

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
August 18, 2014
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Barr _____	Councilman Smith _____
Councilman Mazzarella _____	Councilwoman Soyka _____
	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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor: Appoints a new Public Defender to fill the unexpired term of Stephanie Mitterhoff

Township Officers: Police, Fire and First Aid Reports for the month of July, 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. AN ORDINANCE TO AMEND CHAPTER 302, SECTION 302-7 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SOLID WASTE"**
- 2. AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 145, SECTION 145-3E OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "FEES"**
- 3. AN ORDINANCE TO AMEND CHAPTER 195, SECTION 195-120 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "FENCES AND WALLS"**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 13, 2014 in the amount of \$249,545.71

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:

4. **Council as ABC Board:** Authorizing the person-to-person transfer of the ABC license held by Aliperti's Restaurant to Whole Foods Market Group, Inc.
5. Authorizing the Mayor and Township Clerk to execute a Joint Purchasing Agreement between the City of Rahway, the Boroughs of Roselle and Kenilworth and the Township of Clark to acquire and share use of an Automated Brine Maker
6. Supporting passage of Assembly Bill A900 which will allow municipalities and counties to properly, quickly and economically clean and de-silt streams to help prevent flooding
7. Opposing Senate Bill S1801 and Assembly Bills A2612 and A2495 which if signed into law would abolish the office of the tax assessor in municipalities in Atlantic County, shifting responsibility to the County and establish a pilot program in Gloucester and Monmouth Counties
8. Appointing Paulo Lopes as a member of the Clark Volunteer Fire Department

CONSENT AGENDA RESOLUTIONS:

9. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$3,365.00
10. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$9,447.16
11. Authorizing the Mayor to sign an agreement with the County of Union for Leaf Composting

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

Ordinance No. _____

Adopted _____

PH 1

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: Mazzarella Motion: _____

Seconded: Smith Seconded: _____

AN ORDINANCE TO AMEND CHAPTER 302, SECTION 302-7 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SOLID WASTE"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 302, Section 302-7 of the Code of the Township of Clark entitled "Solid Waste" is hereby amended, as follows:

SECTION 1: Sub-Section 302-7A is hereby deleted and replaced as follows:

A. From time to time as directed by the Township Administrator, bulky cleanup materials shall consist of furniture, storm screens and windows, rugs (cut up and tied), doors, toys, garden tools, etc. The following items are not determined to constitute Solid Waste and will not be picked up by the Township: construction material resulting from demolition, alteration, or repair to buildings (i.e., kitchen/bathroom remodeling, toilets, sinks, tubs, etc.); mattresses, box springs; appliances; propane tanks; auto parts and tires; railroad ties, concrete, logs, dirt, rocks; paint cans and painting products. All bulky items should be placed between the curb and sidewalk (not in the street) in boxes, containers, etc. and not loose on the street.

SECTION 2: Sub-Section 302-7B is hereby deleted and replaced as follows:

- B. Appointment for Pick-Up shall be as follows with no exceptions:
a. For the First Ward, the reservation shall be made by 3:00 pm on the Thursday before the first week of the month;
b. For the Second Ward, the reservation shall be made by 3:00 pm on the Thursday before the second week of the month;
c. For the Third Ward, the reservation shall be made by 3:00 pm on the Thursday before the third week of the month;
b. For the Fourth Ward, the reservation shall be made by 3:00 pm on the Thursday before the fourth week of the month.

SECTION 3: Sub-Section 302-7C is deleted and replaced as follows:

C. Should there be inclement weather during the winter months; the pick up of bulky items will be rescheduled.

SECTION 4: Sub-Sections 302-7D and 302-7E are restated as written.

SECTION 5: **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 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 10, 2014

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord14/7-21Ch302-7BulkyCleanup	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

PH 2

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: Entire Council Motion: _____

Seconded: Entire Council Seconded: _____

**AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 145, SECTION 145-3E
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "FEES"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 145, Section 145-3E of the Code of the Township of Clark entitled "Fees" is hereby amended and supplemented, as follows:

SECTION 1: Sub-Section 145-3E entitled "Charges for outside police details undertaken by police" is hereby supplemented to add Section (a) as follows:

(a) All requests for outside police details shall give at least three (3) hours advance notice. Failure to provide such advance notice shall result in the increase of the hourly fee for such detail from \$60.00 per hour to \$90.00 per hour. Employing entity shall file a certificate attesting the existence of worker's compensation coverage for all off-duty police officers so employed.

SECTION 2: (b) Existing Sub-Section (a) is amended to increase the rates to be charged per hour from \$50.00 to \$60.00; and from \$75.00 to \$90.00, and is hereby restated and re-designated as Sub-Section (b)

SECTION 3: (c) Existing Sub-Section (b) is hereby designated as Sub-Section (c).

SECTION 4: Sub-Section (d) is hereby added, as follows:

Future changes in fees shall be by resolution of the Governing Body.

SECTION 5: **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 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 10, 2014

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord14/7-21Ch145Fees-PoliceDetails
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

PH 3

Introduced: July 21, 2014 Public Hearing: August 18, 2014

Motion: Smith Motion: _____

Seconded: Albanese Seconded: _____

**AN ORDINANCE TO AMEND CHAPTER 195, SECTION 195-120
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "FENCES AND WALLS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 195, Section 195-120 of the Code of the Township of Clark entitled "Fences and Walls" is hereby amended, as follows:

SECTION 1: Section 195-120D is hereby deleted and replaced as follows:

"In the case of a residential corner lot, a fence or wall of any type not greater than 6.5 feet in height may be permitted to extend along the right-of-way where such wall or fence encloses the yard area of a home located on a corner lot, providing that the conditions of Section 195-119 are also met and that no such fence shall be allowed beyond a parallel line extended from the front facing side of the home to the right-of-way."

SECTION 2: Section 195-120I is hereby deleted and replaced as follows:

"Solid fences shall not be permitted to be constructed in the front yard of any residential property and any such fence shall be required to be open, partial or board-on-board, except as specifically allowed per Section 195-120D."

SECTION 3: **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 4: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 10, 2014

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord14/7-21Ch195-120FencesandWalls	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK

Resolution _____

August 18, 2014

4

Motion _____ Second _____

WHEREAS an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-33-003-003, heretofore issued to Aliperti's Restaurant, Inc., held in pocket since May 31, 2014; and

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2014-2015; and

WHEREAS the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark does hereby approve, effective August 18, 2014 the transfer of the aforesaid Plenary Retail Consumption License to Whole Foods Market Group, Inc., 550 Bowie Street, Austin, Texas 78703 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Whole Foods Market Group, Inc., effective August 18, 2014."

BE IT FURTHER RESOLVED that Whole Foods Market Group, Inc. has requested the license be placed in pocket at this time.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18ABCTransferAlipertiToWholeFoods

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

TOWNSHIP OF CLARK

Resolution _____

August 18, 2014

5

Motion _____ Second _____

WHEREAS the City of Rahway, the Boroughs of Roselle and Kenilworth and the Township of Clark have a need for a piece of equipment commonly known as an Automated Brine Maker (the "Maker"); and

WHEREAS N.J.S.A. 40A:11-10 and N.J.S.A. 40A:11-11 specifically authorize two (2) or more contracting units to enter into a Joint Purchasing Agreement for the purchase of equipment; and

WHEREAS the City of Rahway as the lead agency (the "Lead Agency") is conducting a voluntary joint purchasing system for the purchase of the Maker with Roselle, Kenilworth and Clark as the other authorized contracting units; and

WHEREAS it is the desire of all parties to enter into such Agreement for said purpose.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the Joint Purchasing Agreement as hereinabove mentioned is hereby approved in accordance with the aforesaid statutes; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute said agreement on behalf of the township.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18BrineMakerAgreement

Aye Nay Abstain Absent

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

6

TOWNSHIP OF CLARK
Resolution _____
August 18, 2014

Motion _____ Second _____

WHEREAS sediment, debris, garbage, brush and trees that accumulate in our waterways contribute to serious flooding that causes property damage and threatens personal safety; and,

WHEREAS restrictions on stream cleaning, de-silting and de-snagging projects by counties or municipalities are currently onerous and restrictive; and,

WHEREAS Assembly Bill A900 will allow municipalities and counties to properly, quickly, and economically clean and de-silt streams to help prevent flooding.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby support A900 and urge quick action to be taken on it to help relieve the flooding issues that occur throughout New Jersey; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Assembly Environmental and Solid Waste Committee, Assemblyman Jerry Green, Assemblywoman Linda Stender, the New Jersey State League of Municipalities, and all Union County Municipalities.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18SupportA900Streams

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

TOWNSHIP OF CLARK

Resolution _____

August 18, 2014

7

Motion _____ Second _____

WHEREAS State Senate Bill S-1801 and Assembly Bills A-2621 and A-2495, if signed into law, would abolish the office of the tax assessor in municipalities in Atlantic County thereby shifting all of their tax assessment responsibilities to the County of Atlantic; and,

WHEREAS previous legislation was passed and signed into law authorizing a countywide pilot assessor program in Gloucester County and an enhanced local assessor pilot program in Monmouth County to study, over several years, the cost/benefit of these new tax assessment systems; and,

WHEREAS the pilot programs have yet to be completed so as to study the cost or benefits, if any, of each new assessment system; and,

WHEREAS the Governing Body of the Township of Clark has serious reservations about the cost savings, efficiency, and effectiveness of these programs for the following reasons:

1. The timeliness of adding new assessments to the municipal tax rolls will be severely impacted. Forwarding this information to the County will cause delays in recordings and information could be lost thereby reducing the potential increase in assessed value of the community.
2. The local assessor, in the current system, is in charge of defense of tax appeals. A local assessor best knows the local market value and neighborhoods. As such, the Township will lose additional appeals.
3. Priority will not be given to the considerations of smaller municipalities, like Clark, when those of larger municipalities have issues. The County tax base is dependent on all municipal assessed values.
4. Local revaluations will become unnecessarily burdensome to local residents.
5. The critical interplay between the Tax Assessor and the Tax Collector will be lost.
6. Clark presently is in an Interlocal services agreement with Scotch Plains

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby express its objections and opposition to the passage of Senate Bill S-1801 and Assembly Bills A-2612 and A-2495 and the further expansion of the aforementioned and inclusive pilot program; and

BE IT FURTHER RESOLVED that the Township Clerk forward certified copies of this Resolution to the Union County Board of Chosen Freeholders, the twenty-one (21) municipalities of Union County, State Senator Nicholas Scutari., Assemblyman Jerry Green, Assemblywoman Linda Stender, the Association of Municipal Assessors of New Jersey, and the New Jersey State League of Municipalities.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18OpposeTaxAssessorBill

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

TOWNSHIP OF CLARK
Resolution _____
August 18, 2014

8

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 18th day of August, 2014.

Paulo A. Lopes
63 Malvern Drive
Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18AppointFireFighterLopes

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

TOWNSHIP OF CLARK

Resolution _____

August 18, 2014

CA 9

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	#	Acct #	Name	#	Address	Reason		Refund
14	15R	1522-0	Douglas & Camille Termott	47	Byron Place	overpayment		\$125.00
14	16R	1646-0	Vitor Soares	3	Partridge Run	overpayment	\$3,240	\$3,240.00
					Total Refunds			\$3,365.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18SewerRefunds

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

CA 10

TOWNSHIP OF CLARK
Resolution _____
August 18, 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

Res14/8-18SewerAdj

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

TOWNSHIP OF CLARK

Resolution _____

August 18, 2014

CA 11

Motion _____ Second _____

BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, New Jersey is desirous to enter into a Memorandum of Understanding and an Indemnification Agreement for leaf composting at the Union County Facility; and

BE IT FURTHER RESOLVED the Governing Body hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/8-18UCLeafCompostingAgreement

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