

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
February 17, 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.

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

**Mayor:**

**Clerk:** Police, Fire and First Aid Reports for the month of January, 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:**

(Four objections have been received in connection with the proposed land use Ordinance; 3 residents, 1 business owner)

1. The Public Hearing originally scheduled and advertised to be held at 315 Westfield Avenue, Clark, New Jersey on Tuesday, February 17, 2015 at 7:30 p.m. regarding **AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT" (SIGNS)** has been cancelled due to insufficient time for the Planning Board to properly review the ordinance for Resolution and Recommendation.

(No objections have been received in connection with the following proposed Ordinances)

2. **AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "DEPARTMENTS"**
3. **AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 161, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "ENFORCEMENT OF UNIFORM FIRE SAFETY ACT"**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through February 11, 2015 in the amount of \$284,665.78

**CITIZEN HEARING ON THE AGENDA:**

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

**RESOLUTIONS:**

4. Council as the Pool Utility:
  - A. Setting the Municipal Swim Pool rates and fees for 2015
  - B. Authorizing the Business Administrator to enter into a contract with Clark Concession Operations LLC for catering services at the Municipal Swim Pool for the 2015 and 2016 pool seasons
5. Authorizing transfers of 2014 Appropriation Reserves
6. Authorizing the Tax Collector to refund overpayments of \$12,827.45 and transfer overpayment of \$2,068.59 of 2014 taxes
7. Directing release of Performance Guarantees in the amount of \$39,225.60 to Investors Bank upon receipt or conversion of a Maintenance Guarantee in the amount of \$4,358.40
8. Authorizing a reduction in the Performance Guarantee posted for work completed at the Clark Commons site

**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:**

TABLE ORD.

**TOWNSHIP OF CLARK  
NOTICE OF CANCELLATION**

1

The Public Hearing originally scheduled and advertised to be held at 315 Westfield Avenue, Clark, New Jersey on Tuesday, February 17, 2015 at 7:30 p.m. regarding **AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT" (SIGNS)** has been cancelled due to insufficient time for the Planning Board to properly review the ordinance for Resolution and Recommendation.

PH 2

Introduced: January 20, 2015 Public Hearing: February 17, 2015

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

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

**AN ORDINANCE TO AMEND CHAPTER 3, ARTICLE VIII  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "DEPARTMENTS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 3, Article VIII of the Code of the Township of Clark entitled "Departments" is hereby amended and supplemented, as follows:

**SECTION 1:** Section 3-30 entitled "Volunteer Fire Department" is amended as follows:

**A. Established.**

There is hereby established in the Township, within the Department of Public Safety, a Volunteer Fire Department, to be known as the "Volunteer Fire Department of the Township of Clark."

**B. Organization.**

The Clark Fire Department shall consist of the following officers, in order of chain of command/rank: [Amended 1-17-2012 by Ord. No. 12-01]

1. Command Staff

- (a) Director/Fire Chief/Fire Official
- (b) Deputy Chiefs
- (c) Duties, responsibilities, appointment procedures are defined in Fire Code Enforcement Chapter 161

2. Line Officers

- (a) Battalion Chief  
[Added 6-16-2014 by Ord. No. 14-12<sup>[13]</sup>  
[1]: *Editor's Note: This ordinance also provided for the renumbering of former Subsection B(5) through (9) as Subsection B(6) through (10), respectively*
- (b) First Captain
- (c) Second Captain
- (d) First Lieutenant
- (e) Second Lieutenant

- (f) Officers may be appointed by the Director/Fire Chief/Fire Official as needed hereinafter.

**C. Membership.**

1. New Members. The Director/Fire Chief/Fire Official and Command Staff as needed, shall interview and present to Council for appointment to the Fire Department.

2. Approval; certificate of membership. Such persons, after having been approved by the Township Council, in their discretion, shall be furnished with certificates of membership by the Township Clerk and shall thereafter be considered members of the Fire Department

**D. Reserved. [2]:**

*Editor's Note: Former Subsection D, Appointments; qualifications, was repealed 11-21-2011 by Ord. No. 11-21]*

**E. Duties.**

It shall be the duty of every member of the Fire Department to observe and enforce all laws, ordinances and department standard operating guidelines pertaining to his/her duty as a firefighter. The firefighter shall, under the supervision of the Director/Fire Chief/Fire Official and Command Staff, be authorized and empowered, and it shall be his/her duty, to perform all acts and things required by general law, ordinances of the Township, and departmental standard operating guidelines of the Fire Department. [Amended 11-21-2011 by Ord. No.11-21]

**F. Register of Members.** The Township Clerk shall keep register of all members of the Fire Department.

**G. Election of Officers.**

The Director/Fire Chief/Fire Official and Command Staff and the Fire Department Association President, shall hold an election for the Line Officers, every two years, from the members of the Fire Department that are in good standing, for the positions of, Battalion Chief, First and Second Captains, and First and Second Lieutenants. The foregoing officers shall all be residents of the Township of Clark during the duration of their appointment. In the event an Officer elects, pursuant to the provisions of this subsection, to relocate his/her residence from the Township of Clark, the rank of said officer shall be forfeited and he/she shall be reduced in rank to that of a firefighter; provided, however, that the member's new residence is within three miles of the Clark Township municipal border. The biennial election shall be held during the month of October of every other year commencing December 19, 1967. The term of office shall be from January 1 through December 31 of the next succeeding year. Officers shall be installed by the Township Clerk at the governing body's first regular monthly meeting in January of each year. [Amended 1-17-2012 by Ord. No. 12-01; 11-21-2011 by Ord. No.11-21]

**H. Line Officers.**

1. Battalion Chief. Duties and responsibilities. The Battalion Chief shall keep an accurate record of each member of the Fire Department. This record shall include dates of entering and leaving the Department, and annual percentage records. The Battalion Chief shall file with the Township Clerk all necessary membership records at the direction of the Director/Fire Chief/Fire Official. The Battalion Chief shall keep the application forms of all new members for a permanent record.

2. Captains: duties and responsibilities. The Captains shall be designated and be responsible for all equipment and records pertaining to such equipment of the Fire Department at all locations of the Fire Department, inclusive of the maintenance of such equipment. [Amended 1-17-2012 by Ord. No. 12-01]

3. Lieutenants: duties and responsibilities. First and Second Lieutenants shall assist the Captains in the responsibilities designated to each respectively under the provisions of this section.

**I. General Provisions.**

1. Disciplinary proceedings. Charges may be proffered by the Director/Fire Chief/Fire Official against any member of the Department; by the Director of Public Safety against any member of the Department, including the Chief; and by a majority of the members of the Department against any member, including the Chief.

2. Any rule or regulation shall be issued by the Director/Fire Chief/Fire Official of the Department and posted. The Standard Operating Guidelines of the Fire Department heretofore adopted are hereby continued. [Amended 2-18-2014 by Ord. No. 14-02]

3. Any member who has served one year and has completed his/her requirements as a probationary firefighter may move his/her residence from the jurisdiction limits of the Township of Clark with the prior approval of the Director/Fire Chief/Fire Official; provided, however, that the member's new residence shall not be more than three miles' distance from the jurisdiction limits of the Township of Clark. Any member who has relocated his/her residence beyond the geographical limits provided for hereinabove shall be determined to have resigned as a member of the Clark Voluntary Fire Department. [Added 11-21-2011 by Ord. No. 11-21]

4. Any trained firefighter who 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 who reside outside the jurisdiction limits of the Township of Clark shall not hold a position of Fire Office [Added 2-18-2014 by Ord. No. 14-02]

**J. Pension to Surviving Spouse or Minor Children.**

[Added 1-17-2012 by Ord. No.12-01]

1. The governing body of any municipality served by a volunteer fire company or first aid or rescue squad shall, by resolution, determine the eligibility for a survivor's pension of the widow or children or parent of any volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician who has died as the result of injuries sustained in the course of performance of duties as a member of the volunteer fire company or first aid or rescue squad on or after January 1, 2000. A governing body may determine that the widow or children or parent of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority. When the municipal governing body determines that a widow or children or parent are eligible for a survivor's pension, a certified copy of the resolution shall be filed by the Municipal Clerk with the State Treasurer within 10 days of adoption, and the state shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in

which P.L. 2002, c.134, is enacted, whichever is later. [4]: *Editor's Note: See N.J.S.A. 43:12-28.1 et seq.*

**K. Definitions.**

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

**1. CHILD**

A deceased firefighter's, emergency medical technician's, or first aid or rescue squad worker's unmarried child:

- (a) Under the age of 18;
- (b) Eighteen years of age or older and enrolled in a secondary school;
- (c) Under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester; or
- (d) Of any age who, at the time of the firefighter's, technician's or worker's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment, and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by a medical professional.

**2. FIRST AID OR RESCUE SQUAD**

Any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing volunteer public first aid, ambulance or rescue services within the municipality.

**3. PARENT**

The parent of a firefighter, emergency medical technician, or first aid or rescue squad worker who was receiving at least 1/2 of his or her support from the firefighter, technician or worker in the twelve-month period immediately preceding the firefighter's, technician's or worker's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

**4. WIDOW** Shall also include "widower."

- (a) Amount. A survivor's pension granted under Section i of P.L. 1957, c. 168 (N.J.S.A. 43:12-28.1), shall be for the sum of \$15,000 annually and shall be paid to the widow during her widowhood, or to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow, or to such child or children after the death of such widow; \$10,000 annually and shall be paid to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if the surviving widow remarries; or \$5,000 annually and shall be paid to the parent or parents of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow or child. As used in

this subsection, the terms "widow" and "widowhood" shall also include "widower" and "widowhood," respectively.

(b) Manner of payment. With regard to any pension granted by a municipality pursuant to Section 1 of P.L. 1957, C. 168 (N.J.S.A. 43:12-28.1), prior to the effective date of P.L. 2002, C. 134, the governing body shall make provision in its budget for the payment of any such pension, and the same shall be paid in the same manner as municipal employees are paid.

**SECTION 2: Restatement of Existing Ordinance:**

All sections of this Article which are not supplemented or amended by this Ordinance shall remain in full force and effect.

**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 11, 2015

**ATTEST:**

**APPROVED:**

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

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

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

Ord15/1-20Ch3ArtVIIIFireDept  
Aye Nay Abstain Absent

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

PH 3

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

Introduced: January 20, 2015 Public Hearing: February 17, 2015

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

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

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 161, ARTICLE VIII  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED  
"ENFORCEMENT OF UNIFORM FIRE SAFETY ACT"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapter 161, Article VIII, Sub-Sections 161-35 and 161-40 of the Code of the Township of Clark entitled "Enforcement of Uniform Fire Safety Act" are hereby amended and supplemented, as follows:

**SECTION 1: Section 161-35 entitled "Office of Fire Code Enforcement, Division of Fire Prevention and Protection" is amended and supplemented as follows:**

There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the Clark Volunteer Fire Department, the head of which shall be known as the "Director." Said official shall report any and all operations of the Fire Code Enforcement Office and the Clark Volunteer Fire Department to the Mayor, Business Administrator and Township Council. Any Command staff Deputy Chiefs and/or Fire Inspectors employed by the Fire Code Enforcement Office and/or the Clark Volunteer Fire Department shall report directly to the Director. All vehicles and equipment used by the Office shall be under the control of the Director, subject to the final approval of the office of the Mayor and/or his designee.

**SECTION 2: Section 161-40 entitled "Director of the Division of Fire Prevention (Director)" is amended and supplemented as follows:**

A. The Director shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the

same are established presently and may be hereafter established from time to time.

B. The Director, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of the Division. Inspections, budget and vehicle assignment shall be within his discretion.

C. The Director shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed appropriate for such compensation as may be approved by the governing body of the Township of Clark.

D. The Director shall have command authority to the rank of Fire Chief at any fire or emergency calls in the Township of Clark and Union County.

E. Director/Fire Chief/Fire Official: Clark Volunteer Fire Department command authority; responsibilities.

(1) Command Authority. The Director/Fire Chief/Fire Official shall be in supreme command of all functions of the Fire Department and he/she shall have the right to utilize any equipment, property or personnel that he/she deems necessary for the handling of fire emergencies that are within the legal right of the Township to grant. The Director/Fire Chief/Fire Official shall have the power of appointing an officer at any time in the event an officer position becomes vacant. [Amended 2-18-2014 by Ord. No. 14-02].

(2) Responsibilities. The Director/Fire Chief/Fire Official shall be responsible to the Director of Public Safety for the training, efficiency and proper conduct of the Fire Department, the maintenance and repair of all equipment, the reduction of fire hazards, the maintenance of records, and the rendering of reports, as stated hereinafter. The Director/Fire Chief/Fire Official shall:

(a) Formulate or cause to be formulated immediately, and be responsible for, the observance of a Fire Department Standard Operating Guidelines (SOG's) pertaining to signals of alarm, procedure of members in answering alarms, discipline of members at all functions, and any other rules or SOG's for the proper and efficient conduct of the Department. These SOG's shall be posted conspicuously in the fire headquarters. They shall be subject to the approval of the Director of Public Safety annually. They may be

amended or added to at any time by the Director/Fire Chief/Fire Official.

(b) Keep or cause to be kept accurate records of the service of each member of the Department, showing his/her attendance at or absence from each fire and any notations pertinent to his/her conduct which may properly appear upon the record.

(c) Issue or cause to be issued all badges and require an accurate record be kept therefor and shall be responsible for the return of any badges by members leaving the Department for any reason.

(d) See that all equipment, apparatus, and other property of the Department are kept in condition for immediate and efficient service.

(e) Keep or cause to be kept an accurate inventory record of all equipment and property of the Department, including an analysis of the number and locality of all fires.

(f) Report to the Business Administrator all of the activities and general conditions within the Department, including such suggestions or recommendations as he/she may deem proper or necessary.

F. Qualifications. As a condition of appointment and continuance in office, the Director shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark.

G. Removal. The Director, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

H. Clark Volunteer Fire Department Command Staff/Deputy Chief's appointment, command authority; responsibilities.

(a) Appointment. The Director/Fire Chief/Fire Official/Fire Marshal/Fire Code Official shall appoint the Clark Volunteer Fire Department Command Staff who will serve as Deputy Chiefs. The

Command Staff once having been so appointed, shall serve without term so long as they shall continue to discharge the duties of the office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.

(b) Command authority/Responsibilities. The Command Staff shall have the authority of Deputy Chief within the Clark Volunteer Fire Department. The ranking Deputy Chief shall assume the duties and responsibilities of the Fire Chief in his absence.

I. Qualifications. As a condition of appointment and continuance in office, the Command Staff must have successfully completed Fire Fighter I and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief or Battalion Chief.

J. Removal. The Command Staff employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.

K. In the event a Deputy Chief appointed position becomes vacant for any reason, the Fire Chief shall appoint a replacement from the current ranks of the Clark Volunteer Fire Department.

L. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Director/Fire Official shall be appointed by the Mayor and Administration of the Township of Clark and will be filled from the current ranks of the Clark Volunteer Fire Department.

M. In the event the Director/Fire Chief/Fire Official appointed position becomes vacant for any reason, the position of Fire Chief shall be selected and voted upon from the current ranks of the Clark Volunteer Fire Department.

The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be as specified in the Uniform Fire Code.

**SECTION 3: Restatement of Existing Ordinances:**

All sections of Chapter 161, Article VIII not amended or supplemented herein are restated and reaffirmed fully as if set forth in full hereinafter.

**SECTION 4: 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 5: Effective Date:**

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

Effective Date: March 11, 2015

**ATTEST:**

**APPROVED:**

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

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

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

Ord15/1-20Ch161EnforcementofUniformFireSafety  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

February 17, 2015

4A

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

**BE IT RESOLVED** by Governing Body as the Clark Swimming Pool Utility that the 2015 Municipal Swimming Pool rates and fees be set as follows:

<b>MEMBERSHIPS</b>	<b>CLARK RESIDENT</b>	<b>NON-RESIDENT</b>
FAMILY	360.00	525.00
GARWOOD RESIDENT FAMILY (Must show proof of affiliation with Clark Recreation and/or Clark Public Schools)		460.00
HUSBAND & WIFE	310.00	450.00
DOMESTIC PARTNERSHIP (as defined by Ch. 246 P.L.2003)	310.00	450.00
ONE PARENT & ONE CHILD	310.00	450.00
INDIVIDUAL	210.00	310.00
SENIOR CITIZEN (62 by June 1 <sup>st</sup> )	100.00	150.00
RETURNED CHECK FEE	35.00	35.00
LOST ID CARDS	15.00	15.00

**FEES - ALL MEMBERS**

SWIM LESSONS	100.00 (session) 75.00 additional child (session)
SWIM TEAM	30.00 Members 50.00 Non-members
GUEST FEES:	
WEEKDAYS (All ages)	7.00
HOLIDAYS AND WEEKENDS (Adults)	10.00

ATTEST:

APPROVED:

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

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

Res15/2-17PoolFees

Aye Nay Abstain Absent

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

4 B

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
February 17, 2015

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

**WHEREAS** R JACL, LLC t/a Clark Concession Operations, LLC (the vendor) was awarded the contract for catering services at the Clark Municipal Swim Pool for the 2014 pool season through a formal bidding process; and

**WHEREAS** the Vendor has submitted a written request to be considered for a two (2) year extension of this contract; and

**WHEREAS** the contract may be extended in accordance with paragraph 22 of Part D, entitled "Special Conditions" of the bid specifications at the sole option of the Township for up to an additional two (2) years, in the event of such an extension, the bid price for each extension year shall be increased and agreed upon by negotiations; and

**WHEREAS** the vendor has agreed to the negotiated price of Six Thousand Eight Hundred dollars (\$6,800.00) for 2015 and Seven Thousand dollars (\$7,000.00) for 2016 and has agreed to comply with all the applicable terms and conditions as set forth in the aforesaid specifications.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark sitting as the Pool Utility that it hereby awards an additional two year contract to Clark Concession Operations, LLC and authorizes and directs the Business Administrator to execute said contract.

ATTEST:

APPROVED:

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

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

Res15/2-17ExtendPoolConcession2yrs  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
 Resolution \_\_\_\_\_  
 February 17, 2015

5

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 2014 Appropriation Reserves according to the following schedule.

<b>CLARK TOWNSHIP</b>			
<b>RESERVE APPROPRIATION TRANSFER</b>		<b><u>From</u></b>	<b><u>To</u></b>
26-290-100	<b>Roads: Salaries &amp; Wages</b>	30,000.00	
25-240-100	<b>Police: Salaries &amp; Wages</b>		30,000.00
		<u>\$30,000.00</u>	<u>\$30,000.00</u>

ATTEST:

APPROVED:

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

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

Res15/2-17TransferReserves

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

February 17, 2015

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

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

Res15/2-17 Tax Refunds-Transfers  
Aye Nay Abstain Absent

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

CLARK TOWNSHIP									
TAX REFUNDS- 2014									
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	AMT TRNS	TRANS FROM	TRANS TO
38.05	4		Joaquim & Lidia Ferrerira	4	Avon Road		\$10.54	2014/3	2015/1
84	14		Jamie & Tara Gordon	56	Kathryn Street		\$282.30	2014/3	2015/1
31.03	97	C-097	Brandon Bodziony	97	Briarwood Path	\$1,096.20			
38.08	21		Edison & Suzana Elesbao	53	Byron Place	\$250.00			
38.06	23		Andrew & Jennifer Story	71	Skyline Drive	\$411.82			
69	28		Sharon Kamler	35	School Street	\$1,408.02			
44	4		Joseph Stanislawczyk	38	Shetland Drive	\$250.00			
182	23		Patricia Coelho	78	St Laurent Drive	\$230.82			
88	12		Agnes Hagmueller	47	Cornell Drive	\$250.00			
164	33		Mario DiNizo	220	East Lane	\$452.69			
103	5		Frank & Shannon Tarentino	50	Lincoln Blvd	\$2,448.62			
101	5		Joseph Rivera	106	Hart Street	\$2,577.09			
195	18		David Marder	62	James Street		1775.75	2014/4	2015/1
52	14.03		Antonio Pacheco	4	Ginesi Drive	\$373.96			
68	31		Lilia Nowak	2	Emerald Place	\$250.00			
38.11	20		Christina Azoia	24	Dorset Drive	\$2,828.23			
					<b>Totals</b>	<b>\$12,827.45</b>	<b>\$2,068.59</b>		

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

February 17, 2015

7

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

**WHEREAS** Investors Bank has requested the release of Performance Guarantees posted for site work at 56 Westfield Avenue (Lot 1.01, Block 105) in Clark in the amount of Thirty Nine Thousand, Two Hundred Twenty Five Dollars and Sixty Cents (\$39,225.60); and

**WHEREAS** the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

**WHEREAS** Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Investors Bank to be Four Thousand Three Hundred Fifty Eight Dollars and Forty Cents (\$4,358.40) to be held for one year; and

**WHEREAS** Investors Bank may direct the Township, in writing, to retain the cash portion \$4,358.40 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

**WHEREAS** at the end of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees in the amount of \$39,225.60 to Investors Bank upon receipt or conversion of a Maintenance Guarantee in the amount of \$4,358.40 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

ATTEST:

APPROVED:

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

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

Res15/2-17ReleasePerfBond-InvestorsBank

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

February 17, 2015

8

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

**WHEREAS** William Krame, of Krame Development Company, Inc. (the Developer) has requested partial release of the Performance Guarantee currently posted for site work in the amount of Four Million, Six Hundred Twenty Eight Thousand, Seven Hundred Fifty Dollars (\$4,628,750.00) to guarantee site work at the Clark Commons site on Raritan Road; and

**WHEREAS** through negotiations with the Developer, the Township Engineer and the Business Administrator are agreeable to reducing the Performance Guarantee to Three Million, Three Hundred Twenty Three Thousand, Two Hundred Twenty Dollars (\$3,323,220.00) based upon inspections of all work completed to date and the estimated amount of work left to be completed and acknowledge that the work has been completed according to the approved plan; and

**WHEREAS** the reduced performance guarantee shall be posted as follows: Two Million, Nine Hundred Forty Four Thousand, Four Hundred Seventy dollars (\$2,944,470.00) Performance Bond and Three Hundred Seventy Eight Thousand, Seven Hundred Fifty dollars (\$378,750.00) as previously posted in cash; and

**WHEREAS** the Letter of Credit currently held by the Township in the amount of Four Million, Two Hundred Fifty Thousand dollars (\$4,250,000.00) will be released to William Krame of Krame Development Company upon receipt of a Performance Guarantee in the form of a new Bond or Letter of Credit in the amount of Two Million, Nine Hundred Forty Four Thousand, Four Hundred Seventy dollars (\$2,944,470.00); and

**WHEREAS** the Township has determined this amount to be sufficient to guarantee full performance and installation of all requisite improvements including Off-Site improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the acceptance of the reduced performance guarantee as set forth herein and said performance guarantee to be further reduced only upon reductions authorized by the Township Engineer.

ATTEST:

APPROVED:

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

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

Res15/2-17ReducePerfGuaranteeClarkCommons  
Aye Nay Abstain Absent

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