

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
December 18, 2017
7:30 PM**

ROLL CALL:

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

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.

Regular order of business suspended

New Police Officers: Mateusz Pazdan and Anthony Salas

Regular order of business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Reports given this evening will be available in the Clerk's office and on the township website www.ourclark.com

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 December 14, 2017 in the amount of \$202,846.76

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.

The Public may speak on any agenda item that does not have its own public hearing

RESOLUTIONS:

1. Confirming the re-appointment of Antonio Inacio as Municipal Court Judge January 1, 2018 to December 31, 2020
2. Award of Professional Services contracts through a fair and open process for 2018:
 - A. Auditor – Wiss & Company, LLP
 - B. Engineering Services – Grotto Engineering Associates, LLC
 - C. Professional Planner – Shamrock Enterprises, LTD
 - D. Labor Attorney – Apruzzese, McDermott, Mastro & Murphy
 - E. Bond Counsel – Rogut McCarthy LLC
 - F. Special Counsel and Director of Law – Triarsi, Betancourt, Wukovits & Dugan, LLC
3. Authorizing the Mayor and/or Business Administrator to execute the Risk Management Consultant's Agreement with World Insurance Associates for 2018
4. Authorizing the Business Administrator to execute a maintenance agreement with Arrow Elevator Inc. to service the elevator located in the public safety building
5. **Council as the ABC Board:**
Authorizing Rotondos and Wine Anthology to extend their business hours until 10:00 pm on Sunday, December 24th and Sunday, December 31, 2017

CONSENT AGENDA RESOLUTIONS:

6. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$830.00
7. Authorizing the Tax Collector to refund overpayment of 2017 taxes in the amount of \$20,007.07 and \$9.42 transferred to the first quarter of 2018
8. Appointing Special Police Officers effective January 1, 2018
9. Authorizing the Police Chief to issue Clothing Bin Permits for the year 2018

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

Resolution _____

December 18, 2017

Motion Entire Council Second Entire Council

WHEREAS Mayor Sal Bonaccorso has re-appointed Antonio Inacio for the position of Municipal Court Judge; and

WHEREAS this appointment requires the advice and consent of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby confirms the re-appointment of Antonio Inacio as Municipal Court Judge whose term will commence on the 1st day of January 2018, ending December 31, 2020.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18Re-appointJudgeInacio
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

2A

Motion _____ Second _____

WHEREAS there exists a need for an Auditor for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the professional position of Auditor and publicly opened at 10:00 am on December 6, 2017; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Wiss & Company, LLP to perform the Audit.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Wiss & Company, LLP in accordance with NJSA 19:44A-20.5.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RFP Auditor

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

LB

Motion _____ Second _____

WHEREAS there exists a need for per diem Engineering Services including the duties of the Municipal Engineer for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the position of Professional Engineering Services under the duties of the Municipal Engineer and were publicly opened at 10:00 am on December 6, 2017; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to the firm of Grotto Engineering Associates, LLC for the year 2018.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to the firm of Grotto Engineering Associates, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RFP
Engineer
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

20

Motion _____ Second _____

WHEREAS there exists a need for Professional Planning Services for the Township of Clark;
and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the position of Professional Planner and was publicly opened at 10:00 am on December 6, 2017; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to the firm of Shamrock Enterprises, LTD for the year 2018.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Planning Services to the firm of Shamrock Enterprises, LTD in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RFPProfPlanner
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

20

Motion _____ Second _____

WHEREAS there exists a need for Labor Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the professional position of Labor Counsel and publicly opened at 10:00 am on December 6, 2017; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Apruzzese, McDermott, Mastro & Murphy for the year 2018.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Apruzzese, McDermott, Mastro & Murphy in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RFPLaborCounsel
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

2 E

Motion _____ Second _____

WHEREAS there exists a need for Bond Counsel for the Township of Clark; and

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS one (1) proposal was received for the professional position of Bond Counsel and publicly opened at 10:00 am on December 6, 2017; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Rogut McCarthy, LLC to the professional position of Bond Counsel for the year 2018.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey hereby awards a contract for Professional Services to Rogut McCarthy, LLC in accordance with NJSA 19:44A-20.5; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RFPBondCounsel
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

2 F

Motion _____ Second _____

WHEREAS in accordance with NJSA 19:44A-20.5 proposals have been solicited through a fair and open process as advertised on the Official Website of the Township of Clark; and

WHEREAS qualification submissions for the position of Special Counsel/Director of Law to represent the Township in litigated matters, contested tax appeals and to provide such other extraordinary legal services as may be required from time to time and to perform such services as are required by the Director of Law pursuant to ordinance were received on December 6, 2017 and publicly opened at 10:00 am; and

WHEREAS proposals were received by the Business Administrator and Chief Financial Officer with a recommendation to award the firm of Triarsi, Betancourt, Wukovits & Dugan, LLC for these services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby approves a contract for professional services with Triarsi, Betancourt, Wukovits & Dugan LLC, 186 North Avenue East, Cranford, NJ 07016 to provide litigation and tax appeal services to the Township together with such other legal services as may be required by the Director of Law pursuant to ordinance; and

BE IT FURTHER RESOLVED that the value of the contract is subject to the 2018 budget appropriation; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to sign a contract with said firm.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18 RFP Dir of Law
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 18, 2017

3

Motion _____ Second _____

WHEREAS the Township of Clark has resolved to join the New Jersey Municipal Self Insurers' Joint Insurance Fund ("NJMSIJIF") following a detailed analysis; and

WHEREAS the Bylaws of NJMSIJIF require that each entity designate a Risk Management Consultant to perform various professional services as detailed in the Bylaws and Risk Management Plan; and

WHEREAS the Bylaws indicate that NJMSIJIF shall pay each Risk Management Consultant a fee to be established annually by the Executive Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township of Clark does hereby appoint World Insurance Associates, LLC as its Risk Management Consultant in accordance with the Fund's Bylaws; and

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator and Township Clerk are hereby authorized and directed to execute the Risk Management Consultant's Agreement effective 01/01/18 to 12/31/18 annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18RiskManagementConsultAgrmt

Aye Nay Abstain Absent

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

4

TOWNSHIP OF CLARK
Resolution _____
December 18, 2017

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to execute a Maintenance Agreement with Arrow Elevator Inc., 4 Cecilia Court, Vernon, New Jersey 07462 for general maintenance including monthly oil and lubrication of the elevator in the Public Safety Building located at 315 Westfield Avenue for a five-year period commencing January 1, 2018 subject to subsequent years budget appropriations.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18AuthElevatorMaintAgreement
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 18, 2017

5

Motion _____ Second _____

WHEREAS Chapter 76, Section 10C of the Code of the Township of Clark regulates the hours of sale for Plenary Retail Distribution Licenses, restricting the sale or delivery of alcoholic beverages after 5:00 pm on Sundays; and

WHEREAS the owners of Rotondos have requested an exemption from the regulation to stay open until 10:00 pm on Sunday, December 24, 2017 and Sunday, December 31, 2017; and

WHEREAS in an effort to foster a friendly business environment, the Business Administrator has recommended to Council that this exemption be granted for both businesses holding Plenary Retail Distribution Licenses:

<u>License Holder</u>	<u>Trading as</u>	<u>License</u>
BV Liquor LLC	Rotondos Liquor Deli and Fine Foods	#2002-44-008-007
Clark Circle Liquors & Lounge Inc.	Wine Anthology	#2002-44-002-005

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 Business Administrator's recommendation and grants the exemption as hereinabove stated.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18ExemptforHolidays Ch76-10CABCdistribution
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
 Resolution _____
 December 18, 2017

CAG

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 following schedule.

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit
17	85	2663-0	Judy Brougham	103	Westfield Ave.	meter issue	\$830.00	\$280.00	\$550.00
17	86	4469-0	DeMarzo Development	25	Orchard Terr.	No usage	\$280.00	0	<u>\$280.00</u>
									\$830.00

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res17/12-18SewerAdj

	Aye	Nay	Abstain	Absent
Barr	_____	_____	_____	_____
Hund	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Albanese	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
December 18, 2017

CA 7

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2017 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) in accordance with the attached schedule:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18TaxRefunds

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

CAS

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby appoint the following named individuals as Class 1B and Class II Special Law Enforcement Officers to serve for the period commencing January 1, 2018 and concluding December 31, 2018.

1-1-2018 Special Police Reappointment List

Class 1B
Beceiro, Anthony R.

Class II
Brocato, Carmen F.

Buczynski, Thomas

DeLuca, John

Burlew, Christine

DeMarzo, Victor

DeVre, Arthur

Ehling, John

Flicek, Francis

Pollock, Sr., Michael

Gribbin, Joseph

Grossmith, Ryan

Leonardis, Richard

Prisco, Giovannina

Ringwood, Tom

Stankwich, Margaret

Tarantino, Robert

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18SpecialPolice2018
Aye Nay Abstain Absent

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

CA 9

TOWNSHIP OF CLARK

Resolution _____

December 18, 2017

Motion _____ Second _____

WHEREAS it is necessary and desirable in order to insure the general health and welfare of the residents of the Township of Clark to provide uniform procedures for administering the issuance, renewal and revocation of licenses for the placement of clothing bins within the Township; and

WHEREAS the enabling legislation adopted as Ordinance 09-20 and amended by Ordinance 12-06 provides for enforcement by the Police Department and the Township Zoning Enforcement Officer.

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 are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Police Chief is hereby authorized and directed to issue permits to the vendors listed as follows to be displayed according to law effective January 1, 2018 through December 31, 2018.

2018

Clothing Bin Operators

Location of Bins

American Recycling Technologies
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

78 Westfield Avenue (2 bins)

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

76 Central Avenue (2 bins)

American Recycling Technologies, Inc.
98 Cuttermill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

315 Westfield Avenue (2 bins)

American Recycling Technologies, Inc.
98 Cuttermill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

1060 Raritan Road (2 bins)

The Read Foundation
313 Amboy Avenue, S-414
Woodbridge, NJ 07095
Attn: Jacqueline Sivak (848-250-0336)

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)

American Recycling Technologies
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

140 Central Avenue (2 bins)

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: Rick Henningsen (973-934-3591)

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res17/12-18ClothingBinOperators2018
Aye Nay Abstain Absent

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