

This Notice is being sent to you, for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
July 18, 2016
7:30 PM**

ROLL CALL:

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

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police, Fire, Emergency Management and First Aid Squad reports for June 2016 received and on file in the Clerk's office.

REPORT OF COUNCIL COMMITTEES:

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through July 13, 2016 in the amount of \$243,230.65

CITIZEN HEARING ON THE AGENDA:

Please state your name and address for the record

RESOLUTIONS:

1. Supporting the Fairness Formula; Equal School Funding and Property Tax Relief
2. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2015 Annual Audit entitled General Comments and Recommendations
3. Approving the 2015 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services

4. Appointing Jerry Scaturro as a member of the Clark Volunteer Fire Department
5. Award of contract to P & A Construction for the Colonial Drive Roadway Improvements in the amount of \$661,976.25
6. Authorizing the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to bulky waste
7. Authorizing and directing the Mayor and/or Business Administrator to execute the amended 2016 Infrastructure and Municipal Aid grant agreement with Union County

CONSENT AGENDA RESOLUTIONS:

8. Authorizing the Mayor to enter into a lease agreement with the Union County Educational Services Commission for use of the gyms in the Municipal Building from September 2016 through June 2017
9. Authorizing the Mayor and Clerk to Execute an Agreement with Union County to Modify the Cooperative Agreement for the Community Development Block Grant program dated June 2014
10. Authorizing the Tax Collector to settle tax appeals authorized by the Tax Court of New Jersey to be issued as credit in the amount of \$103,687.28
11. Authorizing the Chief Financial Officer to refund overpayment of Sewer Fees in the amount of \$1,915.00
12. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$1,516.20

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Please state your name and address for the record

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

Motion _____ Entire Council _____ Second _____ Entire Council _____

**RESOLUTION SUPPORTING THE FAIRNESS FORMULA
EQUAL SCHOOL FUNDING AND PROPERTY TAX RELIEF**

WHEREAS the Constitution of the State of New Jersey provides for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years; and

WHEREAS New Jersey schools are funded through a combination of state, federal and local dollars; and

WHEREAS state aid is currently allocated to school districts using a weighted formula rather than equal school funding; and

WHEREAS Governor Christie has stated "A funding formula that puts a higher value on one child over another is morally wrong and it has been economically destructive... Every child has potential. Every child has goals. No child's dreams are less worthy than any other child's. No child deserves less funding from the state's taxpayers."; and

WHEREAS Mayor Sal Bonaccorso has pledged his support of Governor Christie's Fairness Formula which will ensure that all students have equal funding to be successful and will provide property tax savings for Clark residents.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Mayor and supports the Governor's initiative to amend the Constitution of the State of New Jersey to require that State funding to school districts, other than special education funding, be on an equal per pupil basis; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, our State Senator, our two Representatives in the General Assembly, Union County Clerks and to the New Jersey League of Municipalities.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18SupportFairnessFormula
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

2

Motion _____ Second _____

WHEREAS N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18AuditReportGroupAffidavit
Aye Nay Abstain Absent

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

Motion _____ Second _____

RESOLUTION APPROVING THE 2015 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2015; and

WHEREAS the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

WHEREAS the Governing Body has received the 2015 Annual Audit – Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2015 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

BE IT FURTHER RESOLVED that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18AuditCorrectiveActionPlan
Aye Nay Abstain Absent

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

**TOWNSHIP OF CLARK
UNION COUNTY
AUDIT REPORT YEAR: DECEMBER 31, 2015**

FINDING/CONDITION

That all receipts be deposited within forty eight hours of collection as required by statute.

EXPLANATION AND CORRECTIVE ACTION:

All Departments have been advised that funds must be deposited within forty eight hours of collection.

(Already accomplished)

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

4

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 18th day of July, 2016.

Jerry Scaturo
135 Hillcrest Drive
Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18AppointFirefighter Scaturo

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

5

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on June 16, 2016 for the 2016 Capital Road Improvement Program (Phase II); Colonial Drive Improvements Between Ross Street and St. Laurent Drive; and

WHEREAS seven (7) bid proposals were received on July 6, 2016 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were P & A Construction, Inc. of Colonia, NJ with a bid in the amount of \$661,976.25, Reivax Contracting of Newark, NJ with a bid in the amount of \$735,096.95 and Stilo Excavating, Inc. of South Plainfield, NJ with a bid in the amount of \$750,020.95; and

WHEREAS P & A Construction, Inc. PO Box 28, Colonia, NJ 07067 submitted the lowest responsible bid in the amount of \$661,976.25 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinances 16-04 and 16-07 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to P & A Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to P & A Construction, Inc. in the amount of \$661,976.25; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18AwardCAPRoadsColonialDr
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

6

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Shared Services Agreement with the Plainfield Municipal Utilities Authority for certain solid waste services with respect to Bulky Waste Type – 13 and Construction and Demolition Waste – Type 13C generated within the township.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18SharedServicesPlainfieldMunicipalUtilitiesAuth.

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

7

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Mayor and/or Business Administrator are hereby authorized and directed to execute the Amended 2016 Infrastructure and Municipal Aid grant agreement with the County of Union.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18AuthAmended2016InfrastructureGrant
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

CA 8

Motion _____ Second _____

WHEREAS an agreement is proposed between the Township of Clark having offices at 430 Westfield Avenue, Clark, New Jersey, hereinafter referred to as the "Landlord" and Union County Educational Services Commission, a Commission of the State of New Jersey having its office at 45 Cardinal Drive, Westfield, New Jersey, hereinafter referred to as the "Tenant"; and

WHEREAS premises to be let is the Oliver B. Resch Gymnasium, containing a stage, to be made available Monday through Friday, 8:30 am through 2:30 pm commencing on September 1, 2016 and concluding on June 30, 2017 together with the second gymnasium, the Walter A. Bakum Gymnasium, to be made available on an "as needed" basis with usage, to be approved upon the request of Union County Educational Services Committee by the Business Administrator of the Township of Clark during the same term.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark, County of Union, State of New Jersey does hereby authorize the Mayor to enter into a lease agreement (attached hereto) on behalf of the Township with the Union County Educational Services Commission, located at 45 Cardinal Drive, Westfield, New Jersey.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18UCEduServCommGyms
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

CA 9

Resolution _____

July 18, 2016

Motion _____ Second _____

A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF CLARK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Clark and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Clark that the agreement entitled "**COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,**" dated June 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2016-2017 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/7-18CDBGModifyCooperativeAgreementDatedJune2014

Aye Nay Abstain Absent

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

SALVATORE BONACCORSO
Mayor

Dated: _____

Attest: _____

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

CA 10

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 in accordance with the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/TaxAppeals

Aye Nay Abstain Absent

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

STATE TAX APPEAL - APPROVAL		7/18/2016											
Block/Lot	Address	Original Assessment	New Assessment	Reduction	Year	Refund	Credit						
71/14.0101	76 Central Avenue	6,000,000	5,483,800	516,200	2013		\$ 39,990.01						
71/14.0101	76 Central Avenue	6,000,000	5,621,800	378,200	2014		\$ 29,707.61						
71/14.0101	76 Central Avenue	6,000,000	5,594,200	405,800	2015		\$32,561.39						
					Principal		\$102,259.01						
					5% Int.		Waived						
					Total		\$102,259.01						
77/4	181 Westfield Avenue	273,000	255,200	17,800	2015		\$ 1,428.27						
					Principal		\$ 1,428.27						
					5% Int.		Waived						
					Total		\$1,428.27						

TOWNSHIP OF CLARK

Resolution _____

July 18, 2016

CA 11

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2016 sewer fees; the Mayor has recommended to Council that such authorization be granted.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refund(s) as per the following schedule.

REF	#	Account #	Name	#	Address	Reason	Refund
16	10R	1502-0	Kevin Morgan	61	Dorset Drive	Overpayment	\$ 1,467.50
16	11R	2056-0	Ronald Ordner	89	Francis Drive	Overpayment	\$ 447.50
						Total Refunds	\$ 1,915.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 STEVEN M. HUND
 Council President

Res16/7-18SewerRefunds

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

CA 12

Resolution _____

July 18, 2016

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

STEVEN M. HUND
Council President

Res16/7-18SewerAdj

Aye Nay Abstain Absent

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

