

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
August 17, 2015
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Barr _____	Councilman Toal _____
Councilman Mazzarella _____	Council President Smith <u>Absent</u>
	Council Vice President Hund _____

In Council President Smith's absence, Council Vice President Hund will be the presiding officer.

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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire and First Aid Reports for the month of July, 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 AMENDING CHAPTER 279 OF THE CODE OF THE TOWNSHIP OF CLARK RELATED TO INFILTRATION AND INFLOW**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 13, 2015 in the amount of \$244,456.27

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. Appointing Paul Delaney as a member of the Clark Volunteer Fire Department
3. Authorizing the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. to administer the Self Insured Retention for a period of one (1) year at an annual fee of \$14,280.00

CONSENT AGENDA RESOLUTIONS:

4. Authorizing the Tax Collector to settle tax appeals authorized by the Tax Court of New Jersey with credit to be issued in the amount of \$9,983.70 and a refund in the amount of \$2,995.30
5. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$5,197.76
6. Authorizing the Tax Collector to refund overpayments of \$14,544.80 and transfer overpayment of \$4,254.45 of 2015 taxes
7. Approving the Amended 2015 List of Clothing Bin Operators
8. Authorizing the Mayor to sign an agreement with the County of Union for Leaf Composting
9. Authorizing the Mayor and/or Business Administrator to execute an agreement with the Middlesex Regional Educational Services Commission to participate in a Cooperative Pricing System

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

PH 1

Introduced: July 20, 2015 Public Hearing: August 17, 2015

Motion: Mazzarella Motion: _____

Seconded: Barr Seconded: _____

**AN ORDINANCE AMENDING CHAPTER 279 OF THE CODE OF THE
TOWNSHIP OF CLARK RELATED TO INFILTRATION AND INFLOW**

BE IT ORDAINED by the Township Council of Clark, County of Union, State of New Jersey ("Township"), as follows:

Section 1. Definitions. Section 279-1 of the Clark Township Code is amended to add and/or amend the following definitions:

CLEARWATER - Any storm water, natural precipitation, surface water, groundwater, surface flow, roof runoff, surface runoff, subsurface drainage, downspouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows, pools, uncontaminated cooling water, unpolluted industrial waters to any sanitary sewer, water discharged from any air conditioning unit or system, and drainage that does not contain any sewerage or waste.

INFLOW - Clearwater that enters a Sanitary Sewer System intended for wastewater flows through connections, such as uncapped lateral cleanouts and openings in manhole covers and illicit connections, such as area drains, catch basins and foundation and roof drains.

RUNOFF - Precipitation and other surface drainage that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls.

SANITARY SEWER SYSTEM - All piping, lines, sewers, laterals and connections thereto, which carries or transports wastewater within the Township to trunk lines owned and maintained by the Authority to a destination at the Authority's plant for wastewater treatment.

SEWER LATERAL - Any pipe, line or sewer which runs across, through or from any real property and connecting to any portion of the Sanitary Sewer System.

Section 2. Section 279-2 of the Clark Township Code is amended as follows:

No person shall directly or indirectly discharge, or permit to be discharged, Clearwater into the Sanitary Sewer System.

- A. No person shall tie into a connection between any conductor used to carry Clearwater, such as, without limitation, a sump pump, roof drain, foundation drain, or other surface drain (collectively "Device"), and the Sanitary Sewer System.
- B. No owner shall sell or lease real property, which is improved with a building, without first obtaining from the Township, a Certificate of Continued Occupancy, which shall include that the owner certifies that no Device is connected to the Sanitary Sewer System. No purchaser or tenant shall purchase or rent such real property unless the seller has provided the purchaser or tenant with the required Certificate of Continued Occupancy prior to closing of the sale or finalization of the rental.

Section 3. Section 279-10 of the Clark Township Code is amended as follows:

The Authority, its supervising engineer and any other duly authorized employees and/or agents of the Authority and/or the Township, by and through its building inspector, code enforcement officer, fire subcode official and/or any other person or employee duly appointed and bearing proper credentials and identification (collectively, "Inspector"), may, subject to law, undertake inspections or tests as the Inspector deems necessary and appropriate to determine whether the provisions of Section 2 of Chapter 279 is being violated. In connection with such inspections, such person or persons shall be permitted to enter all properties for the purposes of such inspection, observations, measurement, sampling and testing (collectively "Inspections") in accordance with the provisions of this Article. Any Inspections may only take place after written notice, mailed to the address of the property in question, at least five (5) business days in advance of the Inspection. Inspections shall be conducted on weekdays, between the hours of 8:00 a.m. and 5:00 p.m. or by appointment. The Township, Authority or their respective representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond such point which has a direct bearing on the kind and source of discharge in the sewers of waterways or facilities for waste treatment.

- A. The Inspector shall be permitted immediate entry onto real property to undertake inspections or tests for violations of Section 279-2 of the Clark Township Code if, in the sole opinion of the Inspector, an actual emergency exists tending to create an immediate danger to the public health and safety.
- B. The owner of the property shall make all areas of the building to be tested or inspected available to the Inspector.

- C. If, in the sole opinion of the Inspector, any violations are found, the violations shall be eliminated at the owner's expense. Such corrective work shall be completed within ten (10) days of the date the Inspector notifies the owner of the deficiency, in writing, mailed to the address of the property in question.
- D. In the event violations are identified, the Inspector shall re-inspect the property either upon notice from the owner that the violation has been corrected or within fifteen (15) days from the date of the notice of violation, whichever first occurs.
- E. If the property owner fails to undertake such corrective work within the times specified herein, the Township shall be authorized and permitted to make such repairs or replacements and to assess the owner of the property for the cost thereof, plus (10%) percent or \$50.00, whichever is greater for administrative costs. Such assessment shall constitute a lien against the property until paid in the same manner as real estate taxes constitute a lien against the property.

Section 4. Section 279-26 of the Township Code is amended as follows.

- A. When the Inspector determines that there has been a violation of any provision of this Chapter, written notice of the violation shall be given to the owner and any occupant of the property by mail. The violator(s) shall be given ten (10) days from the date of mailing of the notice in which to remedy the violation or contact the Building Department to set up a timetable for compliance.
- B. If the violation is not remedied within the ten-day period, the violator shall be subject to a fine of not less than \$250.00, plus costs for this first violation. Each date on which such violation occurs or exits, shall constitute a separate violation of this Chapter.
- C. Repeat offenses under this Chapter shall be subject to increased fines as provided for below. As used in this Section, "repeat offenses" means a second or subsequent violation of the same requirement or provision of this Chapter for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
 - 1. the fine for any offense, which is a first, repeat offense shall be \$500.00, plus costs; and
 - 2. the fine for any offense, which is a second repeat offense or any subsequent repeat offense shall be \$750.00, plus costs.
- D. In addition to other remedies under this Chapter, the Township may bring an action against the owner of the property for which the violation exists for the costs incurred in cleaning up and abating the offending condition. In any such action, the Township shall be entitled to recover its costs of suit, together with reasonable attorneys' fees, experts' fees, if applicable.

Section 5. Severability.

Should any clause, paragraph or provision of this Ordinance be deemed illegal or unconscionable by any court of competent jurisdiction, all other provisions of the Ordinance shall remain in full force and effect.

Section 6. Inconsistency.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Effective Date: September 9, 2015

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

SALVATORE BONACCORSO
Mayor

Ord15/7-20 AmendChapter279 Sewer-Inflow
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
August 17, 2015

2

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 17th day of August, 2015.

Paul Delaney
42a Rivervale Court
Scotch Plains, NJ 07076

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

Res15/8-17AppointFirefighterDelaney
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

August 17, 2015

3

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark desires to retain the services of a third party administrator on behalf of the Township to administer the Township's Self Insured Retention (SIR); and

WHEREAS Inservco Insurance Services, Inc. has submitted a proposal in the amount of \$14,280.00 to provide for the claims administration of Worker's Compensation, Automobile Liability, General Liability, including Police Professional Liability and Workers' Compensation – Lost time and medical only submitted against the Township to the SIR; and

WHEREAS the Governing Body desires to retain Inservco Insurance Services, Inc. as the Township's third party administrator for claims administration made to the SIR for one (1) year beginning August 1, 2015 through July 31, 2016; and

WHEREAS said claims servicing organization's services constitute extraordinary unspecified services in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., authorizing the services without competitive bids, and

WHEREAS there are funds available in the 2015 budget as evidenced by the Finance Officer's Certification of Availability of Funds in Current Account 23-210-223 for said contract.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby authorizes the Business Administrator to enter into a contract with Inservco Insurance Services, Inc. as the claims servicing organization on behalf of the Township of Clark for a period of one (1) year commencing August 1, 2015 at an annual fee of \$14,280.00 for the SIR.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

Res15/8-17Inservco
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
 Resolution _____
 August 17, 2015

CA 4

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 Appeals and Issue Refunds and Credits in the amounts indicated as authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>	<u>Refund</u>	<u>Credit</u>
77/4	181 Westfield Ave.	273,000	255,200	17,800	2012	\$ 1,355.11	
77/4	181 Westfield Ave.	273,000	255,200	17,800	2014	\$ 1,398.19	
						principal \$ 2,753.30	
						interest \$ 242.00	
						Total \$ 2,995.30	
60/66	1030 Raritan Rd	740,000	675,000	65,000	2012		\$4,948.45
60/66	1030 Raritan Rd	740,000	675,000	65,000	2013		\$5,035.25
						principal	\$9,983.70
						interest	\$ -
						Total	\$9,983.70

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res15/7-20TaxAppealSettlements
 Aye Nay Abstain Absent

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

CA 5

TOWNSHIP OF CLARK
Resolution _____
August 17, 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

STEVEN M. HUND
Council President

Res15/8-17SewerAdj
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

August 17, 2015

CA 6

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

STEVEN M. HUND
Council President

Res15/8-17Tax Refunds-Transfers
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

August 17, 2015

CA7

Motion _____ Second _____

WHEREAS Clothing Bin Permits were issued on December 15, 2014 by virtue of Resolution 14-175 effective January 1, 2015 through December 31, 2015: and

WHEREAS the Chief of Police has reported changes to the 2015 List of Approved Clothing Bin Operators, necessitating amendments to the current list; and

WHEREAS Chapter 117 of the Code of the Township of Clark authorizes the Chief of Police to issue clothing bin permits with the approval of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operators having met all the requirements of Chapter 117 of the Code of the Township of Clark and are hereby approved in accordance with the law.

Clothing Bin Operators

Location of Bins

American Recycling Technologies
98 Cutter Mill Road, S-290N
Great Neck, NY 11021
Attn: Ed Klein (908) 616-3730
Attn: Bruce Binler (917) 939-5275 or (917) 860-6219

140 Central Avenue (2 bins)
1060 Raritan Road (2 bins)
78 Westfield Avenue (2 bins)
315 Westfield Avenue (2 bins)

Carecycle, Inc.
625 Wortman Avenue
Brooklyn, NY 11208
Attn: Peter Salm (866-931-0232)

76 Central Avenue (2 bins)

The Read Foundation
313 Amboy Avenue
Woodbridge, NJ 07095
Attn: Jacqueline Sivak (732-636-8885 x208)

6 Broadway (2 bins)

We Collect Clothes for a Cause
625 Wortman Avenue
Brooklyn, NY 11208
Attn: Peter Salm (866-468-7228)

52 Westfield Avenue (2 bins)
111 Valley Road (1 bin)

Giving Will LLC
P.O. Box 329
Woodbridge, NJ 07095
Attn: Anthony Cruz (732-485-3692)

1074 Raritan Road (2 bins)

Planet Aid
3 Lincoln Drive
Fairfield, NJ 07004
Attn: Stanley Ferris (845-608-1675)

12 Clarkton Drive (1 bin)
1030 Raritan Road (1 bin)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

Res15/8-17AmendClothingBinList
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

August 17, 2015

C A 8

Motion _____ Second _____

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

Res15/8-17LeafCompostingAgreement
Aye Nay Abstain Absent

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

CA 9

TOWNSHIP OF CLARK
Resolution _____
August 17, 2015

Motion _____ Second _____

RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM

A RESOLUTION AUTHORIZING THE TOWNSHIP OF CLARK
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on August 17, 2015 the governing body of the Township of Clark, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Clark.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor and/or Business Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby, certify that the above resolution was adopted by the Governing Body of Township of Clark at a meeting of said governing body held on August 17, 2015.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council Vice President

Res15/8-17MiddlesexRegionalEduServCommCO-OP
Aye Nay Abstain Absent

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