

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
May 18, 2015  
7:30 PM**

**ROLL CALL:**

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

**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 and Union County Local Source, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

Regular Order of Business suspended for a Proclamation regarding Court Appointed Special Advocates

Regular order of business resumes

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

**Mayor:**

**Township Officers:** Police, Fire and First Aid Reports for the month of April, 2015 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. AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 33 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED STOP INTERSECTIONS**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through May 13, 2015 in the amount of \$216,503.22

**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:**

2. Authorizing the Police Department to obtain equipment from the Law Enforcement Support Office of the Federal Government Surplus Property Program in order to improve their emergency response capabilities
3. Award of contract to S. Brothers, Inc. for the 2015 Capital Road Improvement Program in the amount of \$688,180.10
4. Award of contract to Mid-Atlantic Truck Centre, Inc. for the purchase of a single axle dump truck in the amount of \$117,516.00
5. Award of contract to Schaefer Pyrotechnics, Inc. for the July 4<sup>th</sup> Fireworks display in the amount of \$15,000.00
6. **Council sitting as the ABC Board**  
Authorizing the Transfer of Plenary Retail Consumption License #2002-33-003-003 trading as Whole Foods Market to be located at 1255 Raritan Road

## **CONSENT AGENDA RESOLUTIONS:**

7. Endorsing the submission of the recycling tonnage grant application and designating Jennifer Kobliska to ensure that the application is properly filed
8. Authorizing contributions to be made by township employees for Roth IRA 457(b) on a voluntary basis
9. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$584.87
10. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$7,913.42
11. Authorizing the Tax Collector to refund overpayments of \$6,538.99 and transfer overpayment of \$978.75 of 2015 taxes

## **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:**

# Proclamation

**WHEREAS**, Court Appointed Special Advocates (CASA) of Union County, Inc. recruits, trains and supervise community volunteers to as advocates for children who have been removed from their homes due to neglect or abuse; and

**WHEREAS**, Union County is 103.29 square miles consisting of a diverse population of 531,008 throughout its 21 municipalities. Based on the U.S. Census of 2010, Union County has 134,178 children, 405 of which are in Placement in Union County. That accounts for 6.5% of total population of children; and

**WHEREAS**, CASA works as an advocate for the best interests of children in out-of-home placement and under the jurisdiction of the New Jersey Superior Court, Family Part, in Union County; and

**WHEREAS**, CASA also recruits, screens, trains and supervises volunteers who are appointed by the family court to assist the court in gathering relevant information about the child and the family through file reviews and interviews with participants such as the child, parents, foster parents, relatives, teachers, doctors and social workers; and

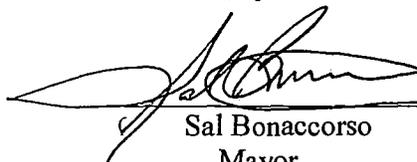
**WHEREAS**, CASA establishes and maintains effective relationships with the family court, the Division of Child Protection and Permanency (DCPP), Child Placement Review Board, Office of the Public Defender, Legal Aid, and other child serving agencies/institutions, in order to create a cooperative environment which to best meet the needs of children; and

**WHEREAS**, CASA educates the community about the role of CASA of Union County in the lives of children in out-of- home placement. Represent the CASA program at local and county level organizations concerned with child welfare;

**NOW, THEREFORE, I, Sal Bonaccorso, Mayor of the Township of Clark** proclaim May 18, 2015 as **Court Advocates for Children Day** in the Township of Clark. By this action, let it be known that we support the education efforts to raise awareness of the CASA program at the local level.



Issued this 18th day  
of May 2015

  
Sal Bonaccorso  
Mayor

INTRO 1

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

Adopted \_\_\_\_\_

Introduced: May 18, 2015 Public Hearing: June 15, 2015

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

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

**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 33  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED STOP INTERSECTIONS**

**BE IT ORDAINED** by the governing body of the Township of Clark that Section 33 of Chapter 347 of the Code of the Township of Clark is hereby supplemented as follows:

<u>SECTION 1:</u>	<u>Intersection</u>	<u>Stop Sign on</u>
	Runnymede Road and Lupine Way	Runnymede Road
	Runnymede Road and Liberty Street	Runnymede Road
	Park Ridge Drive and Oleander Way	Park Ridge Drive
	Malvern Drive and Lupine Way	Malvern Drive
	Malvern Drive and Liberty Street	Malvern Drive
	Oleander Way and Lupine Way	Oleander Way

**SECTION 2: Inconsistent Ordinance**

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3: Effective Date**

This Ordinance shall take effect upon adoption and publication according to law.

Effective Date: July 8, 2015

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
Council President

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

Ord15/5-18Ch347-33StopSigns  
Aye Nay Abstain Absent

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

2

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 18, 2015

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

**WHEREAS** the Clark Police Department is interested in acquiring certain equipment from the Law Enforcement Support Office of the Federal Government Surplus Property Program; and

**WHEREAS** the Township of Clark has experienced flooding throughout its history and to better serve the residents with emergency response capabilities the Clark Police Department seeks to obtain surplus equipment to meet this objective at no additional cost to the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark authorizes the Clark Police Department to obtain equipment from the Law Enforcement Support Office of the Federal Government Surplus Property Program in order to improve their emergency response capabilities.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18 Obtain Equipment CPD  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 18, 2015

3

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

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on April 23, 2015 for the 2015 Capital Road Improvement Program; Park Ridge Drive, Ascot Way, Malvern Drive, Oleander Way, Runnymede Road and Fisher Place; and

**WHEREAS** four (4) bid proposals were received on May 6, 2015 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were S. Brothers, Inc. of South River, NJ with a base bid in the amount of \$619,993.10 and alternate in the amount of \$68,187.00, Top Line Construction Corp. of Somerville, NJ with a base bid in the amount of \$758,250.86 and alternate in the amount of \$76,647.05 and Black Rock Enterprises, LLC of Old Bridge, NJ with a base bid in the amount of \$828,977.55 and alternate in the amount of \$85,466.45; and

**WHEREAS** S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid including base and alternate in the total amount of \$688,180.10 which meets the needs of the Township as specified by the Township Engineer; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 15-03 as attached hereto as a "Certification of Availability of Funds"; and

**WHEREAS** the Township Engineer has presented written approval for the award of the contract to S. Brothers, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$688,180.10; and

**BE IT FURTHER RESOLVED** by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18Award2015CapRoads  
Aye Nay Abstain Absent

- Albanese \_\_\_\_\_
- Barr \_\_\_\_\_
- Hund \_\_\_\_\_
- Mazzarella \_\_\_\_\_
- O'Connor \_\_\_\_\_
- Toal \_\_\_\_\_
- Smith \_\_\_\_\_

4

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 18, 2015

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

**WHEREAS** the Governing Body of the Township of Clark advertised on April 30, 2015 and received one (1) bid for Single Axle Dump Truck with Appurtenances on May 13, 2015 at 10:00 am; and

**WHEREAS** the one (1) lowest responsible bidder was Mid-Atlantic Truck Centre, Inc. 525 Linden Avenue West, Linden, NJ 07036 in the amount of \$117,516.00; and

**WHEREAS** the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Mid-Atlantic Truck Centre, Inc. in the amount of \$117,516.00; and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$117,516.00 funded by Bond Ordinance 15-04 as attached hereto as a "Certification of Availability of Funds".

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Mid-Atlantic Truck Centre, Inc. in the amount of \$117,516.00 subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18AwardSingleAxleDumpTruck

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 18, 2015

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

**WHEREAS** the Township solicited quotes for proposals from D & M Fireworks, LLC, International Fireworks Mfg. Co. and Schaefer Pyrotechnics, Inc. for a Fireworks Display to be presented on July 4, 2015; and

**WHEREAS** two of the three companies are under contract with other communities for July 4th and are therefore unavailable; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that they hereby commit to a fireworks display presented by Schaefer Pyrotechnics, Inc., to be held on Saturday, July 4, 2015 with a rain date of Sunday, July 5, 2015;

**BE IT FURTHER RESOLVED** that the Mayor and/or appropriate officials of the Township of Clark are hereby authorized to enter into a contract with Schaefer Pyrotechnics, Inc., for 2015 as sufficient funds have been appropriated in the 2015 Municipal Budget under Celebration Events Account #30-420-223; and

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18Fireworks  
Ayc Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 18, 2015

6

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

**WHEREAS** an application has been filed for a Place-to-Place transfer of pocketed Plenary Retail Consumption License Number 2002-33-003-003, issued to Whole Foods Market Group, Inc., with a mailing address of 550 Bowie Street, Austin, Texas 78703; 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.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark does hereby approve, effective July 10, 2015, the Place-to-Place transfer of the aforesaid Plenary Retail Consumption License from the pocket to its new location at 1255 Raritan Road, Clark, New Jersey 07066 and does hereby direct the Township Clerk to endorse the license certificate as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 1255 Raritan Road, Clark, New Jersey, 07066 effective July 10, 2015."

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-4ABCTransferfrompocketWholeFoods  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 18, 2015

CA 7

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

**WHEREAS** the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS** it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS** The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS** the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS** a resolution authorizing this municipality to apply for the 2014 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Clark Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS** such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that they hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Recycling Coordinator, Jennifer Kobliska to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18RecyclingTonnage

Aye Nay Abstain Absent

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

CA 8

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 18, 2015

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, in order to encourage investment in retirement plans, does hereby allow for Roth IRA 457(b) contributions as a voluntary option; and

**BE IT FURTHER RESOLVED** that the following financial companies have been authorized to provide services to all employees of the Township of Clark: AXA Equitable, American Fidelity Assurance Co., Lincoln Financial and Met Life.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18AuthRothIRACContributions  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
 Resolution \_\_\_\_\_  
 May 18, 2015

CA 9

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

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2015 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 refund(s) as per the following schedule.

REF	#	Acct #	Name	#	Address	Reason	Refund
15	7R	1386-0	Glenn Robert Robinson	12	Hilltop Avenue	Overpayment	\$112.50
15	8R	4892-0	Ryszard Nieroda	9	Crescent Pkwy	Overpayment	\$24.62
15	9R	4004-0	COA Foods Inc	5	Lyons Mall PMB 528	Overpayment	\$447.75
					Total Refunds		\$584.87

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res15/5-18SewerRefunds

Aye Nay Abstain Absent

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

CA 10

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 18, 2015

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18SewerAdj  
Aye Nay Abstain Absent

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



TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 18, 2015

CA 11

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

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund and/or transfer overpayment of taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refund(s) and/or transfer(s) in accordance with the attached schedule:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res15/5-18Tax Refunds-Transfer  
Aye Nay Abstain Absent

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

