

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
May 19, 2014  
7:30 PM**

**ROLL CALL:**

Councilwoman Albanese _____	Councilman Mazarella _____
Councilman Barr _____	Councilman O'Connor _____
Councilman Kazanowski _____	Councilman Smith _____
	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.

Regular Order of Business suspended for the swearing in of Police Officer Sergio D'Andrea

Regular Order of Business resumes

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

**Mayor:**

**Township Officers:** Police, Fire and First Aid Reports for the month of April, 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:**

Public Hearing on each ordinance June 16, 2014

- 1. AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3-29 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DEPARTMENT OF POLICE"**
- 2. AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3-30 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VOLUNTEER FIRE DEPARTMENT"**
- 3. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR MUNICIPAL PURPOSES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$185,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF CLARK**
- 4. AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through May 15, 2014 in the amount of \$199,735.21

**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. Appointing Michael C. Kniazuk and Michael Cook as members of the Clark Volunteer Fire Department

**CONSENT AGENDA RESOLUTIONS:**

6. Authorizing changes to the established Petty Cash Funds:
  - A. Police Department Petty Cash Custodian from Anton Danco to Alan Scherb
  - B. Pool Utility Petty Cash Custodian from Peter Smith to Michael Kozlowski
  - C. Business Administrator Petty Cash Fund Rescinded
7. Authorizing and Directing the Tax Collector to prepare and issue estimated tax bills for the third installment of 2014 taxes
8. Authorizing the Tax Collector to refund and/or transfer overpayment of taxes
9. Authorizing the Tax Collector to Settle Tax Appeals authorized by the Tax Court of New Jersey in the amount of \$10,314.87
10. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$20,441.44
11. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$96.77
12. Refunding the unused balance of escrow funds for site work at the A & P in the amount of \$55,018.40
13. Re-appointing Josephine Burkhardt and Robert Tarantino as Constables for a three year term
14. Authorizing the Mayor to execute an agreement with Fiber Technologies for Municipal Consent to locate, operate and maintain fiber optic cable within the municipal right-of-way
15. Entering into a contract with Schaefer Pyrotechnics, Inc. for the July 4<sup>th</sup> Fireworks Display

**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:**

INTRO #1

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

Introduced: May 19, 2014 Public Hearing: June 16, 2014

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

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

**AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3-29  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "DEPARTMENT OF POLICE"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Section 3-29 of the Code of the Township of Clark entitled "Department of Police" is hereby amended and supplemented, so as to provide for the creation and appointment of the "Appropriate Authority" in accord with the provisions of N.J.S.A. 40A:14-118, as follows:

**SECTION 1:** There is hereby created in and for the Department of Police of the Township of Clark, in accord with the provisions of N.J.S.A. 40A:14-118, a line of authority relating to the Police function and for the promulgation of rules and regulations for the governing of the force and for the discipline of its employees. The Mayor of the Township of Clark or his designee, as it shall be deemed necessary, shall be determined to be the "Appropriate Authority" for the purposes referenced hereinabove and contained in the aforesaid enabling statute and the Clark Code.

**SECTION 2:** The "Appropriate Authority" shall act pursuant to law in all matters relating to the Police function in the municipality.

**SECTION 3:** This ordinance shall be read in *pari materia* with the provisions of Section 3-29 of the Clark Code and shall be interpreted in the context of the authority conveyed by virtue of N.J.S.A. 40A:14-118.

**SECTION 4:** **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 5:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: July 9, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/5-19AmendCh3Sec3-29DeptofPolice  
Aye Nay Abstain Absent

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

*Intro #2*

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

Adopted \_\_\_\_\_

Introduced: \_\_\_\_\_ Public Hearing: \_\_\_\_\_

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

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

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3, SECTION 3-30  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED  
"VOLUNTEER FIRE DEPARTMENT"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Section 3-30 (B) of the Code of the Township of Clark entitled "Volunteer Fire Department" is supplemented as follows:

**SECTION 1:** Add after item (4) the title **Battalion Chief** and re-numerate the positions stated thereafter.

**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: July 9, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/5-19AmendCh3Sec3-30FDBattalionChief  
Aye Nay Abstain Absent

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

*Intro #3*

**TOWNSHIP OF CLARK**

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

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

Introduced: May 19, 2014 Public Hearing: June 16, 2014

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

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

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR MUNICIPAL PURPOSES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$185,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF CLARK**

**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 acquire Equipment for Municipal Purposes and any ancillary costs related thereto, such equipment is for:

Police Department use	\$ 50,000
Fire Department Turn-out Gear and Hose	\$ 35,000
Telecommunications and Recreation Equipment	\$100,000

**Section 2.** The sum of \$185,000 is hereby appropriated for the acquisition of said equipment and ancillary costs related thereto, as described in section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus \$80,000 and Capital Improvement Fund \$105,000 of the Township of Clark for the payment of the cost of said "capital purpose".

**Section 3.** Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

**Section 4.** The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

**Section 5.** This Ordinance shall take effect at the time and in the manner provided by law.

Effective Date: July 9, 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

Ord14/5-19Capital-\$185,000MunPurp  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

*Intro 4*

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

Adopted \_\_\_\_\_

Introduced: May 19, 2014 Public Hearing: June 16, 2014

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

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

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE RAHWAY VALLEY SEWERAGE AUTHORITY**

**BE IT ORDAINED** by the Mayor and Council of the Township of Clark, County of Union, State of New Jersey, as follows:

**SECTION I. Introduction.**

A. The, Local Lands and Buildings Law, N.J.S.A. 40A: 12-1 et seq., governs the sale of real property by municipalities in the State of New Jersey.

B. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 (b), a municipality may when authorized by Ordinance conduct a private sale of real property to a public body corporate and politic of the State of New Jersey.

C. By verdict dated December 4, 1930, the then Circuit Court of Union County, State of New Jersey, certain properties then designated as Block 830, Lots 1 and 20 on the Tax Map of the City of Rahway, County of Union and Block 919-B, Lots 1, 2 and 2A on the Tax Map of the Township of Woodbridge, County of Middlesex (the "Property") were acquired by the City of Rahway, Town of Westfield, Township of Cranford, Township of Springfield, Borough of Kenilworth, Borough of Garwood, Borough of Roselle Park, and Township of Clark in the County of Union and the Township of Woodbridge in the County of Middlesex (collectively, the "Municipalities"), which were then organized into a Joint Meeting for the construction and maintenance of a joint trunk sewer and a sewage disposal plant.

D. By Deed from Halsey L. Vanderhoven et als, recorded April 2, 1930 in the Union County Register's Office, Book 1201, Page 238 (the "Vanderhoven Deed"), a portion of the Property was conveyed to the Municipalities comprising the Joint Meeting.

E. By Deed dated October 28, 1932, from Harriet B. Edgar, the remaining portion of the Property not conveyed by the Vanderhoven Deed was conveyed to the Municipalities as organized as the Joint Meeting; however this Deed was recorded March 11, 2004 in the Union County Clerk's Office in Book 5420, Page 520 and March 24, 2004 in the Middlesex County Clerk's Office in Deed Book 5309, Page 727 (the "Edgar Deed").

F. By Deed from the Municipalities to the Rahway Valley Sewerage Authority, a public body corporate and politic duly created under the laws of the State of New Jersey, ("RVSA") dated January 29, 1952 and recorded February 6, 1952 in the Union County Register's Office in Deed Book 1958, Page 544 and recorded February 20, 1952 in the Middlesex County Clerk's Office in Deed Book 1606, Page 20 (the "RVSA Deed") the

Municipalities conveyed the Property and other rights described therein to the RVSA as successor to the Municipalities organized as the Joint Meeting.

G. The RVSA Deed expressly referred to the Vanderhoven Deed as a source of title for the lands and interests conveyed but did not make reference to the Edgar Deed.

H. The Edgar Deed was recorded out of the chain of title of the RVSA to the Property, which creates a cloud on the title of RVSA to the Property and which cloud may be removed by a deed from the Municipalities to the RVSA conveying the portion of the Property described in the Edgar Deed.

**SECTION II.** The Township of Clark hereby ratifies and confirms the sale of that portion of the Property described in the Edgar Deed to the RVSA for nominal consideration.

**SECTION III.** The Mayor and Clerk are authorized to execute, attest and deliver to the RVSA, the Deed attached and incorporated herein and such other documents as are necessary to consummate the sale of that portion of the Property described in the Edgar Deed to the RVSA, in a form acceptable to the Township of Clark and the RVSA.

**SECTION IV.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION V.** If any portion of this Ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said Ordinance.

**SECTION VII.** This Ordinance shall take effect upon final passage and publication in accordance with law.

Effective Date: July 9, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/5-19Deed-RVSA

Aye Nay Abstain Absent

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

5

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 19<sup>th</sup> day of May, 2014.

Michael Cook  
219 Lexington Blvd.  
Clark, NJ 07066

Michael Kniazuk  
44 Elizabeth Avenue  
Cranford, NJ 07016

ATTEST:

APPROVED:

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

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

Res14/5-19AppointFireFighters

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

CA 6A

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

**Resolution: Change in Custodian of Petty Cash Fund**

**WHEREAS** Anton Danco was custodian of the Police Department Petty Cash Fund; and

**WHEREAS** in accordance with N.J.S.A. 40:5-21, the Governing Body of the Township of Clark is changing custodians to Police Chief, Alan Scherb; and

**WHEREAS** Alan Scherb is bonded in the amount of \$50,000.00 by virtue of a surety bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, County of Union hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

ATTEST:

APPROVED:

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

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

Res14/5-19PettyCashChangeCustodianPD

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

Adopted this 19<sup>th</sup> day of May,  
Certified as a true copy of an original

\_\_\_\_\_  
Municipal Clerk

CA 63

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 19, 2014

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

**Resolution: Change in Custodian of Petty Cash Fund**

**WHEREAS** Peter Smith was custodian of the Pool Utility Petty Cash Fund; and

**WHEREAS** in accordance with N.J.S.A. 40:5-21, the Governing Body of the Township of Clark is changing custodians to Pool Director, Michael Kozlowski; and

**WHEREAS** Michael Kozlowski is bonded in the amount of \$50,000.00 by virtue of a surety bond.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, County of Union hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

ATTEST:

APPROVED:

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

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

Res14/5-19PettyCashChangeCustodianPool

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

Adopted this 19<sup>th</sup> day of May,  
Certified as a true copy of an original

\_\_\_\_\_  
Municipal Clerk

CA 62

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 19, 2014

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

**Resolution Rescinding Petty Cash Fund**

**WHEREAS** it is the desire of the Governing Body, of the Township of Clark, County of Union that the petty cash fund for the Business Administrator be rescinded.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, County of Union hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

ATTEST:

APPROVED:

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

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

Res14/5-19PettyCashRescindBA

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

Adopted this 19<sup>th</sup> day of May,  
Certified as a true copy of an original

\_\_\_\_\_  
Municipal Clerk

CA 4

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

**WHEREAS** the Township of Clark is unable to certify the tax rate at this time and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

**WHEREAS** the Municipal Tax Collector/Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, on this 19<sup>th</sup> day of May, 2014 as follows:

1. The Township of Clark Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2014 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)

2. The entire estimated tax levy for 2014 is hereby set at \$57,323,158.37

3. In accordance with law the third installment of 2014 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ATTEST:

APPROVED:

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

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

Res14/5-19EstimatedTaxBills3rdInstallment

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

CA 8

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

Res14/5-19TaxRefunds-Transfers

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

CLARK TOWNSHIP									
TAX REFUNDS- 2014									
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	AMT TRNS	TRANS FROM	TRANS TO
21	10		Harry & Jaimee Streep	21	Acken Drive	\$34.18	\$ 1,975.48	2013/4	2014/2
48	20		Kevin Copuer	616	Madison Hill Rd	\$1,708.20			
176	24		Joseph Cirasella	331	Valley Road	\$1,725.65			
180	27		Gregory Hilyard	102	Delia Terrace		\$ 816.75	2013/4	2014/2

JA 9

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

WHEREAS, the Tax Court of the State of New Jersey has settled the following tax appeals.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized to refund the following amounts in accordance with the Tax Court Settlement:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Assmt. Reduction</u>	<u>Year</u>	<u>Tax Refund</u>	<u>Int.</u>	<u>Total Refund</u>
142/4	142 Central Ave.	\$2,711,900	\$2,650,000	\$4,424.61	2010	\$4,424.61	\$763.25	\$5,187.86
142/4	142 Central Ave.	\$2,711,900	\$2,650,000	\$4,566.36	2011	\$4,566.36	\$560.65	\$5,127.01
						<u>\$8,990.97</u>	<u>\$1,323.90</u>	<u>\$10,314.87</u>

ATTEST:

APPROVED:

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

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

Res14/4-21TaxAppeal

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

CA 10

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 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

Res14/5-19SewerAdj

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

SEWER BILLING ADJUSTMENT 2014

CLARK TOWNSHIP

REF	#	Account #	Name	#	Address	Reason	Original	Revised	Credit	Additional
14	32	1347-0	Gloria Francisco	465	Madison Hill Rd	pool issue	\$ 785.00	\$ 560.00	\$ 225.00	
14	33	3157-0	Hilda Carranza	111	Lincoln Blvd	leak	\$ 2,025.00	\$ 1,345.00	\$ 680.00	
14	34	1998-0	Gregory Kniss	280	Madison Hill Rd	well	\$ 500.00	\$ 225.00	\$ 275.00	
14	35	4218-0	Emill Goliias	344	West Lane	leak	\$ 945.00	\$ 705.00	\$ 240.00	
14	36	4806-0	James Switek	11	Rose Lane	water issue	\$ 2,174.44	\$ 319.40	\$ 1,855.04	
14	37	4831-0	Mary Britzak	1145	Forest Drive	water issue	\$ 9,371.40	\$ 225.00	\$ 9,146.40	
14	38	2806-0	Nancy Kowalski	45	Kathryn Street	toilet issue	\$ 1,025.00	\$ 565.00	\$ 460.00	
14	39	1544-0	Richard Lavroff	46	Surrey Road	water issue	\$ 2,865.00	\$ 225.00	\$ 2,640.00	
14	40	2106-0	Vincent Raimondi	9	Cutler Place	scd disallow	\$ 100.00	\$ 225.00	\$ -	\$ 125.00
14	41	2762-0	Jeanne Houston	11	Yorktown Drive	water issue	\$ 5,145.00	\$ 225.00	\$ 4,920.00	
					<b>Total Credit</b>				<b>\$20,441.44</b>	

CA 11

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 19, 2014

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.

CLARK TOWNSHIP  
SEWER REFUNDS - 2014

REF	#	Account #	Name	#	Address	Reason	Refund
14	11R	1186-0	Brian Sheehan	16	Featherbed Lane	overpayment	\$24.57
14	12R	1779-0	John Curti	80	Post Circle	overpayment	\$24.70
14	13R	407-0	Carmelina Giacobbe	205	Briarheath Lane	overpayment	\$47.50
							\$96.77

ATTEST:

APPROVED:

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

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

Res14/5-19SewerRefunds

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

A 12

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

**WHEREAS** the Township Engineer has completed the final site inspections at the A & P, 1060 Raritan Road and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements.

**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 refund the remaining unused escrow funds to the A & P in the amount of \$55,018.40.

ATTEST:

APPROVED:

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

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

Res14/5-19RefundEscrowA&P

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

CH 13

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 19, 2014

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark upon the recommendation of the Mayor of the Township of Clark that Josephine Burkhardt residing at 16 Lincoln Boulevard and Robert Tarantino residing at 25 Blake Drive be and the same are hereby re-appointed as Constables in the Township of Clark to serve for a term of three (3) years the term to commence upon the swearing in and the posting of a Constable's Bond; and

**BE IT FURTHER RESOLVED** that the aforementioned persons shall be required to comply with N.J.S.A. 40A:9-120 *et seq.* which statute regulates the appointment, authority, duties and responsibilities of appointed constables.

ATTEST:

APPROVED:

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

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

Res14/5-19Re-ApptConstables

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 19, 2014

CA 14

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

**AUTHORIZE EXECUTION OF RIGHT-OF-WAY  
AGREEMENT BETWEEN THE TOWNSHIP OF CLARK  
AND FIBER TECHNOLOGIES NETWORKS, L.L.C.  
TO PERMIT THE INSTALLATION, USE AND  
MAINTENANCE OF TELECOMMUNICATIONS  
FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY  
FOR PURPOSES OF PROVIDING  
TELECOMMUNICATIONS SERVICES**

WHEREAS, Fiber Technologies Networks, L.L.C. ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBP") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to Fibertech to occupy the public rights-of-way within the Municipality for this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon Fibertech's continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage which may arise from

the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey:

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Municipality and providing liability and property damage insurance coverage.
3. The Mayor and Municipal Clerk are hereby authorized to execute the attached Agreement subsequent to the filing of plans for approval by the Governing Body in the best interest of the municipality and its citizens.
4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.

ATTEST:

APPROVED:

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

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

Res14/5-19AuthMunConsentRightofWayFibertech

Aye Nay Abstain Absent

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

I, Edith L. Merkel, Municipal Clerk of the Township of Clark do hereby certify that the above is a true copy of a Resolution adopted by the Council of the Township of Clark at a meeting held on May 19, 2014.

\_\_\_\_\_  
Municipal Clerk

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 19, 2014

CA 15

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

**WHEREAS** the Township solicited quotes for proposals for a Fireworks Display to be presented on July 4, 2014; and

**WHEREAS** proposals were received from two companies; and

**WHEREAS** Schaefer Pyrotechnics, Inc., 376 Hartman Bridge Road, Ronks, PA 17572, submitted a responsible, responsive proposal in the amount of \$15,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that they hereby commit to a fireworks display presented by Schaefer Pyrotechnics, Inc., to be held on Friday, July 4, 2014 with a rain date of Saturday, July 5, 2014;

**BE IT FURTHER RESOLVED** that the Mayor and appropriate officials of the Township of Clark are hereby authorized to enter into a contract with Schaefer Pyrotechnics, Inc., for 2014 as sufficient funds have been appropriated in the 2014 Municipal Budget under Celebration Events Account #30-420-223; and

**BE IT FURTHER RESOLVED** that when the contract is signed by Schaefer Pyrotechnics, Inc., they must include the proper insurance certificate endorsing the Township of Clark and the Clark Board of Education as "additional insured" on the policy.

ATTEST:

APPROVED:

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

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

Res14/5-19Fireworks

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