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is to become a member of the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.
2. The Township of Clark Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC. Morris County Cooperative Pricing Council 502 Millbrook Avenue, Randolph, NJ 07869-3799 Tel: (973) 989.7059 • Fax: (973) 989.7076 2
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Clark officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						

CERTIFICATION

I, Edith L. Merkel, Clerk of the Township of Clark, hereby certify the foregoing to be a true copy of a Resolution adopted by the Township of Clark at a duly convened meeting held on November 6, 2023.

Edith L. Merkel, RMC

TOWNSHIP OF CLARK
Resolution 23-
November 6, 2023

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WHEREAS the Governing Body of the Township of Clark advertised and received three (3) proposals for Information Technology and Network Support Services on October 26, 2023 at 10:00 a.m.; and

WHEREAS the contracting unit wants to substantially revise the Request for Proposals for the goods or service N.J.S.A. 40A:11-13.2(d).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby rejects all proposal(s) for Information Technology and Network Support Services in the best interest of the Township; and

BE IT FURTHER RESOLVED that the Business Administrator and Township Clerk are hereby authorized to issue a new Request for Proposals for the above project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res23/ RejectITandNetworkSupportServ-AuthNewRFP

		Motion	Second	Aye	Nay	Abstain	Absent
	Albanese						
Adopted	Hund						
Adopted as Amended	Mazzarella						
Defeated	Minniti						
Tabled	O'Connor						
Withdrawn	Toal						
	Smith						
	Entire Council						
	TOTAL						