

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
June 17, 2019
7:30 pm**

ROLL CALL:

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

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.

Suspend regular order of business

Mayor:

- Appointment of Police Officers Brandon McKenna and Brendan Jacobi
- Soccer Awards

Resume regular order of business after 2-minute recess

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor: Presentation regarding the New Police Headquarters

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:

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 June 13, 2019 in the amount of \$431,111.73

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. **Council as the ABC Board:** Authorizing the annual renewal of Alcoholic Beverage Licenses for the 2019-2020 Term
2. Authorizing Release of Performance Guarantees to Vincenzo Associates, LLC for work performed at 1132 - 1136 Westfield Ave.
3. Award of Contract to S. Brothers, Inc. for the 2019 NJDOT Road Improvements to Meadow Road in the amount of \$380,558.77
4. Approving Change Order #1 in the amount of \$154,038.33 for necessary additional work on the 2019 Capital Road Improvements increasing the total contract to \$1,335,532.15

CONSENT AGENDA RESOLUTIONS:

5. 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 2019 through June 2020
6. Authorizing the Chief Financial Officer to refund overpayment of 2018 and 2019 sewer fees in the amount of \$7,386.69
7. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$16,596.80
8. Authorizing the Tax Collector to refund overpayment of 2019 taxes in the amount of \$9,690.75
9. Authorizing the Tax Collector to settle a tax appeal for Block 142 Lot 3 as authorized by the Tax Court of New Jersey in the amount of \$30,715.50
10. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$31,351.97 for the Clean Communities Grant.
11. Appointing Donna Mazzucco as the Alternate Acting Clerk as the need may arise until December 31, 2019
12. Authorizing the Mayor or Business Administrator and Township Clerk to execute the Municipal Approval Statement for the installation of New Jersey Transit Bus Shelters at the bus stops near Clark Commons and Hyatt Hills

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 19-87
June 17, 2019

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following licenses are approved for their annual renewal: Plenary Retail Consumption Licenses in the sum of \$2,500.00; Plenary Retail Distribution Licenses in the sum of \$1,728.00; Club Licenses in the sum of \$188.00, be renewed for the Year 2019-2020, effective as of July 1, 2019.

- 2002-33-001-003 Brinker New Jersey Inc.
t/a Chili's Grill & Bar
225 Central Ave., Clark, NJ 07066
- 2002-44-002-006 Clark Circle Liquors & Lounge Inc.
t/a Wine Anthology
1075 Raritan Road, Clark, NJ 07066
- 2002-33-003-006 Whole Foods Market Group, Inc.
t/a Whole Foods Market
1255 Raritan Road, Clark, NJ 07066
- 2002-33-004-007 Garry's Catering, LLC
440 Madison Hill Road, Clark, NJ 07066
- 2002-33-005-009 Clark BBQ Inc.
1419 Raritan Road, Clark, NJ 07066
- 2002-36-006-011 Holiday Clark, LLC
t/a Holiday Inn
36 Valley Road, Clark, NJ 07066
- 2002-33-007-007 Apple Food Service of Clark LLC
t/a Applebee's Neighborhood Grill & Bar
1255 Raritan Road, Clark, NJ 07066
- 2002-44-008-007 BV Liquor LLC
t/a Rotondo's Liquors Deli and Fine Foods Inc.
1040 Lake Avenue, Clark, NJ 07066
- 2002-33-009-004 1085 Central Ave. Restaurant Corp.
t/a Molly Maguire's Irish Pub & Restaurant
1085 Central Avenue, Clark, NJ 07066
- 2002-33-010-007 CLKDIN LLC
t/a Manny's Diner
1030 Raritan Road, Clark, NJ 07066
- 2002-33-011-009 Tarantellas Restaurant Inc.
1199 Raritan Road, Clark, NJ 07066

- 2002-31-012-001 Clark Post #328 The American Legion
t/a American Legion Clark Post 328
78 Westfield Avenue, Clark, NJ 07066

- 2002-31-013-002 Deutscher Club Clark Inc.
787 Featherbed Lane, Clark, NJ 07066

- 2002-31-015-001 Gran Centurions The
440 Madison Hill Road, Clark, NJ 07066

- 2002-31-017-001 John L. Ruddy Post 7363 VFW
6 Broadway, Clark, NJ 07066

- 2002-33-018-013 Paragon Restaurant Group LLC
t/a Paragon Tap & Table
77 Central Ave., Clark, NJ 07066

- 2002-31-020-001 Polish Cultural Foundation Inc.
177 Broadway, Clark, NJ 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17ABC Renewals

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-88
June 17, 2019

2

WHEREAS Vincenzo Associates, LLC has requested release of Performance Bond #S393381 as reduced by Surety Rider #S313381 with a remaining amount of Fifty Thousand, Five Hundred Eighty Dollars and Twenty-Four Cents (\$50,580.24) and the Cash Bond in the amount of Twenty-Five Thousand, Two Hundred Ninety Dollars and Twelve Cents (\$25,290.12) once all invoices have been satisfied for the 1132 – 1136 Westfield Avenue project, Block 60, Lot 70.01; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the Performance Guarantees after all invoices have been satisfied; 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 Vincenzo Associates, LLC for the 1132 – 1136 Westfield Avenue project to be One Thousand, Five Hundred Dollars (\$1,500.00) to cover the improvements in the Township Right-of-Way and landscape buffering to be held for one year from the date of the release of the Performance Guarantee; and

WHEREAS Vincenzo Associates, LLC prefers to convert a portion of the cash Performance Bond held by the Township into a Maintenance Bond in the amount of \$1,500.00.

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 Engineer and authorizes release of the Performance Guarantees as stated herein for the abovementioned project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17ReleasePerfGuarantees-Vincenzo 1132WestfieldAve

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-89
June 17, 2019

3

WHEREAS the Governing Body of the Township of Clark has advertised for bids on May 30, 2019 for the 2019 NJDOT Road Improvement Program – Meadow Road; and

WHEREAS two (2) bid proposals were received on June 12, 2019 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the two (2) lowest responsible bidders were S. Brothers, Inc. of South River, NJ with a bid in the amount of \$380,558.77 and Top Line Construction Corp., of Somerville, NJ with a bid in the amount of \$453,818.21; and

WHEREAS S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid in the amount of Three Hundred Eighty Thousand, Five Hundred Fifty-Eight Dollars and Seventy-Seven Cents (\$380,558.77) 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 Ordinance 19-13 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 S. Brothers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$380,558.77; 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

BRIAN P. TOAL
Council President

Res19/6-17Award2019NJDOT-MeadowRd

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-90
June 17, 2019

4

WHEREAS on May 20, 2019 the Governing Body of the Township of Clark awarded a contract for the 2019 Capital Road Improvement Program to S. Brothers, Inc. in the amount of \$1,181,493.82 by resolution 19-79; and

WHEREAS there is a need for additional drainage, curbing, milling and paving on Briarheath Lane from William Street to Grove Street; and

WHEREAS the Township Engineer has negotiated a Change Order for the additional work and recommends that the Governing Body approve Change Order No. 1 which is an increase to the contract in the amount of \$154,038.33 with the adjusted contract amount totaling \$1,335,532.15;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby approves Change Order No. 1 as hereinabove described.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17ChgOrder1-2019CapRoads-SBro

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-91
June 17, 2019

CA 5

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, 2019 and concluding on June 30, 2020 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 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

BRIAN P. TOAL
Council President

Res19/6-17UCEduServComm-GymLease

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-92
June 17, 2019

CA 6

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2018 and 2019 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 attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17 SewerRefunds

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

SEWER REFUNDS JUNE 2019									
REF	#	Account #	Name	#	Address	Reason	Refund		
19	7R	5220-0	Harrison Condo Association	15	Brant Avenue #3	Adj 19-47 - credit	\$ 840.00		
19	8R	2473-0	Alexander Doctoroff	1075	Central Avenue	Adj 19-44- credit	\$ 2,435.00	2019	
19	9R	2473-0	Alexander Doctoroff	1075	Central Avenue	Adj 19-43-credit	\$ 3,700.00	2018	
19	10R	1235-0	Yerovi, Luis & Sonia	33	Mae Belle Dr	Adj 19-42- credit	\$ 411.69		
			TOTAL REFUNDS:				\$ 7,386.69		

TOWNSHIP OF CLARK
Resolution 19-93
June 17, 2019

CA 7

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

BRIAN P. TOAL
Council President

Res19/6-17SewerAdj

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

SEWER BILLING ADJUSTMENT JUNE 2019										
REF	#	Account #	Name	#	Address	Reason	Original	Revised	Credit	Addl
19	48	4277-0	David, Joseph & Elizabeth	207	West Lane	leaky Toilet	\$ 1,330.00	\$ 480.00	\$ 850.00	
19	49	1954-0	Healy, Bryan	433	Westfield Avenue	leaky Toilet	\$ 1,730.00	\$ 317.50	\$ 1,412.50	
19	50	26-0	Parenti, Angelo & Eileen	365	Willow Way	leak	\$ 2,680.00	\$ 1,355.00	\$ 1,325.00	
19	51	2066-0	Grand Rising Enterprises	884	Raritan Road	demo	\$ 12,559.30	\$ -	\$ 12,559.30	
19	52	4087-0	McManus, Kevin & Terri	9	Sunset Dr	leak	\$ 730.00	\$ 280.00	\$ 450.00	
			TOTAL CREDITS						\$ 16,596.80	

TOWNSHIP OF CLARK

Resolution 19-94

June 17, 2019

CA 8

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2019 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 following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
38.02	29		MASON, MICHAEL	32	RIDGE ROAD	\$ 260.11
134	20.03	C-003	BARCONOZ, LLC	21	BRANT AVENUE	\$ 150.82
192	12		Winard, Steven & Jody	24	Glenwood Terrace	\$ 331.99
25	6		Gallo, Romes E & Jennifer	75	Armstrong Drive	\$ 315.38
48	14		Prybylaski, Jay J & Melanie	40	Winthrop Road	\$ 314.98
53	33		Deutscher Club of Clark	787	Featherbed Lane	\$ 1,475.60
53	33		Deutscher Club of Clark	868	Featherbed Lane	\$ 106.37
81	72		Burton, Richard	114	Gertrude Street	\$ 187.21
38.03	53		Barr, Susan, Et Alls	69	Fairview Road	\$ 315.70
164.01	21		Stabenow, Irmgard	78	Emerson Road	\$ 264.61
103	8		Hurst, Gregory & Jean	35	Harold Avenue	\$ 197.90
187	22		TRN & DC LLP	1136	Forest Drive	\$ 210.44
162	7		Reloc Contracting LLC	217	West Lane	\$ 241.26
38.04	8		Klurman, Stefanie	7	Avon Road	\$ 647.89
63	92		Jerez, Agustin Jr	113	Lexington Blvd	\$ 501.73
43	17		Corelogic	13	Wendell Place	\$ 2,414.08
6.01	20		Farley, Marie	23	Roberts Road	\$ 362.73
81	47.01		Arena Real Estate LLC	137	Westfield Avenue	\$ 751.67
176	44		Grigonis, Daniel A	27	Lupine Way	\$ 201.72
106	1		NLS Enterprises LLC	72	Westfield Avenue	\$ 438.56
						\$ 9,690.75

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17TaxRefunds

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK

Resolution 19-95

June 17, 2019

CA 9

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle Tax Appeal(s) authorized by the Tax Court of New Jersey according to the following schedule.

STATE TAX	APPEAL	APPROVAL	6/17/19				
		<u>Original</u>	<u>New</u>	-	-	-	-
<u>Block/Lot</u>	<u>Address</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>	<u>Year</u>	<u>Refund</u>	
142/3	330 Central Ave	700,000	625,000	75,000	2014	\$ 5,891.25	
		700,000	625,000	75,000	2015	\$ 6,018.00	
		700,000	625,000	75,000	2016	\$ 6,079.50	
		700,000	625,000	75,000	2017	\$ 6,312.00	
		700,000	625,000	75,000	2018	\$ 6,414.75	
						Principal	\$ 30,715.50
						5% Int.	Waived
						Total	\$ 30,715.50

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17TaxAppeal(s)

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-96
June 17, 2019

CA 10

WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$31,351.97 which is now available from the State of New Jersey in the amount of \$31,351.97; and

BE IT FURTHER RESOLVED that the like sum of \$31,351.97 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$31,351.97.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17Ch159CleanCommunitiesGrant

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-97
June 17, 2019

CA 11

WHEREAS the need may arise for an Alternate Acting Clerk due to the unforeseen and/or unavoidable absence of both Edith Merkel, Township Clerk and John Laezza, Acting Clerk; and

WHEREAS Donna Mazzucco has experience in the conduct of meetings of a public body in her capacity as Planning Board Secretary.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that Donna Mazzucco is hereby appointed as Alternate Acting Township Clerk in the absence of both the Township Clerk, Edith Merkel and the Acting Township Clerk, John Laezza as the need may arise from time to time until December 31, 2019.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17AppointAlternateActingClerk-Mazzucco

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK
Resolution 19-98
June 17, 2019

CA 12

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor or Business Administrator and Township Clerk to execute the Municipal Approval Statement for the installation of New Jersey Transit Bus Shelters at the following locations:

1. Along Raritan Road, northbound, on the easterly side thereof at:

Between Shop Rite Way and Central Avenue Mid-Block
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending 135 feet northerly therefrom. (Clark Commons, near the traffic light and pedestrian crosswalk)

2. Along Raritan Road, southbound, on the westerly side thereof at:

Between Shop Rite Way and Central Avenue Mid-Block
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending 135 feet northerly therefrom. (Golf Club, near the traffic light and pedestrian crosswalk)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/6-17BusStopShelters-RaritanRd

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						