

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
April 21, 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:

Police Department - Swearing in of a new Police Officer; Brandon M. Pitts

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

**Mayor:**

**Township Officers:** Police, Fire and First Aid Reports for the month of March, 2014 have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

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

- 1. BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW ENTRANCE ROAD AND THE MAKING OF PARKING IMPROVEMENTS AT VALLEY ROAD SCHOOL FOR JOINT SCHOOL AND MUNICIPAL USE AND PUBLIC SAFETY PURPOSES IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**
- 2. AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**
- 3. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROHIBITED ACTS" ADOPTED FEBRUARY 18, 2014**
- 4. AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"**

5. **AN ORDINANCE TO AMEND CHAPTER 310, SECTION 32 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "FAILURE TO COMPLY"**
6. **CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE IMPROVEMENTS AND ACQUISITION OF EQUIPMENT TO CLARK SWIM POOL FACILITIES, INCLUDING IN GROUND VOLLEYBALL COMPLEX; ELECTRICAL REPLACEMENTS; UMBRELLAS AND TABLES AND GAME TABLES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$21,969.55 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL OUTLAY OF THE TOWNSHIP OF CLARK SWIM POOL UTILITY**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through April 16, 2014 in the amount of \$238,417.69

**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:**

7. Budget Compliance Resolution allowing the Budget to be read by title
8. **Public Hearing on the 2014 Municipal Budget**
9. Authorizing the Township of Clark to assume the responsibility of conducting the Annual Budget examination pursuant to NJSA 40A:4-78b
10. Appointing Christopher Mooney as a Member of the Clark Volunteer Fire Department
11. Council as Municipal Pool Utility authorizing the appointment of Lorrie Williamson as Alternate II Member of the Pool Advisory Board term ending December 31, 2014.
12. Affirming the Township's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors and members of the public that come into contact with municipal employees, officials and volunteers

**CONSENT AGENDA RESOLUTIONS:**

13. Authorizing the Tax Collector to Settle Tax Appeals authorized by the Tax Court of New Jersey in the amount of \$10,314.87
14. Authorizing the Tax Collector to refund overpayment of taxes for the 1<sup>st</sup> Quarter of 2014 in the amount of \$14,779.34
15. Authorizing the Chief Financial Officer to apply sewer account balance adjustments \$13,333.06
16. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$363.67

**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:**

PH 1

**TOWNSHIP OF CLARK**

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

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

Introduced: April 7, 2014 Public Hearing: April 21, 2014

Motion: Entire Council Motion: \_\_\_\_\_

Seconded: Entire Council Seconded: \_\_\_\_\_

**BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW ENTRANCE ROAD AND THE MAKING OF PARKING IMPROVEMENTS AT VALLEY ROAD SCHOOL FOR JOINT SCHOOL AND MUNICIPAL USE AND PUBLIC SAFETY PURPOSES IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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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 construct a new entrance road and make parking improvements at Valley Road School for joint school and municipal use and public safety purposes in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$400,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the

down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$400,000, and (4) \$20,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$380,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$20,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$20,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within

the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$380,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the

payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: May 15, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord 14/4-7BondOrd\$400,000ValleyRdSch  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

PH 2

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

Adopted \_\_\_\_\_

Introduced: March 3, 2014 Public Hearing: April 21, 2014

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

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

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 3.0% increase in the budget for said year, amounting to \$465,910.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2014 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 4%, amounting to \$543,561.90 and that the CY 2014 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED** that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Effective Date: May 14, 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

Ord14/3-3ExceedBudget-CapBank  
Aye Nay Abstain Absent

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

PH 3

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

Introduced: March 3, 2014 Public Hearing: April 21, 2014

Motion: Entire Council Motion: \_\_\_\_\_

Seconded: Entire Council Seconded: \_\_\_\_\_

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20  
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED  
"PROHIBITED ACTS"  
ADOPTED FEBRUARY 18, 2014**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Ordinance No. 14-03, adopted on February 18, 2014 is hereby amended in the following particulars:

**SECTION 1:** Notwithstanding anything contained in the Ordinance to which this is an amendment to the contrary, canvassing, solicitation, calling from house to house, and other activities of similar nature whether commercial or noncommercial purposes is strictly prohibited on Sundays.

**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 final adoption and publication, according to law.

Effective Date: May 14, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/3-3AmendOrd14-03Ch248

Aye Nay Abstain Absent

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

PH 4

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

Introduced: March 17, 2014 Public Hearing: April 21, 2014

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

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

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 347 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 Sections of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" are hereby amended in the following particulars:

**SECTION 1:** Section 347-10 entitled "Temporary Parking Prohibition for Snow Plowing" is amended and supplemented so as to include the following:

- Hickory Street - both sides, entire length
- Lexington Boulevard – both sides, entire length
- Westfield Avenue – both sides, entire length
- Peter Circle – both sides, entire length
- Russell Court – both sides, entire length
- Jarvais Terrace - both sides, entire length

**SECTION 2:** Section 347-22 entitled "Parking Restrictions" is hereby supplemented so as to include:

- Acorn Drive – both sides, 8:00 a.m. to 9:00 a.m. and  
2:00 p.m. to 3:00 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 3:** Section 347-25 entitled "Parking Prohibited at all Times" is supplemented so as to include Miller Avenue from the southerly curb line starting at Riverside Drive to the bend ending at 202 Miller Avenue.

**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: May 14, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/3-17AmendCh347VehiclesTraffic	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____

PH 5

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

Adopted \_\_\_\_\_

Introduced: March 17, 2014 Public Hearing: April 21, 2014

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

Second: O'Connor Second: \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 310, SECTION 32 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "FAILURE TO COMPLY"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 310, Section 32 of the Code of the Township of Clark entitled "Failure to Comply" be hereby amended, as follows:

**SECTION 1:** Deleted from the foregoing section is all reference to enforcement power under the direction of the Department of Public Works and Engineering and/or its designee. The foregoing ordinance shall be enforced by the Clark Police Department.

**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: May 14, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/3-17AmendCh310FailuretoComply  
Aye Nay Abstain Absent

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

PH 6

TOWNSHIP OF CLARK

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

Adopted \_\_\_\_\_

Introduced: April 7, 2014 Public Hearing: April 21, 2014

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

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

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE IMPROVEMENTS AND ACQUISITION OF EQUIPMENT TO CLARK SWIM POOL FACILITIES, INCLUDING IN GROUND VOLLEYBALL COMPLEX; ELECTRICAL REPLACEMENTS; UMBRELLAS AND TABLES AND GAME TABLES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$21,969.55 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL OUTLAY OF THE TOWNSHIP OF CLARK SWIM POOL UTILITY**

**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 make improvements and acquisition of equipment to the Clark Swim Pool facility, including in ground volleyball complex; electrical replacements; umbrellas and tables and game tables and any ancillary costs related thereto.

**Section 2.** The sum of \$21,969.55 is hereby appropriated for the improvements and acquisition of equipment as mentioned heretofore to the Clark swim pool facility and ancillary costs related thereto, as described in section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from Capital Outlay of the Township of Clark Swim Pool Facility 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: May 14, 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

Ord14/4-7CapitalOutlayPool

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 21, 2014

7

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

**WHEREAS** at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

**WHEREAS** an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to NJSA 40A:4-8; and

**WHEREAS** copies of the budget have been made available to each person requesting one at no charge.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

ATTEST:

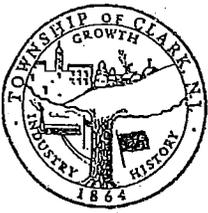
APPROVED:

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

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

Res14/4-21BudgetCompliance-Library

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



TOWNSHIP OF

*Clark* NEW JERSEY

EDITH L. MERKEL  
TOWNSHIP CLERK

430 Westfield Avenue  
Clark, New Jersey 07066-1704  
Tel: (732) 388-3669  
Fax: (732) 388-1241  
Email: clerk@ourclark.com

**MEMORANDUM**

**TO:** Dawn Jenkin, Library Director  
**FROM:** Edith L. Merkel, Township Clerk  
**DATE:** March 4, 2014  
**RE:** 2014 Municipal Budget

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Enclosed please find a copy of the 2014 Municipal Budget of the Township of Clark as Introduced and Approved by the Governing Body at a Special Council meeting held March 3, 2014, 430 Westfield Avenue, Clark, New Jersey at 7:30 p.m.

A hearing on the budget and tax resolution will be held at the Council Chambers, 315 Westfield Avenue on Monday, April 21, 2014 at 7:30 p.m. at which time and place objections to the Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

Additional copies are available in the office of the Township Clerk, room 28 of the Municipal Building, 430 Westfield Avenue and can also be viewed on the Township website at [www.ourclark.com](http://www.ourclark.com)

Upon receipt of the Budget please sign and date as indicated below. Return this memo as attestation that the delivery was made.

ATTEST:

RECEIVED:

*Edith L. Merkel* 3/11/14  
Edith L. Merkel  
Township Clerk

*Dawn S. Jenkin* 3/11/14  
Dawn Jenkin  
Library Director

8

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 21, 2014

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

**Municipal Budget of the Township of Clark County of Union for Calendar Year 2014**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014:

**EXPLANATORY STATEMENT  
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2014**

General Appropriation For:

1. Appropriations within "CAPS":		
(a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2)		15,836,501.00
2. Appropriations excluded from "CAPS"		
(a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended)		4,719,758.80
(b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)		-
Total General Appropriations excluded from "CAP" (Item O, Sheet 29)		4,719,758.80
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated <u>98.49</u> Percent of Tax Collections		862,000.00
4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2014 \$ _____ for Schools – State Aid 2013 \$ _____		21,418,259.80
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)		5,923,833.80
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)		
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)		14,710,879.92
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)		-
(c) Minimum Library Tax		783,546.08

**BE IT RESOLVED** that notice is hereby given that the Budget and Tax Resolution was introduced by the Municipal Council of the Township of Clark, County of Union on March 3, 2014; and

**BE IT FURTHER RESOLVED** that said Budget has been published in summary in the Union County LocalSource in the issue of April 3, 2014; and

**BE IT FURTHER RESOLVED** that a Regular Meeting for the hearing on the Budget and Tax Resolution was held at the Municipal Council Chambers, 315 Westfield Avenue, on April 21, 2014 at 7:30 pm at which time and place taxpayers or other interested persons were given an opportunity to present objections to said Budget and Tax Resolution for the year 2014.

ATTEST:

APPROVED:

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

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

Res14/4-21BudgetAdoption

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

\_\_\_\_\_

9

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 21, 2014

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

**WHEREAS** N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS** N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS** pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Clark has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that in accordance with N.J.A.C. 5:30-7.6a and 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ATTEST:

APPROVED:

---

EDITH L. MERKEL, RMC  
Township Clerk

---

BRIAN P. TOAL  
Council President

Res14/4-21BudgetSelfExam

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 21, 2014

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 21<sup>st</sup> day of April, 2014.

Christopher E. Mooney  
1 Park Street  
Clark, New Jersey 07066

ATTEST:

APPROVED:

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

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

Res14/4-21AppointFireFighterMooney

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 21, 2014

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

**BE IT RESOLVED** by the Township Council as the Municipal Pool Utility that the following individual is hereby appointed as the Alternate II Member of the Clark Community Pool Advisory Board effective April 21, 2014.

**Alternate II Member:**

Lorrie Williamson                      63 Cornell Drive                      04/21/14 – 12/31/14 (1 year)

ATTEST:

APPROVED:

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

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

Res14/4-21PoolAdvisoryBoardAltII

Aye    Nay    Abstain    Absent

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

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

**A RESOLUTION TO AFFIRM THE TOWNSHIP OF CLARK'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS** it is the policy of the Township of Clark to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

**WHEREAS** the governing body of the Township of Clark has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE BE IT ADOPTED** by the Township of Clark that:

**Section 1:** No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the local Township.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Business administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

ATTEST:

APPROVED:

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

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

Res14/4-21CivilRights

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

CA 13

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 21, 2014

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

**BE IT RESOLVED**, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle Tax Appeals 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>	<u>Year</u>
142/4	142 Central Avenue	2,711,900	2,650,000	4,424.61	2010
142/4	142 Central Avenue	2,711,900	2,650,000	4,566.36	2011

**BE IT FURTHER RESOLVED**, that a refund be issued in the amount of \$10,314.87

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 14

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 21, 2014

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

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2014 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) in accordance with the following schedule:

TAX REFUNDS - 2014

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	YEAR/QTR
60	65.01		M&T Bank	100	Commerce Place	\$14,779.34	2014/1

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

BRIAN P. TOAL  
Council President

Res14/4-21TaxRefund

Aye Nay Abstain Absent

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

CA 15

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 21, 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

Res14/4-21SewerAdj

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



TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
April 21, 2014

CA 16

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.

REF	#	Account #	Name	#	Address	Reason	Refund
14	4R	743-0	Desmond Hamilton	26	Stonehenge Terrace	overpayment	\$30.00
14	5R	1186-0	Brian Sheehan	16	Featherbed Lane	overpayment	\$24.57
14	6R	4830-0	Joseph Charles Svec	11	Durham Drive	overpayment	\$25.00
14	7R	367-0	Sadie Borenstein	267	Willow Way	overpayment	\$25.00
14	8R	4763-0	Joaquim Goncalves	91	St. Laurent Drive	overpayment	\$159.10
14	9R	4169-0	Patricia Hanni	30	Clauss Road	overpayment	\$75.00
14	10R	3561-0	Nathalia Sarro	115	Nassau Street	overpayment	\$25.00
					<b>Total Refunds</b>		<b>\$363.67</b>

ATTEST:

APPROVED:

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

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

Res14/4-21SewerRefunds

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