

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
January 27, 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.

Suspend the Regular Order of Business

Pop-Warner Cheerleaders and Football Players

5 minute recess - Resume the Regular Order of Business

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

**Mayor:**

**Business Administrator Meeting Summary:**

**Township Officers:** Police, Fire and First Aid Reports for the month of December, 2013 as well as the Clerk's quarterly report have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF PROPOSED ORDINANCES:**

- 1. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW RESCUE PUMPER FIRE ENGINES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,700,000 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**

**Public Hearing February 18, 2014**

- 2. AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 3, ARTICLE 8, SECTION 3-30 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VOLUNTEER FIRE DEPARTMENT"**

**Public Hearing February 18, 2014**

**3. AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROHIBITED ACTS"**

**Public Hearing February 18, 2014**

**4. AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES**

**Public Hearing February 18, 2014**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through January 17, 2014 in the amount of \$314,347.84

**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. Confirming the Mayor's appointment of Donna Roglieri to the Library Board of Trustees, filling the unexpired term of Joan Szymonifka
6. Opposing the closure of the Woodbridge Developmental Center
7. Seeking assistance of the Governor and State Legislature to consider the development and adoption of legislation which would indemnify and hold harmless Municipalities and other Public Bodies from the cost of defense of environmental litigation by the NJ Department of Environmental Protection
8. Authorizing the Township to accept equipment donations from Chase Bank
9. Authorizing transfers of 2013 Appropriation Reserves
10. Authorizing the Mayor to appoint a Committee to plan various celebrations to celebrate the 150<sup>th</sup> Anniversary of the Township
11. Appointing Brian Willey as a Member of the Clark Volunteer Fire Department

**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: January 27, 2014 Public Hearing: February 18, 2014

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

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

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW RESCUE PUMPER FIRE ENGINES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,700,000 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, State of New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to undertake various public improvements and to acquire new rescue pumper fire engines, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. 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 benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of two new rescue pumper fire engines, including original apparatus and equipment.

Appropriation and Estimated Cost	\$1,300,000
Down Payment Appropriated	\$ 65,000
Bonds and Notes Authorized	\$1,235,000
Period of Usefulness	10 years

B. Undertaking of various improvements to municipal facilities, including, but not limited to, (i) expansion of Firehouse No. 2 (located on Raritan Road) and (ii) installation of generators at various public buildings.

Appropriation and Estimated Cost	\$ 400,000
Down Payment Appropriated	\$ 20,000
Bonds and Notes Authorized	\$ 380,000
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$1,700,000
Aggregate Down Payment Appropriated	\$ 85,000
Aggregate Amount of Bonds and Notes Authorized	\$1,615,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$82,000 which is estimated to be necessary to finance the cost of such purposes, 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$85,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$85,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$1,615,000 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,615,000 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 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute 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 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.17 years computed from the date of said bonds.

Section 11. 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 said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,615,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

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. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: March 13, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/01-27 1.7 MultiBondOrd

Aye Nay Abstain Absent

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

**TOWNSHIP OF CLARK**

INTRO

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

Adopted \_\_\_\_\_

2

Introduced: January 27, 2014 Public Hearing: February 18, 2014

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

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

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 3, ARTICLE 8, 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 Article 8, Sub-Section 30 of the Code of the Township of Clark entitled “Volunteer Fire Department” is hereby amended and supplemented, as follows:

**SECTION 1:** Sub-Section G is supplemented as follows:  
Deputy Chiefs authorized by this Section shall be elected by the members of the Department who have been previously elected and served as Chiefs of the Fire Department.

**SECTION 2:** Sub-Section H(1) is hereby supplemented so as to provide that the Fire Chief shall have the power of appointing an officer at any time in the event an officer position becomes vacant.

**SECTION 3:** Sub-Section N(2) is hereby amended to read “Any rule or regulation shall be issued by the Chief of the Department and posted. The Standard Operating Guidelines of the Fire Department heretofore adopted are hereby continued.”

**SECTION 4:** Any trained firefighter that lives two miles outside the jurisdiction limits of the Township of Clark may complete an application to join the Clark Volunteer Fire Department. Trained firefighter requirements include successful completion of the State of New Jersey requirements for Firefighter One and Two Programs. Any application will be reviewed by the Senior Officers of the Fire Department and approved or denied for membership pending final approval of the Chief of the Fire Department. Once an application has been approved, the application will be placed on a wait list pending the need for additional members, or the application will be sent to the Administration for the applicant to be approved for a position within the Fire Department. Any members joining the Clark Volunteer Fire Department that reside outside the jurisdiction limits of the Township of Clark shall not hold a position of Fire Officer.

**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: March 12, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/1-27AmendCh3VolFireDept	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Toal	_____

TOWNSHIP OF CLARK

INTRO

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

3

Adopted \_\_\_\_\_

Introduced: January 27, 2014 Public Hearing: February 18, 2014

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

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

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

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 248, Section 248-20 of the Code of the Township of Clark entitled "Prohibited Acts" is hereby amended in the following particulars:

**SECTION 1:** Section 248-20(B) is amended as follows:  
All persons and business entities, irrespective of whether the same are public interest, non-profit, commercial or for profit, are prohibited from polling, surveying, soliciting, calling from house to house for monies and donation, in all residential zones, except during the following periods:

April 15 to October 15: 10:00 a.m. to 7:00 p.m.  
October 16 to April 14: 10:00 a.m. to 5:00 p.m.

**SECTION 2:** Section 1 as stated hereinabove is to be read and interpreted in *pari materia* with and to the present provisions of Section 248-20(B).

**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: March 12, 2014

**ATTEST:**

**APPROVED:**

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/01-27AmendCh248ProhibitedActs	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Toal	_____

**TOWNSHIP OF CLARK**

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

Adopted \_\_\_\_\_

INTRO  
4

Introduced: January 27, 2014 Public Hearing: February 18, 2014

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

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

**AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES**

WHEREAS said Ordinance reflects a change in salaries to be paid to certain employees of the Township for the year 2014 and forward.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers of the Township of Clark be and they are hereby authorized and directed to execute and deliver checks on Township funds for the purpose of paying the following annual salaries to the employees of the Township of Clark within the range as set forth below opposite each job classification as in such cases made. The Schedule of salaries hereinafter set forth shall be effective as of January 1, 2014 and may be amended for those who may exceed the maximum.

	MINIMUM	MAXIMUM
Business Administrator	\$ 75,000.00	\$ 200,000.00
Township Clerk	\$ 55,000.00	\$ 100,000.00
Township Attorney*		
Mayor's Confidential Secretary	\$ 30,000.00	\$ 65,000.00
Confidential Assistant/H.R./Affirmative Action	\$ 30,000.00	\$ 70,000.00
Assessor P/T	\$ 20,000.00	\$ 50,000.00
Tax Collector	\$ 1,200.00	\$ 75,000.00
Certified Finance Officer	\$ 50,000.00	\$ 200,000.00
Construction Code Official	\$ 40,000.00	\$ 140,000.00
Municipal Court Administrator	\$ 35,000.00	\$ 70,000.00
Health Officer/Purchasing Asst.	\$ 40,000.00	\$ 100,000.00
Prosecutor P/T	\$ 8,500.00	\$ 25,000.00
Judge	\$ 20,000.00	\$ 50,000.00
Public Defender P/T	\$ 4,000.00	\$ 10,000.00
Superintendent of Public Works	\$ 15,000.00	\$ 100,000.00
Public Works Supervisor	\$ 40,000.00	\$ 100,000.00
Mayor	\$ 4,000.00	\$ 20,000.00
Council President	\$ 4,000.00	\$ 10,000.00

	MINIMUM	MAXIMUM
Council Members	\$ 4,000.00	\$ 10,000.00
Board of Adjustment Secretary	\$ 1,600.00	\$ 10,000.00
Planning Board Secretary	\$ 1,600.00	\$ 10,000.00
Fire Prevention Official	\$ 7,000.00	\$ 95,000.00

Captain/Fire Prevention Official	\$ 4,200.00	\$ 7,500.00
Fire Official Secretary	\$ 750.00	\$ 1,000.00
Director Public Safety	\$ 1,700.00	\$ 3,500.00
Director Senior Citizen	\$ 1,700.00	\$ 7,500.00
Director Public Works/Shade Tree	\$ 1,750.00	\$ 20,000.00
Fire Sub Code Official P/T	\$ 3,000.00	\$ 8,000.00
Elevator Inspector P/T	\$ 2,500.00	\$ 12,000.00
Plumbing Sub Code Official P/T	\$ 6,000.00	\$ 14,000.00
Electrical Inspector P/T	\$ 7,000.00	\$ 18,000.00
Emergency Management Coordinator	\$ 1,500.00	\$ 6,000.00
Deputy Emergency Management	\$ 300.00	\$ 3,000.00
Fire Chief	\$ 3,800.00	\$ 7,000.00
Assistant Fire Chief	\$ 2,500.00	\$ 6,000.00
Deputy Chief	\$ 1,100.00	\$ 4,000.00
Deputy Chief	\$ 1,100.00	\$ 4,000.00
Deputy Chief	\$ 1,100.00	\$ 4,000.00
1 <sup>st</sup> Fire Captain	\$ 1,900.00	\$ 4,000.00
2 <sup>nd</sup> Fire Captain	\$ 1,900.00	\$ 4,000.00
1 <sup>st</sup> Lieutenant	\$ 1,000.00	\$ 4,000.00
2 <sup>nd</sup> Lieutenant	\$ 1,000.00	\$ 4,000.00
Public Information Officer	\$ 1,000.00	\$ 5,500.00
Director of Recreation/Facilities Mgr.	\$ 50,000.00	\$ 100,000.00
Assistant Recreation Supervisor	\$ 9,200.00	\$ 15,000.00
Director Teen Center	\$ 2,000.00	\$ 15,000.00
Assistant Teen Center	\$ 2,000.00	\$ 10,000.00
Recreation/Senior Fitness P/T Personnel	\$ 500.00	\$ 25,000.00
Manager – TV 36	\$ 5,000.00	\$ 60,000.00
Fire Training Officer	\$ 1,000.00	\$ 5,000.00
Bus Driver – Part Time	\$ 15,000.00	\$ 25,000.00
Property Maintenance P/T	\$ 5,000.00	\$ 7,500.00

HOURLY

Police Matron – on duty	\$ 40.00 event	\$ 40.00 event
Police Matron – on call	\$ 40.00 hour	\$ 40.00 hour
Seasonal Employees – Recreation/Sr. Citizen	\$ 6.00 hour	\$ 25.00 hour

POLICE – Base Pay

Chief (plus longevity and education)	\$ 115,000.00	\$ 200,000.00
Captains (plus longevity and education)	\$ 100,000.00	\$ 180,000.00

MINIMUM

MAXIMUM

MUNICIPAL POOL

Pool Director/Manager	\$ 8,450.00	\$ 14,000.00
Pool Facilities Manager	\$ 5,000.00	\$ 15,000.00
Assistant Manager(s)	\$ 4,100.00	\$ 10,000.00
Water Safety Instructor(s)	\$ 3,300.00	\$ 10,000.00
Lifeguard(s)	\$ 2,700.00	\$ 6,000.00
Maintenance Worker(s)	\$ 2,000.00	\$ 6,000.00
Gate Control Person(s)	\$ 2,000.00	\$ 5,000.00
Activities Director	\$ 1,050.00	\$ 3,750.00

\*Annual Professional Services Contract

Any ordinance inconsistent with the provisions contained herein is hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final passage and publication according to law.

Effective Date: March 12, 2014

**ATTEST:**

**APPROVED:**

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

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

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

Ord14/1-27SalaryOrd

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
January 27, 2014

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

**WHEREAS** Mayor Sal Bonaccorso has appointed the following individual as a Member of the Library Board of Trustees.

Donna Roglieri      Regular Member      Term ending 12/31/16  
(Filling the unexpired  
term of Joan Szymonifka  
(1/3/12 – 12/31/16)

**WHEREAS** this appointment requires the advice and consent of the Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby confirms the above mentioned appointment to the Library Board of Trustees.

ATTEST:

APPROVED:

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

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

Res14/1-27ApptLibraryBd-DRoglieri

Aye Nay Abstain Absent

Albanese      \_\_\_\_\_  
Barr            \_\_\_\_\_  
Kazanowski    \_\_\_\_\_  
Mazzarella    \_\_\_\_\_  
O'Connor      \_\_\_\_\_  
Smith          \_\_\_\_\_  
Toal            \_\_\_\_\_

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

January 27, 2014

Motion \_\_\_\_\_ Entire Council \_\_\_\_\_ Second \_\_\_\_\_ Entire Council \_\_\_\_\_

**WHEREAS** in an effort to reduce New Jersey’s reliance on institutional care, the Task Force on The Closure of State Developmental Centers was created by the State Legislature and charged with reviewing certain criteria of each of the state-operated facilities including but not limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn’t oppose moving outside the region; the state’s ability to maintain operations, and projected repair and maintenance of each center; and

**WHEREAS** among the seven state-operated facilities is the Woodbridge Developmental Center (hereafter referred to as WDC), a residential facility, established in 1965 for persons with developmental disabilities and located in the Avenel section of Woodbridge Township; and

**WHEREAS** in July 2012, the Task Force recommended WDC and North Jersey Developmental Center (hereafter referred to as NJDC) in Passaic County be shuttered by 2017; and

**WHEREAS** while indicating that no one piece of information or experience was a determining factor in which of the seven state-operated facilities would be recommended for closure, there are other factors that should have been considered before making their decision; and

**WHEREAS** factors that were not considered include the rights (federal law requires government to meet the needs of the individual) of the clients at WDC and NJDC to have treating professionals make judgments about how their needs are best met and that transferring clients from long-term institutional care to community housing has its own set of problems including higher rates of mortality and an increased likelihood of abuse in a community; and

**WHEREAS** the Governing Body of the Township of Clark is deeply concerned by not only the recommendation by the Task Force to displace WDC and NJDC clients but the wide-reaching economic effect with the loss of approximately 1,600 jobs in the surrounding communities; and

**WHEREAS** the Task Force opinion that the relatively strong economies of the effected cities are more able to absorb closures is wrong and should not be a factor in the Task Force’s decision.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby expresses its disagreement with the finding and conclusion of the Task Force on the closure of developmental centers; opposes the closing of the WDC and NJDC as vital and valuable resources and avers that all seven state-operated developmental centers should be kept in operation for the benefit of its residents, its employees and the state in which they provide services.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be sent to Governor Chris Christie, 22<sup>nd</sup> District Senator Nicholas Scutari, Assemblyman Jerry Green, Assemblywoman Linda Stender and the surrounding communities of Clark Township.

ATTEST:

APPROVED:

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

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

Res14/1-27OpposeClosureofWDC

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
January 27, 2014

7

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

**WHEREAS,** The Township of Clark was recently served with a Summons and Complaint in the matter of New Jersey Department of Environmental Protection v. LWS Spector-Woodbridge Co, LLC et al; and

**WHEREAS,** the Township of Clark is an added party to the above litigation as a consequence of being named a third party defendant by the direct Defendant, J. Fletcher Creamer & Son; and

**WHEREAS,** the claims against the Township of Clark are for the statutory and common law contribution should the named defendant be found culpable of dumping hazardous materials at a certain landfill known as the LWS Spector-Woodbridge Company, LLC site and located on Penvale Road in Woodbridge, New Jersey; and

**WHEREAS,** the named Defendant who has joined the Township of Clark as a third party defendant is a company which was engaged by the Township of Clark for the purpose of supplying various services to the Township of Clark; and

**WHEREAS,** this litigation is of similar nature to a certain litigation filed by the State of New Jersey Department of Environmental Protection, against the Occidental Chemical Corporation, et al, in connection with the pollution of the Passaic River, the defense of which was costly to the Township of Clark and the Municipal Defendants and which Municipal Entities were required as a consequence of financial considerations to participate in the settlement of the

State's claims by agreeing to provide various financial contributions despite the fact that it bore no responsibility for the acts complained of; and

**WHEREAS**, the environmental litigation filed by the New Jersey Department of Environmental Protection invariably imposes both direct and indirect financial obligations and burdens on the Municipalities and public entities which are named as additional defendants; and

**WHEREAS**, the governing body of the Township does not believe that the New Jersey Department of Environmental Protection is exercising good sound judgment by initiating these litigations which inexorably imposes defense and contribution costs upon the municipal and public bodies without serious consideration as to the effect that the same has on the interested municipalities and public entities; and

**WHEREAS**, the State of New Jersey does not have a policy of protecting Municipalities and Public Bodies from and against the claims for contribution for indemnification or otherwise which are associated with and usually arise out of the environmental litigation it files; and

**WHEREAS**, the New Jersey Department of Environmental Protection in this regard acts in absolute disregard or ignorance of the financial burdens that these litigations impose upon the affected municipalities and public entities ultimately to all taxpayers of the State of New Jersey; and

**WHEREAS**, the governing body of the Township wishes to record its opposition and concerns with respect to the action of the New Jersey Department of Environmental Protection in initiating these litigations without first establishing a method or means of protecting the financial interests of the municipalities and public entities which, in the end, become named defendants and are asked to share the financial burdens of defense and environmental remediations which they had no part in creating; and

**WHEREAS**, the governing body of the Township of Clark wishes to go on record as opposing these ill-conceived and poorly considered litigations.

**NOW, THEREFORE**, the Township of Clark does hereby seek to enlist the aid and assistance of Governor Chris Christie and both Houses of the Legislature of the State of New Jersey to consider the development and adoption of legislation which would afford the municipalities of the State of New Jersey and other Public Bodies protection from the financial abuses inherent in the filing of these environmental litigations by the New Jersey Department of Environmental Protection, without the State of New Jersey or Department of Environmental Protection having in place a means and policy to indemnify and hold harmless the municipalities from the cost of defense and contribution inherent in these actions.

**BE IT FURTHER RESOLVED** by the Township of Clark that a copy of this Resolution be forwarded to the Governor of the State of New Jersey, the Attorney General of the State of New Jersey, the Commissioner of the Department of Environmental Protection, and members of the New Jersey Senate and Assembly within the State of New Jersey, all named third party defendants, and municipalities.

ATTEST:

APPROVED:

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

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

Res14/1-27DEPvSpector-Woodbridge

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
January 27, 2014

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

**WHEREAS** the Clark Police Department was instrumental in completing the fraud investigation at the Chase Bank; and

**WHEREAS** the Clark Police Department recovered various items in connection with this investigation; and

**WHEREAS** Chase Bank has offered to donate the recovered items to the Clark Police Department for their distribution, use or disposal; and

**WHEREAS** the Clark Police Department is willing to accept the items as a donation for use, distribution or disposal.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby accepts and authorizes the Clark Police Department to accept various items as a donation for distribution, use, or disposal.

ATTEST:

APPROVED:

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

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

Res14/1-27ItemsforPoliceDept

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

TOWNSHIP OF CLARK

9

Resolution \_\_\_\_\_

January 27, 2014

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the proper officer or officers are hereby authorized and directed to effect transfers of 2013 Appropriation Reserves.

**CLARK TOWNSHIP  
RESERVE BUDGET APPROPRIATIONS**

		<u>From</u>	<u>To</u>
<b>Current</b>			
26-290-100	<b>Roads S &amp; W</b>	20,000.00	
20-165-224	<b>Engineering OE</b>		10,000.00
25-266-224	<b>Fire OE</b>	_____	<u>10,000.00</u>
<b>Total</b>		<u><b>\$20,000.00</b></u>	<u><b>\$20,000.00</b></u>

ATTEST:

APPROVED:

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

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

Res14/1-27TransferReserves

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

January 27, 2014

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the creation of "The Clark Township 150<sup>th</sup> Anniversary Committee" to be appointed by the Mayor of the Township of Clark which Committee shall be nonpartisan and nonprofit and is hereby created and intended to prepare and plan the various celebrations within the Township of Clark in order to celebrate the 150<sup>th</sup> Anniversary of the Township of Clark.

**BE IT FURTHER RESOLVED** that the sum of \$1,000.00 be allocated to the budgetary line item, Celebration of Public Events, Anniversaries and Holidays, in order to defray the expenses of the Committee in planning the various official functions.

**BE IT FURTHER RESOLVED** that a special trust fund be created with the Chief Financial Officer as signatory to said account, which account shall receive all funds generated from the activities of the Celebrations Committee and all expenses in connection therewith to be discharged therefrom upon submission by the Committee of vouchers and in proper form.

ATTEST:

APPROVED:

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

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

Res14/1-27150<sup>th</sup>AnniversaryCommittee

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
January 27, 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 27<sup>th</sup> day of January, 2014.

Brian Willey  
150-A Westfield Ave  
Clark, New Jersey 07066

ATTEST:

APPROVED:

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

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

Res14/1-27AppointFireFighter

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