

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
February 22, 2011

ROLL CALL:

Present: Council Members Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Also Present: Mayor Sal Bonaccorso, Howard Lesnik, filling in for Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer.

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Mazzarella. He asked all present to participate in a moment of silence, following the salute to the Flag.

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 LocalSource, 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.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes Mr. President I'm a little under the weather this evening so I'll speak when I'm spoken to, no report at this time.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese: Thank you...two items, first on the Board of Education; on February 9th the Board of Education presented students from 8th to 11th grade an evening presentation on bullying and cyber bullying. The program was funded by a Grant obtained by Rick Delmonico our ALJ principal. And the guest speaker John Halligan was excellent imparting his very touching story about his 13 year old son who committed suicide. He had a lot of advice to offer to parents. It was very nice to see a large attendance from the community to learn more about this very important issue. Many of you may know that New Jersey has passed an anti-bullying bill of rights. I think personally the most important part of this program was that it not only gave insight into the victims and the bullies and how to deal with such issues but also about bystanders and how they can impact the situations, so they don't result in a negative outcome. I think we see bullying at all ages not just with kids, so please be mindful of this in our daily lives not only as role models to our children but also how we treat others.

On a lighter note I hope you will come out and support our young student high school artists in theatre in Clark. The high school will be presenting its spring musical next month Thursday, Friday and Saturday March 24th, 25th, and 26th. And this year they will be presenting Cabaret, probably the ultimate bullying as you'll see if you attend the show or are familiar with it. The show is under the direction of Peter Nevargic, Jr. and promising to be an evening of rousing and thought provoking entertainment. Tickets are \$10.00 for adults and \$5.00 for students and senior citizens and you can purchase the tickets at the door. So please support our young student artists and I hope to see you all there.

Moving on to the Library report; the library has formed a Lego Club and about twenty-five people have been participating in the club. They have monthly events, so if you are interested look for upcoming events on the calendar. They are generally held the third Sunday of the month. There will be a local author on Thursday March 10th at 4:30, the guest speaker will be Hope Fletcher Sass author of "See it Be it Write it" using performing arts to improve writing and test scores, that's a pretty long title for a book but Dr. Sass and her colleague Mary Ellen Muffit will share their expertise about infusing the performing arts into the classrooms. This program is free and opened to adults and if you are a teacher you get teaching credits, etc. Most important for those who are job hunting, the Library has an excellent new database called the Job Career Accelerator; this database is a massive aggregator of job banks, job bulletins and government postings and contains over five million job postings. So it's very powerful and it can be customized to meet your own individual needs. So stop by the Library and ask someone for assistance they will help you out. Also this database is available on the internet from your home as long as you have a library card.

Story times will continue through March and April, for details checkout the library calendar or talk to the children's librarian. Don't forget about the pre-computer library classes and movie madness. Every Tuesday night there will be movies featured at the library at 6:30. And finally in conclusion I just want to mention that 2011 is the 50th anniversary for our library. Various activities are being planned which I'll bring to your attention and they will all cumulate in a reception that will be held on October 23rd it's a Sunday at 2:00 pm. So hopefully you will save that date. Thank you that concludes my report.

Councilman Barr: Thank you Mr. President. I received our quarterly information bulletin from the GS Pops Prescription Program which as I have told you in past meetings everyone in Clark can join it and from October to December there were twenty prescriptions plans that were processed and the members that utilized it had an overall savings of \$549.26 with an average savings for prescription of \$27.46. Anybody who wants to find out about this, the flyer is in Fran's office in town hall and if you don't have any prescription plan it is certainly worthwhile.

One other item, we're hoping we have no more big snows but if we do the fire department has asked me to remind every homeowner who has a fire hydrant in front of your house that you are obligated by ordinance to clear the snow away from it. And forgetting the ordinance really it's just plain common sense because in an emergency the fire department has to come and start shoveling snow away, anytime lost can be disastrous. So if you do have a fire hydrant in front of your home, please make sure you clear the snow away, thank you.

Councilman Kazanowski: No report this evening.

Councilman O’Connor: No report this evening.

Councilman Toal: Thank you Mr. President...it’s a few months since campaign, I’m talking about campaign 2010. During the election I had an opponent and during that election process when I went door to door the residents kept asking me for something and when you the people, we the people, ask for something I try to accommodate them. The subject matter is a Ward Report. Councilman Rich Kazanowski has been doing it for a couple of years. My opponent during the election Phil Laskowski went out and did a primary one and when I went door to door people said that’s a great idea, the township has this on a website for those most people who have internet access. But the older residents say they don’t have a computer, we really think it’s a good idea to know when it’s recycling and things like that. So working with our Clerk’s Office who I have to say to Madame Clerk, Terri, and Dawn thank you so much, we were able to compile a Fourth Ward Report and Councilman Kazanowski I want to publicly say thank you for your efforts, this is a lot of work and it’s a royal pain in the butt. But it’s because you asked for it. It’s not Republic and it’s not Democrat, it’s not an election issue, it’s about information and making it a better town. And when you the residents say “hey Brian we really like that can you do that for us” and that’s what I’ve been doing, I’m dropping them off into your door handles, it can’t be in the mailbox or anywhere it’s assessable to your house, more information, it’s a fourth ward report and it’s what you have asked for and it’s about making it a better Clark. Thank you Mr. President, I hope you enjoyed it, it’s a labor of love, we do care, but some things take a lot of time and as the Clerk office helped me with this compiling the proper information and getting it to you. It will be out on your doorstep, I’ll start doing the Drexel Hill area and I’ll be working off of Madison Hill Road to Hayes, Holland. It’s a lot of good exercise though and making sure you are informed, thank you Mr. President.

Councilwoman Whiting: No report this evening.

Council President Mazzarella: And I have no report this evening.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 11-05

**AN ORDINANCE TO SUPPLEMENT CHAPTER 2, SECTION 2-65 OF
THE REVISED ORDINANCES OF THE TOWNSHIP ENTITLED
“FEES AND CHARGES FOR MUNICIPAL SERVICES”**

Council President Mazzarella opens the Public Hearing on Ordinance 11-05

Joseph Pubchara, 70 Sweetbriar Drive: I just want to get some clarification. Are the fees in charge for municipal services, is this just entailing the tax collector, or are there other fees and charges that the municipality will charge residents for.

Mayor Bonaccorso: Joe there are a multitude of fees that they are charged. This is for this though, the tax collector.

Joseph Pubchara: Okay...are there any increasing in the other fees and charges.

Mayor Bonaccorso: No there's not.

Joseph Pubchara: Okay thank you.

Seeing no one else coming forward Councilman Kazanowski made a motion to close the Public Hearing on Ordinance 11-05, seconded by Councilwoman Albanese

Council President Mazzearella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzearella

Motion to adopt Ordinance 11-05 made by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Mazzearella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzearella

Ordinance Adopted

Ordinance 11-06

AN ORDINANCE TO SUPPLEMENT CHAPTER 21 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CLARK ENTITLED HEALTH REGULATIONS

Council President Mazzearella opens the Public Hearing on Ordinance 11-06

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing, seconded by Councilman Barr

Council President Mazzearella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzearella

Motion to adopt Ordinance 11-06 made by Councilman Toal, seconded by Councilman Kazanowski

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Ordinance Adopted

Ordinance 11-07

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES

Council President Mazzarella opens the Public Hearing on Ordinance 11-07

Seeing no one coming forward Councilwoman Whiting made a motion to close the Public Hearing, seconded by Councilman Kazanowski

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Motion to adopt Ordinance 11-07 made by Councilman O'Connor, seconded by Councilman Barr

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

AN ORDINANCE TO SUPPLEMENT CHAPTER 7, SECTION 7-20 OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CLARK ENTITLED "STOP INTERSECTIONS"

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 7, Section 7-20 of the Revised Ordinances of the Township of Clark entitled "Stop Intersections" is hereby supplemented as follows:

SECTION 1: Designation

Pursuant to the provision of N.J.S.A. 39:4-140, N.J.S.A. 39:4-197, and N.J.S.A. 39:4-8, the intersection described is hereby designated as a multi-way intersection.

SECTION 2: Intersection:
Benjamin Street at its intersection point with King Street. Stop signs will be installed on Benjamin Street at both approaches intersection with King Street. A stop sign shall be installed on King Street.

SECTION 3: Traffic Controls
Signage and pavement markings shall be placed and maintained in accordance with the “Manual of Uniform Traffic Control Devices for Streets and Highways.”

SECTION 4: Inconsistent Ordinance
Any ordinance inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 5: Effective Date
This ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilman Toal, seconded by Councilwoman Whiting

Discussion:

Councilman Toal: Yes Mr. President. For the residents of the Fourth Ward who live on Benjamin, King and Bartell area...a year ago the township working with our Mayor and safety committee and this town council worked to deter traffic and speeding through the Benjamin and King quarters and Riverside, speed bumps were put up and they weren't successful but we did deter in slowing and bringing attention to it. We are now going to the next step which is putting up a three way stop sign at Benjamin and King Street. We are addressing the needs and I've been on that street many of times and the residents all say it's dangerous and we've almost been killed, a car went up on one of the lawns; they just then redid their house, so they are investing in the community but they want a safer community. This Council, this Mayor and this Public Safety Committee have all worked hand and hand to come up with a final solution and that is this, a three way stop from Benjamin and King to control the safety and the flow of traffic in that neighborhood. But it's not just those streets it's the entire town that has to do the same, thank you Mr. President.

With no further discussion Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Public Hearing will be March 21, 2011

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$214,298.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2011 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$214,298.02 and that the CY 2011 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Moved by Councilman O’Connor, seconded by Councilman Barr

Discussion: None

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzearella

Public Hearing will be March 21, 2011

AN ORDINANCE TO ESTABLISH AND COLLECT USER FEES FOR THE COLLECTION AND TREATMENT OF WASTEWATER AND THE REPEAL OF ORDINANCE NUMBERS 06-06, 06-14, 06-22, 09-01, 09-06, 10-05 AND 11-04

WHEREAS the Township of Clark has established the Clark Township Sanitary Sewer Utility to operate and maintain the Municipal sanitary sewer system; and

WHEREAS the Clark Township Municipal Sewer Utility will incur various expenses to operate and maintain the Municipal sanitary sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clark as follows:

1. The purpose of this ordinance is to impose an annual “user fee” as hereinafter defined on all domestic, commercial, industrial, institutional and government users of the Sanitary Sewer Utility of the Township of Clark.
2. User fee is defined as a fee levied upon all users of the Sanitary Sewer Utility for the annual cost of operation and maintenance of the Clark Township Sanitary Sewer Utility.
3. **CLASSES OF USER**

The following classes of user are hereby established:

- a) Residential Domestic
- b) Commercial Domestic
- c) Governmental
- d) Not-for-Profit
- e) Industrial (Non-SIU)
- f) Significant Industrial Use (SIU)
- g) Miscellaneous un-metered
- h) Multi-family residential
- i) Mixed use
- j) Home occupation

4. DEFINITIONS

- a) Residential Domestic – any user where sole use of property is as a residential dwelling unit
- b) Commercial Domestic – any user not classified elsewhere herein
- c) Governmental – any user operating as an extension of the Federal, State, County, or Municipal Government
- d) Not-for-Profit – users designated as 501c (6) or 501c (3) under the IRS tax code

- e) Industrial Users – users located within an industrial zone of the Township of Clark that generates wastewater other than domestic waste as a result of their operation such as process water, cooling water, wash down etc. Such users will not generate sufficient quantities of wastewater to be classified as Significant Industrial Users by the New Jersey Department of Environmental Protection and/or the Rahway Valley Sewerage Authority.
- f) Significant Industrial Users – Industrial Users generating sufficient wastewater quantities to meet definitions established by the New Jersey Department of Environmental Protection and/or the Rahway Valley Sewerage Authority and shall meet all Township, RVSA and NJDEP monitoring and reporting requirements.
- g) Miscellaneous un-metered - an entity receiving a tax bill from the Township of Clark that does not otherwise meter domestic water usage
- h) Multi-family residential - two or more residential dwelling units on a single water meter
- i) Mixed use - properties operating a single water meter with multiple uses (i.e. retail with apartments) but not a home occupation as defined therein
- j) Home occupation - a commercial use solely contained within a residential dwelling unit. The residential use must be the predominate use.
- k) GPY – gallons per year

SECTION 1: USER FEES

a) RESIDENTIAL DOMESTIC

MINIMUM CHARGE

0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

b) COMMERCIAL DOMESTIC

MINIMUM CHARGE

0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

c) GOVERNMENTAL

MINIMUM CHARGE

0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

d) NOT-FOR-PROFIT

MINIMUM CHARGE			
0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

e) INDUSTRIAL (NON-SIU)

MINIMUM CHARGE			
0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

f) SIGNIFICANT INDUSTRIAL USERS

The annual billing methodology for Significant Industrial Users (SIU's) shall be as follows:

The annual billing methodology for SIU's shall be based upon Sanitary Sewerage reporting by the SIU to the RVSA and the Township. Such reporting shall include continuous flow monitoring and measurements for Total Flow, Total Suspended Solids (TSS) and Biological Oxygen Demand (BOD). The Municipal Sewer Utility may at its option verify the data supplied by the SIU as may be deemed necessary in compliance with Ordinance 03-20 adopted May 19, 2003.

Annually, the Engineer shall calculate billing costs for parameters of FLOW, TSS, and BOD as follows.

1. The total annual budget for the Clark Municipal Sewer Utility will be established. Said budget shall provide for payment of the Township's assessment from the RVSA for treatment and for the operation and maintenance of the sanitary sewer collection system.
2. It is to be assumed that the parameters of Flow, TSS and BOD shall each represent an equal portion of the overall Municipal Sewer Utility Budget.
3. The Engineer shall calculate the billing cost for each parameter (FLOW, TSS and BOD) by dividing the applicable portion of the utility budget by the total

amount of each parameter which may be billed to users and as reported by the user, water purveyor and/or RVSA.

4. The Municipal Sewer Utility shall send a bill to each SIU by multiplying the amount of each parameter (FLOW, TSS & BOD) by the billing cost as calculated above based on the certification of current usage submitted on or before February 1st of every year for a twelve month period concluding September 30th of the previous year.

g) MISCELLANEOUS UN-METERED

Users, for which the Township has not received meter data from applicable water purveyors including wells, shall have their usage requirements estimated by the Utility’s Engineer. The Engineer’s estimate will be prepared in accordance with generally accepted engineering standards including but not necessarily limited to the following:

- NJAC 7:14A-23.3 Treatment Works Approvals
- ASCE/WPCF Manual of Practice Design and Construction of Storm and Sanitary Sewers
- International Building Code-New Jersey Edition
- International Plumbing Code
- National Standard Plumbing Code
- Residential Site Improvement Standards NJAC 5:21

All such users will be required to complete an informational form distributed by the sewer utility on an annual basis representing data on the number and type of sewer users. Such information may include the number and age of occupants, the number and type of fixtures, the number of bedrooms, gross floor area, the number of employees, the number of service bays, etc, as may be necessary for the utility engineer to estimate water usage and classification. Failure to submit an annual informational form or the falsification of same shall subject the owner to a minimum penalty of \$500.00 in addition to a minimum fee of \$500.00.

In the event that an un-related facility owner disagrees with the estimate of the utility engineer, they may appeal the estimate in the manner provided elsewhere herein. Further, the owner may elect to have a meter installed on the property to accurately assess usage.

Users shall be billed by the Sewer Utility under the criteria of Items (a) through (j).

h) MULTI-FAMILY RESIDENTIAL

MINIMUM CHARGE—A flow charge of \$225.00 per unit plus an excess flow charge of \$.02 per gallon shall be charged for flows in excess of 100,000 gallons per unit.

i) MIXED USE

MINIMUM CHARGE—Minimum charge shall be the sum of the Minimums for each use. Flows exceeding the combined flow allowance shall be billed at the highest rate of use for the property.

j) HOME OCCUPATION

MINIMUM CHARGE			
0-100,000	GPY	\$225.00	
EXCEEDS 100,000	GPY	\$225.00	plus \$.02 PER GALLON OVER 100,000 GALLONS
EXCEEDS 400,000	GPY	\$6,725.00	plus \$.02185 PER GALLON OVER 400,000 GALLONS

SECTION 2: APPEALS

All requests for appeals shall be received by the Utility on or before May 1st of every year or the appeal shall be deemed denied by the Municipal Sewer Utility.

SECTION 3: CALCULATION OF USAGE

The Clark Municipal Sewer Utility will assess user fees based on the bills submitted by the water purveyor dated November through April of the year prior to the year of the sewer bill. Said amounts shall be multiplied by two (2) to achieve an annualized flow estimate. This effectively eliminates the usage of water during the early Spring, Summer, and early Fall seasons when water is heavily used.

SECTION 4: BILLING OF USER FEES

User fees will be billed annually with payments due on or before April 15 and September 15

SECTION 5: LATE PAYMENTS

Users will be subject to the payment of interest and penalties for payments received after the due date. Users will be assessed penalties in the manner established by the Township for payment on late property tax payments.

SECTION 6: REBATES

Senior Citizens eligible for the Senior Citizen Deductions on their Municipal Property Taxes, as per N.J.S.A. 54:4-8.44, shall receive a deduction of \$125.00 from their sewer bill.

SECTION 7: INCONSISTENT ORDINANCE

All ordinances or parts of Ordinances or Resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

SECTION 8: DECLARATION OF INVALIDITY

If an article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

SECTION 9: EFFECTIVE DATE

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

Moved by Councilwoman Whiting, seconded by Councilman Barr

Discussion:

Council President Mazzarella: Ladies and gentlemen, this is an amendment to our original ordinance. The ordinance is being introduced tonight increases the number of gallons within the minimum range from 75,000 gallons to 100,000 gallons as a minimum. And I'm going to read a note from our administrator:

I apologize for not being at the meeting but I'm on a long needed vacation. When I reviewed our sewer ordinance I noticed that our changes would have been unnecessarily added too much of the cost burden for our users. And I am asking you to amend our sewer ordinance to better meet the needs of the citizens. And this essentially will cover 82% of the households changing this from 75,000 to 100,000 gallons per year. This is a minimum of \$225.00 per.

With no further discussion Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Public Hearing will be March 7, 2011

PAYMENT OF CLAIMS: Councilman O’Connor, Chairman of Finance Committee made a motion to approve the payment of claims on current and capital expenditures in the amount of \$619,262.54 for the period ending February 17, 2011, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

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.

Council President Mazzarella opens the meeting to the public

Seeing no one coming forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilman O’Connor

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

RESOLUTIONS:

Resolution 11-35

WHEREAS the Governing Body of the Township of Clark advertised and received two (2) bids for the Collection and Disposal of Grass on February 16, 2011 at 10:00 a.m.; and

WHEREAS the Business Administrator recommends that the bids be rejected in the best interest of the Township and seeks authorization to re-bid the project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby rejects the bids for the Collection and Disposal of Grass and grants authorization to re-bid said project.

Moved by Councilwoman Whiting, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

CONSENT AGENDA RESOLUTIONS:

Resolution 11-36

BE IT RESOLVED, by the Governing Body of the Township of Clark in accord with the provisions of N.J.S.A. 40A:11-5 (l)(a)(i) that a contract for professional services is hereby awarded to James E. Cleary PL # 24GB02125200 of Grotto Engineering Associates, LLC of

Cranford, New Jersey 07016 as the Land Surveyor for the year 2011 in an amount not to exceed \$5,000.00.

Resolution 11-37

WHEREAS the Treasurer/CFO has certified that various Senior Citizens have provided documentation that they qualify for PTR reimbursement and therefore will receive reimbursement of 2010 Sewer Fees from the Township in accordance with the fees set forth in Ordinance 10-05; and

WHEREAS the Business Administrator has reviewed and approved the adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to issue the refunds in accordance with the attached schedule.

**CLARK TOWNSHIP
PTR REIMBURSEMENT ADJUSTMENTS
2010 REFUNDS**

Num	Account	Last Name	First Name	Address	Billed	Payable	Credit
10-169	3649-0	Dicells	Helen	69 John Street	125.00	125.00	125.00

Resolution 11-38

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2010 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 - 2010**

REF	#	Account #	Name	#	Address	Reason	Refund	
10R	1	4143-0	James Weber	5	Schmidt Lane	overpayment	\$ 12.48	
10R	2	1999-0	JW Ruby	290	Madison Hill Rd	overpayment	\$ 325.00	2009
10R	3	3678-0	Antonio Mendes Clark Jewish Center	57	Haliday Street	overpayment	\$ 221.93	
10R	4	3688-0	Clark Jewish Center	117	John Street	overpayment	\$ 82.54	
10R	5	3674-0	Center	111	Valley Rd	overpayment	\$ 890.38	
10R	6	4616-0	Edziel Crispino	27	Colonial Dr	overpayment	\$ 701.86	

10R	7	4862-0	Grant Shannon	1714	Westover Rd	overpayment	\$ 42.40
10R	8	4004-0	O ICE LLC	1463	Raritan Rd	overpayment	\$1,864.16
10R	9	4381-0	Daniel Laucik	6	Maple St	overpayment	\$ 149.45
10R	10	3037-0	Damien Griffin	76	Stanton St	overpayment	\$ 87.50
10R	11	2204-0	RJ Kelly	16	Janie Lane	overpayment	\$ 4.85
10R	12	2183-0	Feil, RCG & Bldg	7	Penn Plaza, NY	overpayment	\$ 820.46
10R	13	877-0	Joseph Flammia	1168	Lake Ave Unit #2	overpayment	\$ 25.00
10R	14	3549-0	Ryan Frees	33	Cook Street	overpayment	\$ 60.50
10R	15	1348-0	A. Coimbra	473	Madison Hill Rd	overpayment	\$ 39.50
10R	16	3648-0	Schneider, Bertha	63	John Street	overpayment	\$ 87.50
10R	17	3008-0	Margaretis, Gus	44	Harrison St	overpayment	\$ 86.53
10R	18	2071-0	Bishop, Deborah	906	Raritan Rd	overpayment	\$ 150.39
10R	19	3910-0	Thomas Tavalaro	114	Georgia St	overpayment	\$ 10.14
10R	20	336-0	Alan & Andrea Ni	999	Lake Ave	overpayment	\$ 10.74
10R	21	3675-0	Karen Figurelli	73	Haliday St	overpayment	\$ 6.05
10R	22	2555-0	A. Aklian	169	Riverside Dr	overpayment	\$ 89.48
10R	23	3322-0	Thomas Brennan	68	Joseph St	overpayment	\$ 181.43
10R	24	2670-0	Bury Wojciech	5	Prescott Turn	overpayment	\$ 17.26
							\$5,967.53

Resolution 11-39

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:

**SEWER BILLING ADJUSTMENT 2010
CLARK
TOWNSHIP**

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit
10	48	197-0	Marek Szczepanski	408	Oak Ridge Rd	water co issue	8,995.00	205.00	8,790.00
10	49	3157-0	Hilda Carranza	111	Lincoln Blvd	water co issue	2,041.00	175.00	<u>1,866.00</u>
									10,656.00

Resolution 11-40

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Mayor or Business Administrator is hereby authorized to enter into a COAH Mediation Termination Agreement on behalf of the Township.

Resolution 11-41

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize payment in the amount of \$2,000.00 to PASR Financial Committee in connection with the matter of the NJ DEP et al vs. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05- (PASR).

Resolution 11-42

WHEREAS Michael W. Junghans, P.E. of Vanasse Hangen Brustlin, Inc. on behalf of Clark Developers LLC has requested a transfer of Sewer Rights from Block 58, Lot 4 to Block 57, Lots 2, 3, 4, 8 and 10 in the Township of Clark; and

WHEREAS the Township Engineer’s records indicate that the applicant purchased Flow Rights for 34,725 gallons per day average flow for Block 58, Lot 4.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize the transfer of Flow Rights from Block 58, Lot 4 (100 Terminal Ave.), Clark, New Jersey to Block 57, Lots 2, 3, 4, 8 and 10 (Terminal Avenue West Site), Clark, New Jersey in the amount of 34,725 gallons per day average flow.

Motion to adopt the Consent Agenda made by Councilman Toal, seconded by Councilman Barr

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

NEW BUSINESS ON THE CALENDAR: None

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.

Council President Mazzarella opens the public portion of the meeting

Marge Berson, 7 Winters Court: I missed my opportunity to address you on one of the agenda items. Just so I understand the transfer of flow rights, this is to allow the new apartment complex to put storm drainage into Clark's storm system, is that what this enables.

Mayor Bonaccorso: No.

Marge Berson: What are flow rights then?

Mayor Bonaccorso: Flow rights Ms. Berson are from, let me see I'm trying to think the easiest way to put it, the flow rights are in conjunction with the Rahway Valley sanitary storm sewer which means every time that there's a project that is built you have to have flow rights to add sanitary into the sewer system.

Marge Berson: So this is sanitary sewer not storm drainage.

Mayor Bonaccorso: Yes correct.

Marge Berson: And this is the old apartment complex that the original site on Terminal Avenue.

Mayor Bonaccorso: Correct.

Marge Berson: So you are passing the capacity that will be added into our system from the one site to the other.

Mayor Bonaccorso: Correct, thank you.

Paul Hadsell, 49 Florence Dr.: What I would like to know is when we first started the sewer tax Sal you said it was going to be only about \$150.00 and now I heard tonight it's going to be \$225.00. What is it going to keep going up every year?

Mayor Bonaccorso: We hope not.

Paul Hadsell: Well it seems like it did. I put a thing in for my rebate for the thing and I still haven't gotten it. And that was way back in September.

Mayor Bonaccorso: I would have to check into that. And I think we have a file to say for sure, I don't have the exact date but I believe we did it in October, right?

Paul Hadsell: (tape inaudible) when we are not getting not much for it. And now you are going to raise it up to \$225.00, that's a lot, and then they say the cost of living isn't going up, it's certainly is.

Mayor Bonaccorso: It's absolutely going up but I want you to understand Mr. Hadsell the cost is going up because of the termination of Gypsum into the Rahway Valley sewer system that we as a township, one of the reasons there are a couple, that we are still paying for the flow that is not any longer going down to Rahway Valley through our Gypsum contract. We tried to fight that in

court to say it was not a proper thing and unfortunately the Judge ruled against the township. So hopefully is that diminishes down the road we will have the opportunity to relook at our financial situation with the sewer flow.

Seeing no one else coming forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilman O'Connor.

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

MAYOR, COUNCIL, AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes just to dove tale on Mr. Hadsell comment about the RVSA. We are hoping that we have set these limits now, these fees, and hopefully we say hopefully because it seems with Rahway Valley you never do know. Back in 06 we came in and set a fee and this was based on the information that the Authority had given to the township and we found out later they were very, very under their projection of the cost of the construction project by tens of millions of dollars so it had to be readjusted then. Our first sewerage fee structure was also we were charging one rate for homeowners which was less, another rate for businesses and another rate for industry and again we've been through some litigation where courts have ruled that that is not possible in certain situations. The industrial does have their own standard I'll say too much to live with but there certain businesses and everything had to kind of bring them back and that was also another reason for this year's increase. Some of the reasons for the increase the township has fought due to a 1992 ordinance in which every town in the sister community of Rahway Valley enter into they were approving and endorsing the five year rolling flow average and that is one of the things that's hurting us right now with US Gypsum as they are closed (tape inaudible) that they put into the pipe for the past five years are basically still being charged to the community. And that means you and I, we the people of the town are subject to those costs. It doesn't sound fair and it isn't fair. Unfortunately it is what it is, we fought that, we went down to the Rahway Valley and we asked for that to be relieved and they denied us, we went to the courts and they appealed which I was a little bit surprised that the 1992 ordinance, so that's some of the reasons. We are hoping that these rates that we set tonight are able to stay for quite some time, that is the goal of this administration and council and hopefully all the big costs that at Rahway Valley we believe councilmen have peaked at this point and we can see where we go from there. If you follow what's going through the State with the Passaic Valley Sewerage Commission, it's the same stuff up there. They didn't have the big projects; right now the Governor's office is looking into a lot of these Authorities and seeing what they can do to them or for them to help us. I mean and I said this before and I'll say it again, quite honestly it's nothing new but and we were talking earlier...the Rahway Valley Sewerage Authority should bill you directly; all we are doing folks is collecting the money and passing it on to them. And you know we, like the other eleven towns are catching the flack for it. So this is something that you know you pay Public Service, you pay Elizabethtown Gas, New Jersey American Water, and you pay them directly so why not pay the Sewerage Authority directly. The reason is because we are one of the bigger users and our fees are higher. Some of the other townships, some of the other townships who are much smaller pay a lot less, last year a year ago December we were at a meeting where the Commissioner from Westfield said well you know our budget is eighteen million dollars and

that's not really a lot of money, if you take the eighteen million and divided across all the users throughout the eleven member municipality you would have found that it cost two hundred and fifty dollars per year per individual and we said okay well why don't you bill that then, take your budget and divided over your customers and that's what it is. And they didn't want to hear that because in some of the smaller towns they would...if they had to break it out we would be paying a heck of a lot less. It's a little confusing and I hope I make it a little bit clearer, if I didn't I apologize, you are always free to stop in ask or call up and I can try to explain it in more detail for you. Thank you very much and have a wonderful night.

Councilwoman Whiting: Thank you...I have to say I had the pleasure of attending the Clark Benefit Ball two weeks ago and the first thing I would like to do is thank the committee of women who put this Benefit Ball on, 220 to 230 people attended that nice dinner dance and they raised quite a bit of money and then they give it back to all of the organizations in Clark and also giving one or two students scholarships. So I want to thank the ladies for a wonderful job, it was a wonderful event, we had a really good time and that's all I have for this evening, thank you.

Councilman Toal: Thank you Mr. President. You know I always say Clark is like a family, we are a community of one, we have different differences, differences of opinions and a difference on how we look at things but we always come together and we are there when there is a time of need. One year ago this evening one of our own Clark Police Officer Mark Adamonis, Lt. Adamonis was on his way home after doing a shift, he was driving home and went over a patch of black ice and rolled his car six times. It was a devastating accident. It's been a year since Mark is recovered with the love of his wife Sharon and the entire Adamonis family. Mrs. Adamonis had asked me to mention this just to say thank you to the community, the community that showed us love and support for Mark in the last calendar year. He is on his way to a continued recovery and our prayers are still with Mark and Sharon during this time. But I bring this up tonight because we are also a community to help each other and to be there for each other when it's needed. During this past, around election night it was, one of our own children in Clark our high school student Eryka Underwood was injured. The community rallied again to be there for a child in need, a parent in need; a family in need and these things are what we must continue with.

Tonight I bring another story; a young resident age 7 Jason Condit, his grandparents run the Dairy Queen in Clark, Jason is battling a very serious illness and his entire family needs your love and support. And they are rallying around to help this young man so he has a childhood and adulthood and grows up to be a Clarkite and a high school ALJ alumnae. And they are doing fundraisers for "Jason's Friends" c/o Century 21 JRS Realty and if you are interested in helping and supporting a young Clarkite in need who is battling a very serious Cancer. We must come together as a community, so if you could please, you'll be seeing these flyers around (Phil if you could zoom on this) these flyers will be around town, the family is asking for your support in need of a child which is most important. And we do this again, that's Century 21 the realtor down Westfield Avenue, the Sangiuliano Family who always come out and help. Please make any contributions to "Friends of Jason" and again they will be having Fundraisers you will be hearing about. But I wanted to bring to your attention so you are aware of another incident where Clark comes together as a family.

We just had a couple of people pass away in town; Dorothy Wilkinson who was one of the original founders of the Clark Art Association. If the old timers remember, the town back in the 50's and 60's when suburbia was building from the post World War II starting setting up a lot of social clubs and organizations and Mrs. Wilkinson was one of those who brought beauty and art. She use to have a lot of her art work displayed in the Clark Library and she just recently passed away and to the Wilkinson Family we convey our condolences to you. Clark Police Officer John Ehling, his Dad just passed away Jacob Ehling who was a longtime member of the Deutscher Club. Mr. Ehlig was a pillar of strength. If you ever met the man he was just a sweet, gentleman and he has an accident a few years ago where he was confined to a wheelchair and he never lost that passion for life and strength and he always conveyed that to whenever you met this man he had this iron fist an iron grip and to the Ehling Family we will always be there, he showed us how to do things and how to be strong and we will never forget him. Another person who just passed away was Mrs. Grace D.; Mrs. D husband founded the Clark Scholarship Fund, that's where there are children in need in the high school who want to go to get a college education and they raise money throughout the community from the 1950's up until today and Mrs. D was a part of that in helping the children of Clark get that higher education and to get that. knowledge that makes us a better person. And to Mrs. D we will always remember you. They had no children and they gave their time to help our children in town and that's basically it.

And to you the residents of Clark I will be seeing you at your doors or if you get one of these in the mail, we know where you live, we are here to help you make a better community and that's all I have to say Mr. President, I know I talk way too much but thank you.

Councilman O'Connor: Thank you I do not have a report this evening.

Councilman Kazanowski: I would just like to thank all the people for coming out tonight, this is one of the biggest crowds we had here in a council meeting, so thank you for coming out. It's encouraging that we have interested residents that want to come out to our council meetings, thank you.

Councilman Barr: No comment this evening.

Councilwoman Albanese: Yes thank you for coming out this evening and questions regarding Rahway Valley Sewerage Authority, as the Mayor said if you don't understand everything that's gone on or you need a summary, please do call and find out what's happening, thank you.

Council President Mazzarella: I have only one comment. And I do thank the residents coming up and expressing your concerns about the sewerage fees, the increase. No one likes to raise rates or taxes especially in these financial times everybody is overburdened. This is really essential because as the Mayor has stated we are still on a five year rolling average and we're essentially paying for phantom flow. A flow that was originated and struck in that five year average and as the Mayor said we went to court and the ruling was no they would uphold the calculation process that was established by the Sewerage Authority. So our community is hit with paying that and we have to come up with the funds, however, this as the Mayor said we anticipate that this would be a stabilized rate for a number of years. We don't want to overburden

any of the residents but we have to come up with the money. Other than that stay safe and be well until next month.

Attorney: No report thank you.

Township Clerk: Yes actually just one comment. I've been getting a lot of phone calls about navigating our website. If you don't know the website it's www.ourclark.com. If you want to see the public hearings, the agendas or anything that's up there, when you get to the homepage you are going to see on the top green headings, if you click on government the drop down menu will say agendas halfway down and if you click on agendas it's going to show you all the agendas that have happened so far and the public hearings. So the public hearings for tonight's meeting were on there and tomorrow morning I will send all the introduced ordinances that will be having their public hearing in March and they will be up there. I know people have had some difficulty in finding them. So if you click on government you will see the drop down menu and you can just click on that, thank you.

Richard O'Connor: No report.

Fire Chief Beach: No report.

Council President Mazzarella: Before we close I want to thank all of the residents who had taken the time out to come out tonight, you are certainly welcome, tell your friends to come out too.

ADJOURNMENT:

Motion to adjourn was made by Councilman Kazanowski, seconded by Councilman O'Connor

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

