

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
October 19, 2015  
7:30 PM**

**ROLL CALL:**

<b>Councilwoman Albanese</b> _____	<b>Councilman Mazarella</b> _____
<b>Councilman Barr</b> _____	<b>Councilman O'Connor</b> _____
<b>Councilman Hund</b> _____	<b>Councilman Toal</b> _____
	<b>Council President Smith</b> _____

**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.

Suspend the Regular Order of Business for Pancreatic Cancer Awareness Proclamation

Resume the Regular Order of Business

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

**Mayor:**

**Township Officers:** Police and Fire Reports for the month of September, 2015 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 Ordinance)

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

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through October 14, 2015 in the amount of \$162,646.54

**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. Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2016 NJDOT Municipal Aid Program
3. Authorizing the Health Officer to enter into an Agreement with the Visiting Nurse and Health Service for 2016
4. **Council as ABC Board:** Approving the Person-to-Person Transfer of the Liquor License held by Largo Clark SPE LLC to Holiday Clark LLC

## **CONSENT AGENDA RESOLUTIONS:**

5. Authorizing the Tax Collector to settle a tax appeal authorized by the Tax Court of New Jersey with credit to be issued in the amount of \$7,086.94 and a refund in the amount of \$12,271.74
6. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$7,844.15
7. Authorizing the Chief Financial Officer to apply a sewer account balance adjustment in the amount of \$1,380.96

## **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**, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

**WHEREAS**, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

**WHEREAS**, approximately 1560 deaths will occur in New Jersey in 2015; and

**WHEREAS**, pancreatic cancer is the 7<sup>th</sup> most common cause of cancer-related death in men and women across the world; and

**WHEREAS**, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

**WHEREAS**, the good health and well-being of the residents of Clark are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

**Now, Therefore**, I, Sal Bonaccorso, Mayor of Clark and the Township Council, do hereby proclaim November 13, 2015 World Pancreatic Cancer Day in Clark, New Jersey.

**In Witness Whereof**, the Mayor of Clark, New Jersey, has hereunto set his hand and seal to be affixed to this proclamation dated October 21, 2015.



  
Sal Bonaccorso  
Mayor

TOWNSHIP OF CLARK  
Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_

PH 1

Introduced: September 21, 2015 Public Hearing: October 19, 2015

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

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

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

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Section 29 of the Code of the Township of Clark is hereby rescinded in its entirety and replaced as follows:

**§ 3-29 DEPARTMENT OF POLICE**

**§ 3-29.1. Department Established.** [Amended 6-17-2013 by Ord. No. 13-09]

There is hereby established within, by and for the Township of Clark, the Department of Police, which is also being known as the Police Department, the head of which is the Chief of Police.

**§ 3-29.2. Department Composition.**

The Clark Police Department, which shall consist of no more than a Chief of Police, up to two (2), Captains, up to four (4) Lieutenants, up to eight (8) Sergeants and up to thirty (30) Police Officers, to be appointed to these positions by the Chief of Police at the approval of the appropriate authority with the budgetary approval of the governing body, as public need may require. Detectives shall be appointed from among the above-listed personnel on an as-needed basis with the recommendation of the Chief of Police and the approval of the administration. In addition, the Police Department may employ clerical personnel and other employees to assist its officers in preserving the peace and good order in the Township.

**§ 3-29.3. Responsibilities of the Police Department.**

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Clark; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its employees.

**§ 3-29.4. Chief of Police.** [Added 10-17-2011 by Ord. No. 11-18]

There is hereby created within the Department of Police the position of Chief of Police, who shall be appointed by the Mayor. The Chief of Police shall be directly responsible to the Mayor as the appropriate authority for the efficiency and routine day-to-day operations thereof, pursuant to policies established by the appropriate authority under N.J.S.A. 40A:14-118.

- a. The Chief of Police or, in case of the Chief's illness or absence, the officer next in the chain of command shall exercise control over the Department, its members and property, subject to the order of the appropriate authority.
- b. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- c. Have, exercise, and discharge the functions, powers and duties of the force.
- d. Prescribe the duties and assignments of all subordinates and other personnel.
- e. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
- f. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

**§ 3-29.5. Designation of Appropriate Authority.**

In accordance with N.J.S.A. 40A:14-118, the Mayor of the Township of Clark is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law. The Mayor shall also serve as the hearing officer for all disciplinary hearings within the Department, unless a designee is appointed.

**§ 3-29.6. Establishing the Rules and Regulations of the Police Department.**

The Mayor as the "Appropriate Authority" shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

**§ 3-29.7. Disciplinary Actions.**

Discipline of employees and police officers will be imposed consistent with New Jersey State statutes and the Rules and Regulations of the Clark Police Department. Employees may be subject to discipline for violating laws, statutes, ordinances, rules and regulations and written directives.

**§ 3-29.8. Organizational Components.**

The Chief of Police shall establish organizational components of the Department as needed for the efficiency and routine day-to-day operations of the Police Department.

**§ 3-29.9. Appointment of Police Department, Officers and Personnel**

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The selection criteria for a police officer shall be established in the department policy consistent with New Jersey Statutes.

### **§ 3-29.10. Working Test Period**

Personnel shall be required to complete a working test period in accordance with N.J.A.C. 4A:4-5.1 et seq.

### **§ 3-29.11. Fees for Police Services.**

a. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

REQUESTING AGENCY - Any person, public or private, desires to use such special escort service.

SPECIAL ESCORT SERVICE - The provisions of special police protection for any person, public or private, for the purpose of transporting money or other valuable goods within the boundaries of the Township.

b. Special escort service.

1) Administration. The desk officer shall record all requests received for escort service and shall file daily reports with the Chief of Police. The Chief of Police shall cause monthly bills to be forwarded to each requesting agency detailing the date, destination and total cost. All bills are payable before the 10th day of the following month. Failure of using agency to pay the monthly bill in accordance with the terms of this article will constitute grounds for the termination of such special escort service until all bills are satisfied. Checks in payment shall be made payable to "Police Department, Township of Clark." A report of receipts and a check representing total receipts shall be filed with the Township Treasurer on a monthly basis.

c. Fees. The cost of special escort service rendered by the Police Department to any person is as set forth in § 145-3.

d. Copies of public records. The charges as set forth in § 145-3 shall be made by the Record Bureau of the Police Department for the furnishing of photographs, photocopies, or other duplications of public records of the Police Department.

e. Collection. All charges and fees shall be collected by the officer in charge of the Record Bureau of the Police Department or his/her designated agent.

f. Disposition. Within 48 hours, all charges and fees collected under this subsection shall be delivered to the Township Treasurer and thereafter deposited by him/her in the appropriate account of the Township.

### **§ 3-29.12. Miscellaneous Regulations.**

Emergency defined. Whenever the term "emergency" appears in the rules and regulations of the Police Department, the meaning shall be as follows: "Emergency" shall mean and include any unusual conditions caused by fire, weather or any circumstances or situation, including shortages in departmental personnel caused by vacancies, sickness or injury, or by the taking of accrued vacation or sick leave, or both, whereby the safety of the public is endangered or imperiled, as shall be determined within the sole discretion of the Chief of Police.

**§ 3-29.13. Personnel. Assignment to Private Gatherings; payment.**

Any organization or person desiring police service at private gatherings shall make such a request to the Chief of Police. The Chief of Police shall have the right to assign ~~voluntary~~ off-duty police officers or special law enforcement officers to such private gatherings.

The organization or person so requesting this police service shall pay the Township of Clark, and, in turn, the Township of Clark will pay the police/ special law enforcement officers, a sum equal to the prevailing rate paid to Township police officers.

**§ 3-29.14. Special Law Enforcement Officers.**

a. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

**SPECIAL LAW ENFORCEMENT OFFICER** - Any person appointed pursuant to N.J.S.A. 40A:14-146.8 et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of the Police Department, or to provide assistance to the Police Department during unusual emergency circumstances.

b. Creation of position. The Township Council may appoint special law enforcement officers as it deems necessary for the preservation of peace and good order in the Township of Clark. They shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief of Police, the chief law enforcement officer designated by the Chief of Police.

c. Qualifications. No person may be appointed as a special law enforcement officer unless such person:

- 1) Is a resident of the State of New Jersey during the term of the appointment.
- 2) Residents of the Township of Clark shall be given preference for appointments as special officers. Nonresidents certified as special officers by the New Jersey Police Training Commission may be considered for appointment at the discretion of the appointing authority.
- 3) Is able to read, write and speak the English language well and intelligently and has a high school diploma or equivalent.
- 4) Is sound in body and of good health.
- 5) Is of good moral character.
- 6) Has not been convicted of any offense involving dishonesty, which would make him/her, unfit to perform the duties of the office of special law enforcement officer.
- 7) Has successfully undergone similar psychological testing that is required of all full-time police officers.
- 8) Complies with all other requirements set forth in N.J.S.A. 40A:14-146.8 et seq., the administrative rules and regulations of the Police Department and the general ordinances of the Township of Clark.

- d. Classification. Special law enforcement officers shall be classified as belonging to either Class One or Class Two, based upon the duties to be performed by each class, as follows:
- 1) Class One.
    - a) Class 1-A. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties as may be assigned by the Chief of Police or, in the absence of the Chief of Police, the law enforcement officer designated by the Chief of Police.
    - b) Class 1-B. Class 1-B officers shall have the same powers as Class 1-A officers and, in addition, shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of Township ordinances, and violations of N.J.S.A. 39:1-1 et seq.
    - c) Firearms. The use of a firearm by a Class One special law enforcement officer shall be strictly prohibited. No Class One officer shall be assigned any duty, which may require the carrying or use of a firearm.
  - 2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by a Class Two special law enforcement officer may be authorized only after the officer shall have been fully certified as successfully completing training, as prescribed by the Police Training Commission established in the Police Department.
- e. Training course. No person shall commence duties as a special law enforcement officer until having successfully completed a training course approved by the Police Training Commission. In addition, no Class Two special law enforcement officer shall be issued a firearm prior to having successfully completed the basic firearms course required by the Police Training Commission for permanent, regularly appointed police and annual requalification examinations.
- f. Persons ineligible for appointment. No person shall be eligible to serve as a special law enforcement officer in the Township of Clark if that person intends to serve as a special law enforcement officer in another municipality, nor shall any permanent, regularly appointed full-time police officer be permitted to simultaneously serve as a special law enforcement officer in the Township. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township or supervision of the Police Department shall be appointed as a special law enforcement officer.
- g. Fingerprints. Every applicant appointed to the position of special law enforcement officer shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- h. Powers and authority. The Chief of Police, or, in the absence of the Chief of Police, such other law enforcement officer designated by the Chief of Police, may authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanent, regularly appointed police officers, including, but not limited to, the carrying of firearms and the power of arrest, subject to rules and regulations not consistent with the certification requirements of N.J.S.A. 40A:14-146.8 et seq., as may be established by the Code of the Township of Clark.

- i. Appointment; term; revocation. A special law enforcement officer may be appointed for a term not to exceed one year. The powers and duties of a special law enforcement officer shall cease at the expiration of the term to which the special law enforcement officer shall have been appointed. At the expiration of such term, the Township Council shall have absolute discretion in determining whether to reappoint. The appointment of a special law enforcement officer may be revoked by the Chief of Police for cause and after an administrative hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require the reappointment upon the expiration of the terms. Such special law enforcement officers shall not be classified as regular members of the Police Department entitled to tenure and other benefits of the Police Department. They shall receive such compensation for their services as recommended by the Chief of Police and set forth in the Township of Clark Salary Ordinance.<sup>[2]</sup> *Editor's Note: The Salary Ordinance is on file in the Township offices.*
- j. Duty times. A special law enforcement officer shall be deemed to be on duty only while performing the public safety functions on behalf of the Township pursuant to N.J.S.A. 40A:14-146.8 et seq., and when receiving compensation, if any, from the Township at the rates or stipends as established by ordinance. A special law enforcement officer shall not be deemed to be on duty while performing private security duties for private employers, which duties are not assigned by the Chief of Police or his/her designee, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the Chief of Police, or his/her designee, to perform public safety functions for a private entity if the Chief of Police, or his/her designee, supervises the performance of the public safety functions. If the Chief of Police, or his/her designee, assigns a public safety duty and supervises the performance of those duties, then, notwithstanding that the Township is reimbursed for the cost of assisting a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.
- k. Hours of employment. Except in periods of emergency, in which event there shall be no limitation as to hours per week, no special law enforcement officer may be employed for more than 20 hours per week. An "emergency" shall be defined as any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel, as shall be determined by the Chief of Police or his/her designee. Vacations, shortages in police personnel caused by vacancies unfilled by the Township Council for more than 60 days or any other condition which could reasonably have been anticipated or foreseen shall not constitute an emergency. However, an emergency may continue when a vacancy remains unfilled for more than 60 days and when, on application of the Township Council, the County Prosecutor grants an extension for one or more sixty-day periods upon a showing by the Township Council of a diligent, good faith effort to fill the vacancy.
- l. Supervision; conduct. A special law enforcement officer shall be under the supervision and direction of the Chief of Police or his/her designee and shall perform all duties solely with the Township of Clark, except when in fresh pursuit of any person, pursuant to N.J.S.A. 2A:156-1 et seq. A special police officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Township, as well as all rules and regulations applicable to the conduct and decorum of special law enforcement officers.<sup>[3]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

### **§ 3-29.15. Police Director**

If appointed, the Police Director shall report to the Mayor of the Township of Clark. The Police Director shall serve as the administrative and executive head of the Police Department. The Police Director, if appointed, shall be appointed by the Mayor and shall serve at the pleasure of the Mayor and may be removed by the Mayor. The Police Director's duties include, but are not limited to:

- a. Establish the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Director approve all expenditures with regard to the equipment and supplies.
- b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.
- c. Keeping and maintaining accurate records and submitting an annual report to the Mayor, which shall assess the operations of the Police Department, and its personnel, equipment and property.
- d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.
- e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
- f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
- g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.
- h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.
- i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.
- j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
- k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

#### **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.

#### **Effective Date:**

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

Effective Date: November 11, 2015

**ATTEST:**

**APPROVED:**

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

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

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

Ord15/9-21Ch3Sec29PoliceDept

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 19, 2015

2

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

**Resolution:** Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2016 NJDOT Municipal Aid Program, project identified as MA-2016-Lexington Boulevard and Broadway-00341.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of Clark, formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor, Business Administrator, Township Engineer and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Lexington Boulevard and Broadway-00341 NJDOT Municipal Aid Program to the New Jersey Department of Transportation on behalf of the Township of Clark; and

**BE IT FURTHER RESOLVED** that the Mayor and/or Business Administrator and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Council on this Nineteenth day of October, 2015.

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

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

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

ATTEST:

APPROVED:

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

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

Res15/Auth2016NJDOTGrantApplication

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 19, 2015

3

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and the Visiting Nurse and Health Service (VNHS) in the amount not to exceed \$4,129.00 for the period commencing January 1, 2016 and terminating on December 31, 2016, pending the approval of the 2016 Municipal Budget.

ATTEST:

APPROVED:

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

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

Res15/10-19VNHScontract  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

October 19, 2015

H

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

**WHEREAS** an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-36-006-010, heretofore issued to Largo Clark SPE LLC; 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 2015-2016; 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 October 19, 2015 the transfer of the aforesaid Plenary Retail Consumption License to Holiday Clark LLC, 36 Valley Road, Clark, NJ 07066 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 Holiday Clark LLC, effective October 19, 2015."

ATTEST:

APPROVED:

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

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

Res15/10-19ABCTransferLargotoHolidayClark  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
 Resolution \_\_\_\_\_  
 October 19, 2015

CA 5

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize the Tax Collector to settle Tax Appeal(s) and Issue Refund(s) and or Credit in the amounts indicated as authorized by the Tax Court of New Jersey for the following:

<u>B/L</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>	<u>Refund</u>	<u>Credit</u>
71/5	118 Central Avenue	346,000	268,250	77,750	2011		\$ 5,735.62
71/5	118 Central Avenue	346,000	288,300	57,700	2012	\$ 3,041.38	\$ 1,351.32
71/5	118 Central Avenue	346,000	302,400	43,600	2013	\$ 3,377.69	
71/5	118 Central Avenue	346,000	309,900	36,100	2014	\$ 2,835.65	
71/5	118 Central Avenue	346,000	308,400	37,600	2015	\$ 3,017.02	
Principal						\$ 12,271.74	\$ 7,086.94

ATTEST:

APPROVED:

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

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

Res15/10-19TaxAppealSettlement  
 Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 19, 2015

CA 6

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 attached schedule.

ATTEST:

APPROVED:

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

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

Res15/10-19SewerRefunds

Aye Nay Abstain Absent

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

CLARK TOWNSHIP							
SEWER REFUNDS - 2015							
REF	#	Account #	Name	#	Address	Reason	Refund
15	1R	3726-1	Mother Seton Convent	55	Valley Rd	overpayment	\$2,667.50
15	2R	332-0	Ralph & Patricia Palmieri	979	Lake Avenue	overpayment	\$25.00
15	3R	1454-0	Martha Reddington	2	Avon Place	overpayment	\$2,880.00
15	4R	2126-0	Elizabeth Nied	7	Garside Place	overpayment	\$12.50
15	5R	576-0	Roy & Lisa Apuzzio	115	Armstrong Dr	overpayment	\$25.00
15	6R	134-0	RV Terrace LLC		Goodmans Crossing	overpayment	\$450.00
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 52	Overpayment	\$447.75
15	10R	229-0	Roseann Pontoriero	56	Rutgers Road	overpayment	\$307.50
15	11R	4491-0	F Tenreiro	29	Linda Lane	overpayment	\$111.97
15	12R	541-0	Dominic Giafgalione	16	Kennedy Drive	overpayment	\$112.50
15	13R	2204-0	R J Kelly	16	Janie Lane	overpayment	\$20.90
15	14R	965-0	Edward Matthews	51	Briarwood Path	overpayment	\$112.50
15	15R	3091-2	Richard & Teresa Wray	75	Westfield Avenue	overpayment	\$25.00
15	16R	1272-0	Annette Weiner	64	Mae Belle Drive	overpayment	\$ 62.50
15	17R	2481-0	Theresa Berglund	29	School Street	overpayment	\$ 25.00
15	18R	4959-0	Christopher Jude Socci	772	Riverbend Drive	overpayment	\$ 10.00
15	19R	4579-0	Stella Balcazar	104	Lexington Blvd	overpayment	\$ 12.40
15	20R	3494-0	Mary Keller	36	Fulton Street	overpayment	\$ 12.50
15	21R	1893-0	Angela & Jessica Colon	461	Westfield Avenue	overpayment	\$ 23.15
15	22R	4419-0	Margaret & William Zombro	9	Oak Street	overpayment	\$ 112.50
15	23R	3867-0	Marissa Lombardo	2011	Boynton Avenue	overpayment	\$ 24.53
15	24R	5262-0	Christopher Ozemko	1001	Cellar Avenue	overpayment	\$ 226.33
						<b>Total Refunds</b>	<b>\$7,844.15</b>

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
October 19, 2015

CA 7

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

**WHEREAS** the Treasurer/CFO has certified that sewer utility account(s) require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed and approved the sewer fee adjustment(s).

**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

Res15/10-19SewerAdj  
Aye Nay Abstain Absent

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

