

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
May 21, 2012  
7:30 PM**

**ROLL CALL:**

Councilwoman Albanese _____	Councilman Mazarella _____
Councilman Barr _____	Councilman O'Connor _____
Councilman Kazanowski _____	Councilman Toal _____
	Council President Whiting _____

**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, Union County Local Source, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

Suspend the Regular Order of Business:

1. Certificates of Appreciation: Cub Scout Pack 145 and Troop 145 under the direction of Cub Master Scott McCabe
2. C.E.R.T. Presentation by Jerry Fewkes

Motion to Resume the Regular Order of Business

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

**Mayor:**

**Township Officers:** Police and Fire Reports for the month of April 2012 have been received and are on file in the Clerk's office

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through May 17, 2012 in the amount of \$279,049.44

**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:**

1. Opposing Senate Bill 1451 which changes the requirements of the Open Public Meetings Act

2. Opposing Senate Bill 1452 which changes the requirements of the Open Public Records Act
3. Urging consideration of proposed Senate and Assembly Bills for Phased in Funding Restoration of Energy Taxes over a five year period to aid municipalities' property tax relief efforts
4. Authorizing the Tax Collector to prepare and issue estimated tax bills for the third installment of 2012 taxes
5. Affirming the Township's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors and members of the public that come into contact with municipal employees, officials and volunteers
6. Ratifying the Mayor's January 3, 2012 appointment of Councilman Brian Toal as the Township's official representative to the Solid Waste Advisory Committee and appointing Councilman Frank Mazzarella as the alternate representative
7. Adopting the Clark Community Pool Rules and Regulations for the 2012 season
8. Authorizing the purchase of equipment for Police Patrol Vehicles under various State Contracts
9. Authorizing release of the Maintenance Bond to Kerry Ingredients & Flavours for minor site improvements at their Terminal Avenue property
10. Authorizing release of Performance Guarantees to Ginesi Builders Inc. for site work at 588 Madison Hill Road

**CONSENT AGENDA RESOLUTIONS:**

11. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$3,802.00
12. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$9,081.86
13. Authorizing the Chief Financial Officer to refund overpayment of taxes in the amount of \$741.67
14. Confirming the appointments of members of the Municipal Alliance Committee
15. Authorizing release of Performance Guarantees to Thomas Faria for site work at Featherbed Lane School and Camp

**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 \_\_\_\_\_

May 21, 2012

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

**Resolution Opposing Senate Bill 1451**

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

**WHEREAS**, the governing body of the Township of Clark agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and

- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to lay off municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the governing body of the Township of Clark strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Township of Clark, County of Union, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators

of the 22<sup>nd</sup> State Legislative District, Senator Nicholas Scutari, Assemblywoman Linda Stender, Assemblyman Jerry Green, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/OpposeSenateBill1451

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

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

**Resolution Opposing Senate Bill 1452**

**WHEREAS** legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

**WHEREAS** the governing body of the Township of Clark agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

**WHEREAS** among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well-established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and

- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS** the provisions of S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS** the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS** while the governing body of the Township of Clark strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Township of Clark, County of Union, and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the State 22<sup>nd</sup> Legislative District, Senator Nicholas Scutari, Assemblywoman Linda Stender, Assemblyman Jerry Green, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21 OpposeBill 1452 OPRA  
Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

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Motion \_\_\_\_\_ Entire Council \_\_\_\_\_ Second \_\_\_\_\_ Entire Council \_\_\_\_\_

RESOLUTION IN SUPPORT OF PHASED-IN FUNDING RESTORATION

**WHEREAS** taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

**WHEREAS** just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS** for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

**WHEREAS** the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS** municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

**WHEREAS** as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

**WHEREAS** consideration of Senate Bill 1900 and its companion Assembly Bill 2921 has been postponed due to a May 15, 2012 Treasury Department announcement that April Tax Collections were below expectations leaving State revenue behind the Treasurer's February estimates; and

**WHEREAS** S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

**WHEREAS** the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

**WHEREAS** the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

**WHEREAS** if consideration of these Bills resumes, the restoration of \$66.2 million this year would be a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years would make a big difference in municipalities all around New Jersey; and

**WHEREAS** the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and encourages consideration of this legislation as soon as it is practical to do so; and

**BE IT FURTHER RESOLVED** that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and

**BE IT FINALLY RESOLVED** that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Nicholas Scutari, our Assemblyman Jerry Green and Assemblywoman Linda Stender, and to the New Jersey League of Municipalities.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21SupportPhasedinRestoration	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

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TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

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

**WHEREAS** the Township of Clark is unable to certify the tax rate at this time and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

**WHEREAS** the Municipal Tax Collector/Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, on this 21<sup>st</sup> day of May, 2012 as follows:

1. The Township of Clark Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2012 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2012 is hereby set at \$55,545,066.89
3. In accordance with law the third installment of 2012 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21EstimatedTaxBills

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 21, 2012

5

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

**A RESOLUTION TO AFFIRM THE TOWNSHIP OF CLARK'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS** it is the policy of the Township of Clark to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

**WHEREAS** the governing body of the Township of Clark has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE BE IT ADOPTED** by the Township of Clark that:

**Section 1:** No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the local Township.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Business administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21CivilRights

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

6

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 21, 2012

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

**WHEREAS** as set forth in the New Jersey Solid Waste Management Act, each municipality is expected to appoint an official representative and an alternate to the Solid Waste Advisory Committee; and

**WHEREAS** Mayor Bonaccorso made appointment(s) to the Union County Solid Waste Advisory Committee (SWAC) at the Township Reorganization Meeting held January 3, 2012; and

**WHEREAS** the Union County Solid Waste Advisory Council has requested that the appointments be made by Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Mayoral appointments to the Union County Solid Waste Advisory Committee are hereby ratified and effective commencing January 3, 2012 and concluding December 31, 2012:

Official Representative      Councilman Brian Toal

Alternate Representative      Councilman Frank Mazzarella

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21 SWAC Appts

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

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TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 21, 2012

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

**WHEREAS** a recommendation has been made to adopt minor amendments to the 2012 Pool Rules and Regulations; and

**WHEREAS** an Open House is scheduled at the pool facility for May 19, 2012.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark acting as the Pool Utility that it hereby approves the recommendations and adopts the Clark Community Pool Rules and Regulations for the 2012 season as amended, effective May 19, 2012.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21PoolRules	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 21, 2012

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

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 12-21; and

WHEREAS the Clark Police Department wishes to purchase and install equipment for Police Utility Vehicles from authorized vendors as follows:

Triangle Communications 2362 Waldheim Avenue Scotch Plains, NJ 07076-2152	NJ State Contract #: 81331, 81327, 81343 Lighting, cages, installation P.O. #12-01390	Total: \$37,415.76
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Blue Line Emergency Lighting P.O. Box 191 Beachwood, NJ 08722	NJ State Contract #81308 Console boxes, computer mounts P.O. #12-01391	Total: \$ 3,747.60
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Motorola Solutions, Inc. c/o PierCon Solutions, LLC 63 Beaver Brook Road, S-201 Lincoln Park, NJ 07035	NJ State Contract #53804 Mobile Radios P.O. #12-01392	Total \$ 8,062.40
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Mobile Techtronics 1127 Lake Avenue Clark, NJ 07066	No State Contract Installation of mobile radios P.O. #12-01393	Total \$ 900.00
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WHEREAS the Business Administrator recommends the utilization of these contracts on the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these contracts in Capital Account # C-04-11-022-000.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Clark Township that it hereby authorizes the purchase and installation of equipment for Police Utility Vehicles as described above.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC  
Township Clerk

SHEILA WHITING  
Council President

Res12/5-21PoliceVehicleEquip

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

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

**WHEREAS** Kerry Ingredients & Flavours, 100 Hollister Road, Teterboro, New Jersey 07608 has requested the release of the Maintenance Bond for Minor Site Improvements at their Terminal Avenue, Clark, New Jersey property in the amount of Five Thousand Dollars (\$5,000.00) held in the form of cash with interest earned and accrued and all remaining escrow; and

**WHEREAS** the Township Engineer has performed the final inspection and has found that all the work has been completed and deemed acceptable as per Township Standards and recommends the release of the Maintenance Bond with interest and escrow to Kerry Ingredients & Flavours.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby concur with the Township Engineer and directs the release of the Cash Maintenance Bond with interest earned and accrued and all remaining escrow to Kerry Ingredients & Flavours, 100 Hollister Road, Teterboro, New Jersey 07608.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21ReleaseMaintBond-Kerry	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 21, 2012

10

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

**WHEREAS** Ginesi Builders Inc. has requested the release of the remainder of the Performance Guarantee for site work at 588 Madison Hill Road in the amount of Fourteen Thousand, Five Hundred, Forty-nine Dollars and Four Cents (\$14,549.04) posted as cash, as described in Resolution 08-152 as adopted on October 20, 2008; 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 recommends 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 Ginesi Builders Inc. to be Four Thousand, Eight Hundred Forty-nine Dollars and Sixty Eight Cents (\$4,849.68); and

**WHEREAS** Ginesi Builders Inc. may direct the Township to retain \$4,849.68 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

**WHEREAS** at the end of the of the one year period, a re-inspection will be performed at which time the Cash 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 the Performance Guarantee upon receipt or conversion of cash to a Maintenance Guarantee in the amount of \$4,849.68 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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21ReleasePerfBond-Ginesi			
	Aye	Nay	Abstain Absent
Albanese	_____	_____	_____
Barr	_____	_____	_____
Kazanowski	_____	_____	_____
Mazzarella	_____	_____	_____
O'Connor	_____	_____	_____
Toal	_____	_____	_____
Whiting	_____	_____	_____

TOWNSHIP OF CLARK  
 Resolution \_\_\_\_\_  
 May 21, 2012

CA 11

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

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2012 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 refunds as per the attached schedule.

**CLARK TOWNSHIP  
 SEWER REFUNDS - 2012**

REF	#	Account #	Name	#	Address	Reason	Refund
12	11R	60-0	Jean & Raymond Peplowski	270	Laurel Lane	overpayment	34.05
12	12R	4859-0	Matthew Jadro	1722A	Westover Rd	overpayment	10.01
12	13R	3090-0	Susan Pavese	67	Westfield Rd	overpayment	848.48
12	14R	2065-0	Anthony Araneo	805	Raritan Rd	overpayment	1,832.50
12	15R	5219-0	Colony Manor	71-81	Broadway	overpayment	484.02
12	16R	1217-0	719 Raritan Rd	719	Raritan Rd	overpayment	592.94

\$3,802.00

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 SHEILA WHITING  
 Council President

Res12/5-21SewerRefunds

Aye    Nay    Abstain    Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CA 12

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

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

**WHEREAS** the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed the attached list 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

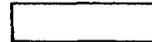
\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21SewerAdj

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

**CLARK TOWNSHIP**

<b>REF</b>	<b># Account #</b>	<b>Name</b>	<b># Address</b>	<b>Reason</b>	<b>Original</b>	<b>Revised</b>	<b>Credit</b>	<b>Additional</b>
12	44 4540-0	Kelly & Paul Drejai	29 Sycamore Rd	pool	947.72	380.00	567.72	
12	45 102-0	Salvatore Bove	9 Deerwood Drive	water co	259.56	225.00	34.56	
12	46 3090-0	Susan Pavese	67 Westfield Avenue	apt. rate	2,873.48	2,025.00	848.48	
12	47 1650-0	Ken Midrano	6 Grouse Lane	leak	2,647.45	225.00	2,422.45	
12	48 3610-0	George Sangiuliano	154 Westfield Avenue	leak	4,628.65	900.00	3,728.65	
12	49 2243-0	Anthony Araneo	1142 Raritan Rd	estimated	1,705.00	225.00	1,480.00	
					<b><u>13,061.86</u></b>	<b><u>3,980.00</u></b>	<b><u>9,081.86</u></b>	



CA 13

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

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

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 1<sup>st</sup> quarter 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 the following refund:

BLOCK	LOT	QUAL	NAME	#	ADDRESS	REFUND	YEAR
165	25.02		Mary Rossi	87	Emerson Road	\$ 741.67	2012
			<b>Refund Amount</b>			<b>\$ 741.67</b>	

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21 Tax Refund

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

CA 14

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby confirms the appointments of the following members of the Municipal Alliance Committee for 2012:

NAME	TITLE/SECTOR
Ernie Spies	Coordinator
Ron Ferrara	Student Assistance Coordinator /Parent-Teacher Association
Victor DeMarzo	Youth
William Buczynski	Youth
Ralph Bernardo	Senior Citizen
Phyllis Cupo	Senior Citizen

ATTEST:

APPROVED:

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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21MunicipalAllianceAppts  
Aye Nay Abstain Absent

Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 21, 2012

CA15

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

**WHEREAS** Thomas Faria has requested the release of the Performance Guarantee posted for site work at Featherbed Lane School and Camp, Block 53, Lots 29.02, 31 and 32 in the amount of Thirty Nine Thousand, Seventy Two Dollars and Twenty Four Cents (\$39,072.24); 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 recommends 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 Thomas Faria to be Four Thousand, Three Hundred Forty One Dollars and Thirty Six Cents (\$4,341.36); and

**WHEREAS** Thomas Faria has directed the Township to retain \$4,341.36 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 Cash 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 the Performance Guarantee in the amount of \$39,072.24 and retaining the Maintenance Guarantee in the amount of \$4,341.36 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

\_\_\_\_\_  
SHEILA WHITING  
Council President

Res12/5-21ReleasePerfBond-FeatherbedLaneSchool

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____