

AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
November 18, 2013
7:30 PM

ROLL CALL:

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

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.

Suspend the Regular Order of Business:

Mayor's Proclamation: Pancreatic Cancer Awareness Month
Jerry Fewkes: C.E.R.T. Presentation

Resume the Regular Order of Business

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Business Administrator Meeting Summary:

Township Officers: Police, Fire and First Aid Reports for the month of October, 2013 as well as the Quarterly Health Report have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through November 15, 2013 in the amount of \$244,405.02

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:

1. Authorizing and directing the Mayor and/or Business Administrator to enter into an Agreement with the County of Union to accept the Kids' Recreation Trust Fund Grant in the amount of \$23,245.00
2. Authorizing the transfer of funds within the 2013 Municipal Budget

CONSENT AGENDA RESOLUTIONS:

- ~~3. Accepting and approving the Quarterly Health Status Report~~
4. Entering into an Interlocal Services Agreement with the City of Linden for Animal Control Services
5. Authorizing the Health Officer to enter into the 2014 Visiting Nurse and Health Service Agreement
6. Authorizing the Clark Special Events Committee and the Department of Recreation to conduct a Community Bonfire
7. Approving the Council Meeting Calendar for 2014
8. Approving the 2014 Holiday Schedule
9. Authorizing the Mayor to execute a Developer's Agreement with Clark Developers LLC
10. Authorizing forfeiture of the A & P Maintenance Bond in order to correct outstanding construction and engineering issues
11. Authorizing release of Performance Guarantees for site work at Barnes and Noble upon receipt of a Maintenance Bond
12. Authorizing release of Performance Guarantees for site work at 727 Raritan Road upon receipt of a Maintenance Bond
13. Authorizing the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the property located at 1255 Raritan Road with a refund to be issued in the amount of \$165,000.

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
Resolution _____
November 18, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes and directs the Mayor and/or Business Administrator to enter into an Agreement with the County of Union to accept an award of Twenty Three Thousand, Two Hundred Forty Five Dollars (\$23,245.00) from the Kids Recreation Trust Grant Program toward recreational improvements.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18AuthRecreationTrustAgreement

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

2

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

Motion _____ Second _____

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 2013 budget appropriations in accordance with the attached schedule of transfers.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18BudgetTransfers

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

CLARK TOWNSHIP			
BUDGET APPROPRIATION TRANSFERS		From	To
	Council		
20-111-200	Other Expenses	-	5,000.00
	Clerk		
20-120-100	Salaries and Wages	-	1,000.00
20-121-100	Election Salaries and Wages	-	1,000.00
	Finance		
20-130-200	Other Expenses	-	5,000.00
	Revenue		
20-145-100	Salaries and Wages	-	9,000.00
	Zoning		
21-185-200	Other Expenses	-	1,000.00
	Insurance and Bonding		
23-210-200	Other Expenses	-	10,000.00
	Disability Insurance		
23-223-200	Other Expenses	-	1,000.00
	Police		
25-240-100	Salaries and Wages	-	20,000.00
25-240-200	Other Expenses	-	10,000.00
	911		
25-250-100	Salaries and Wages	-	10,000.00
	Recycling		
26-307-223	Expense	-	5,000.00
	Recreation		
28-370-100	Salaries and Wages	-	6,000.00
28-370-200	Other Expenses	-	1,000.00
30-420-223	Celebration of Public Events	-	4,000.00
	Clerk		
20-121-200	Other Expenses	1,000.00	-
	Revenue		
20-145-200	Other Expenses	2,000.00	-

	Life Insurance		
23-222-200	Other Expenses	1,000.00	-
	Roads		
26-290-100	Salaries and Wages	48,000.00	-
26-290-200	Other Expenses	27,000.00	-
26-291-223	Traffic Light Expense	10,000.00	-
Total		89,000.00	89,000.00

CA 3

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

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 second quarter from July – September 2013 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 and in the Clerk's office, at no charge.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18QuarterlyHealthReport

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

CA4

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to N.J.S.A. 40:8A-1 et. seq. does hereby enter into an Interlocal Services Agreement with the City of Linden Board of Health, 301 North Wood Avenue, Linden, New Jersey 07036 for Animal Control Services for a fee of \$23,400.00 per annum, to be effective January 1, 2014 through December 31, 2014.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18AnimalControl

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

CA 5

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

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, 2014 and terminating on December 31, 2014, pending the approval of the 2014 Municipal Budget.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18VNHSContract

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

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

CAG

Motion _____ Second _____

WHEREAS the Clark Special Events Committee in conjunction with the Department of Recreation desire to conduct a Community Bonfire; and

WHEREAS the Township has received a Certificate of Insurance for this activity under the Township's Community Insurance Policy along with the required consent and approvals of the Board of Education, Fire Department and Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Clark Special Events Committee and the Department of Recreation are hereby authorized to conduct a Community Bonfire under the supervision and control of the Clark Fire Department and the Police Department at the Arthur L. Johnson High School JV Soccer Field on Wednesday, November 27, 2013 at 6:00 pm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18Bonfire

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

TOWNSHIP OF CLARK

Resolution _____
November 18, 2013

CA 7

Motion _____ Second _____

BE IT RESOLVED the Township Council of the Township of Clark does hereby approve the Meeting Calendar for the Year 2014 outlined below.

CLARK MUNICIPAL COUNCIL 2014 MEETING DATES
Reorganization Meeting January 6, 2014
315 Westfield Ave. - 7:00 PM

WORKSHOP MEETINGS 7:30 P.M

430 Westfield Avenue
Room 30

PUBLIC MEETINGS 7:30 P.M.

315 Westfield Avenue
Council Chambers

January 6*
February 3
March 3
April 7
May 5
June 2
July 7
August 4
September 2 (Tuesday)
October 6
November 5** (Wednesday)
December 1

January 21 (Tuesday)
February 18 (Tuesday)
March 17
April 21
May 19
June 16
July 21
August 18
September 15
October 20
November 17
December 15

* Council Chambers, 315 Westfield Ave.
** November Election (4 Wards)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18CouncilMeetingDates2014

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

TOWNSHIP OF CLARK

CAS

Resolution _____

November 18, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, will constitute the official Township employee holiday calendar for the year 2014.

New Year's Day	Wednesday	01/01/2014
Martin Luther King Jr. Day	Monday	01/20/2014
Presidents Day	Monday	02/17/2014
Good Friday	Friday	04/18/2014
Memorial Day	Monday	05/26/2014
Independence Day	Friday	07/04/2014
Labor Day	Monday	09/01/2014
Veteran's Day	Tuesday	11/11/2014
Thanksgiving Day	Thursday	11/27/2014
Day after Thanksgiving	Friday	11/28/2014
Christmas Day	Thursday	12/25/2014
Day after Christmas*	Friday	12/26/2014

*In Place of Columbus Day

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18Holidays2014

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

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

CA 9

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and Township Clerk to execute a Developer's Agreement with Clark Developers, LLC, having its principal office located at 820 Morris Turnpike, Short Hills, New Jersey, 07078 for an Age Restricted Residential Development on the tract of land identified as Block 57, Lots 2, 3, 4, 8 and 10, situated at the intersection of Terminal Avenue and Westfield Avenue, Clark, New Jersey 07066.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18AuthDevAgreement-ClarkDevelopers(AgeRestricted)

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

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

CA 10

Motion _____ Second _____

WHEREAS the Township of Clark has made repeated requests of the A & P to repair the portion of the water service trench located in the parking area of the store located at 1060 Raritan Road and to replenish escrow funds in arrears; and

WHEREAS the Township afforded the A & P an additional thirty (30) days in a letter dated August 16, 2013 to address the trench settlement and restoration issues and to deposit deficient escrow funds; and

WHEREAS to date, neither issue has been rectified.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the forfeiture of the A & P Maintenance Bond held as \$10,000 in cash; and

BE IT FURTHER RESOLVE that the Township will make arrangements to correct the portion of the water service trench and replenish the deficient escrow account using the applicant's maintenance guarantees to fund the costs.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18ForfeitA&PMaintBond

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

TOWNSHIP OF CLARK

Resolution _____
November 18, 2013

CA 11

Motion _____ Second _____

WHEREAS Barnes and Noble has requested the release of Performance Guarantees posted for site work on the Barnes and Noble parking lot, 1180 Raritan Road in Clark in the amount of Two Hundred Sixty Six Thousand, Seven Hundred Twenty Five Dollars and Zero Cents (\$266,725.00); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Barnes and Noble to be Twenty Six Thousand, Six Hundred Seventy Two Dollars and Fifty Cents (\$26,672.50); and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees upon receipt of a Maintenance Guarantee in the amount of \$26,672.50 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18ReleasePerfBondBarnesNoble

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

TOWNSHIP OF CLARK

Resolution _____
November 18, 2013

CA 12

Motion _____ Second _____

WHEREAS John Vizzoni of 727 Raritan Road Associates has requested release of the Performance Guarantee reduced by Resolution 13-101 posted in the amount of Nineteen Thousand, One Hundred Ninety Dollars and Twenty Cents (\$19,190.20) to guarantee site work at 727 Raritan Road; and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by 727 Raritan Road Associates to be Six Thousand, Three Hundred Ninety Six Dollars and Seventy Three Cents (\$6,396.73) to be held for one year; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees to 727 Raritan Road Associates upon receipt of a Maintenance Guarantee in the amount of \$6,396.73 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18ReleasePerfBond-727RaritanRd

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

CA13

TOWNSHIP OF CLARK
Resolution _____
November 18, 2013

Motion _____ Second _____

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>
144/2	1255 Raritan Road	3,917,800	791,600	242,190.45

BE IT FURTHER RESOLVED, that a refund be issued in the amount of \$165,000.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/11-18TaxAppeal-Refund

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