

**REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
January 18, 2011**

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, 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.

Motion to Suspend the Regular Order of Business made by Councilman Kazanowski, seconded by Councilman Barr

Council President Mazzarella directed roll call:

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

UNICO Presentations

Ralph Bernardo: Spoke regarding the UNICO Italian American Feast of what a huge success it was. Named the various organizations that benefited from it and thanked everyone that was a part of it in helping with the preparations from putting it together to the clean up.

Council President Mazzarella: Ralph thank you for your service and UNICO's service to this community, it's outstanding.

Motion to Resume the Regular Order of Business made by Councilwoman Whiting, seconded by Councilwoman Albanese.

Council President Mazzarella directed roll call:

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

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes Mr. President and Members of Council, ladies and gentlemen thank you very much; I have a very brief report tonight.

Today in town we salted every road, the road department was out trying to make this slushy wintery mix mess the best it can be out there. We are sure there are still some icy spots on some of the secondary roads. We had to have about two inches of snow before we can actually plow, it was less than that, but we salted every road and hopefully today it went up into the low forties and tomorrow again and it should take a lot of this ice. The way it looks most of the main roads are clear right now and most of the major secondary roads around the school areas are in very good shape, so we are trying our best.

If you take a look at today and you take a look at I guess it was last week we had nine inches of snow, we'd rather deal with nine inches, it's easier and you know there was no ice and we were able to pre-salt the town before that storm and then because of that we were able to plow all the snow and we went down to black top and it was a great job. I mentioned on Reorganization Day I wanted to thank the members of the DPW for their hard work this year especially with that thirty inch storm. Ladies and gentlemen I know when there's a thirty inch storm there's going to be a multiple of days that we are going to come back into your streets and neighbors to clean-up and touch-up. The thirty inch blizzard I believe we had (John was it eight men) eight men, eight DPW employees plowed the entire community in a thirty inch blizzard. And that's a big job and they did a great job. It's the more you get the harder it is, where do you put it, how far can you push it, etc. and so on, you can only move so quick. So by any means I'm not apologizing, I just wanted to hopefully make the community aware that we do at this point need some help from you. Folks we have certain snow streets that are listed in the township ordinance that when snow comes you have to take your cars off the road. And most of you do that and the police in this thirty inch effort was out there to make sure that happens so we were able to get your street plowed safely.

Even throughout the community folks and I know it's hard and sometimes it becomes a little bit of a pain but why leave the car out in the road. I mean if you can park it on your driveway or even a piece of your front lawn or something, it's frozen and it's not going to hurt it, it makes the job for our DPW guys better for you, it makes it better for you and safer for everyone concerned and we really get it done a lot quicker than having to constantly scrape passed cars.

The other thing is and I understand too that when you use a snow blower and the wind is blowing from left to right and the streets on the left hand side, you are going to easily blow your stuff back up onto your lawn. And if it's blowing the other way you rather blow it out into the street, that's fine when your street isn't plowed yet but once your street is plowed and we get a call from three people saying that they didn't plow in front of my home and 97% of the street is down to blacktop and three spots in front of those homes have snow packed in front of them, I'm going to have to bet 99 of 100 times that you blew snow out into the street and cars ran it over. You know, we understand, we are not trying to be heavy handed but there are ordinances and there are regulations and I'll tell you what if you did it in some of the other adjoining

communities you would be summonsed. We have not done that, we do not want to do that. But on the other hand it's hard the next day you know having our personnel screamed at saying our street wasn't plowed, every street gets plowed during every storm. The roads get done, the cul-de-sacs and the dead ends bare secondary to that as you know it's been this way since (tape inaudible) longer than I have been in government. And this is going to probably continue that way. So its patience, it's working together, it's able to keep our community clean from the snow and ice and very safe for everyone. So thank you for that and please folks help us, it makes the job better for you.

The other announcement I have is once again on the heels of Ralph Bernardo here tonight and UNICO and the Italian Festival a great event. There is another great event happening on Saturday night February 12th from 7 to 12 at the Gran Centurions. It's called the Winter Benefit Ball. The Clark Benefit Fund once again will have their annual fund and it's a great night. You have from cocktail hour to full meal, open bar, prizes, raffles from 7:00 to midnight for \$80.00 per person which is a very, very reasonable cost for a full night of food, drink and entertainment. If you've been there before come back again, it seems to get a little bit better every year. If you are new and you haven't come and are new to the town, it's a great way to come and meet some people. For those of you who are looking to purchase tickets, call me or Fran at my office and we will get you pointed in the right direction. So Saturday night February 12th 7 to 12 our Winter Benefit Ball, it's a great night and I hope to see you there, that concludes my report for tonight Mr. President, Members of Council, ladies and gentlemen thank you for your time.

Township Clerk: Thank you I have the police and fire reports for the month of December, 2010 in my office for anyone who would like to view them.

REPORT OF COUNCIL COMMITTEES:

Councilwoman Whiting: I just have a brief report from Ralph Bernardo, a very busy man and the UNICO Feast was a very good event and from all of the members of the Clark Community Pool we want to thank you for supplying our sign and helping us with so many things that we needed done at the pool.

Last call to sign up for winter programs and classes, there is still room in most classes, stop by the Recreation Office for registration and information on all the new and excited programs and classes. Family skate night, Ralph wants me to really promote this. It is a very good event and it's for your family, bring your neighbors. They rent out Warinanco Park for the evening of Saturday, January 29th, it's only for Clark residents that evening, bring your kids, they have ice skates and it's a great time, hot chocolate and the facility will be opened to Clark residents their families and their friends. Collect all of your friends and bring them all down, everybody can ice skate. Tickets can be purchased at the Rec Office daily from 8:30 to 4:00 and Saturdays 9 to 4. Adults are \$5.00, children 18 and younger \$4.00, skate rental is \$3.00. So it's a nice cheap night, come out and don't miss this town wide event.

The Recreation Department is now accepting registration for spring outdoor soccer, little league, lacrosse and girls softball. You can bring you registration forms and payments to the Rec Office and Ralph will be glad to help you and that concludes my report this evening thank you.

Councilman Toal: Thank you Mr. President, the Environmental Commission will be meeting on Wednesday, January 26th at 7:30 pm in Room 30 of the History Room in Brewer. And the topic of discussion is global warming, come on out and discuss how global warming is affecting Clark New Jersey.

On a personal note Councilman Toal explained what he saw first hand on how the Volunteer Fire Department handled a chimney fire on Russell Court. He commended Fire Chief Andy Beach and the volunteer members for a job well done.

Councilman O'Connor: No report this evening.

Councilman Kazanowski: No report this evening.

Councilman Barr: Thank you Mr. President. Thank you Councilman Toal...he spoke about the fire department as has been my custom every January since 2001 when I first became the Council Liaison to the Clark Volunteer Fire Department, I feel part of my duty as the liaison, is to inform Clark's residents as to the amount of calls the department had to respond to the past year.

I do this so every resident of Clark can realize how very lucky we are to have such a dedicated group of volunteers who not only maintain their vehicles and fire houses, but also have training sessions almost every week and...whose reputation ranks as one of the best in Union County and that includes paid fire departments.

Last year Clark's fire department had to respond to 492 calls. When you realize there are 365 days in a year that kind of tells you, we indeed have a very busy fire department and 98 of the 492 calls were between the hours of 9pm and 5am in the morning.

The calls they have to respond to include actual working fires, emergency rescue type calls such as extrication of victims trapped in cars after motor vehicle accidents, and any other type of call where there is a victim involved.

Hazardous condition calls such as natural gas leaks, downed power lines and any other conditions that might prove to be hazardous.

There are service type calls such as smoke removal from buildings, police assistant calls, mutual aid calls which is where other towns need help to fight fires such as the one you might have recently read about in the newspapers that happened on St. Georges Avenue in Rahway when that entire development of newly built apartment houses went up in flames.

They were called upon by the police dispatchers to respond to 211 calls involving fire detectors going off, carbon monoxide detectors going into an alarm mode, sprinkler activations and other calls of this type. Thank goodness most of these calls were found to not be an emergency...but they still have to respond to all of them.

So, I believe I can safely say that as a voice for all Clark’s residents, we sincerely say thank you to the Clark Volunteer Fire Dept. for a job very well done.

Councilwoman Albanese: Thank you Mr. President, I have a brief Library report this evening. First I would like to thank all the residents of Clark who donated 461 pounds of food and non-perishables which was contributed to the New Jersey Food Bank. As I talked about in my last report last month the New Jersey Food Bank supplies food to food banks and soup kitchens throughout the State. We were one of the top five libraries donating food. Again thank you very much for that.

For adults and seniors interested in swing music, there will be a musical revue of the great Hollywood films from the 1930’s. That will be on Monday, January 24th at 2pm. Skip Unger will delight the audience with his singing and keyboard skills, so if you are interested in that program please call to register or you can register online at www.clarklibrary.org . On Thursday, February 10th there will be a Valentine’s Day craft at 6:30, if you are interested please register online. And it’s that time of the year folks if you are interested in getting your tax forms early, they are available at the library and some of them are still coming in. So if you want just stop by the reference desk and they will be happy to help you with the Federal and State forms, thank you that concludes my report.

Council President Mazzarella: And I have a brief report. Last week when we had our nine inch storm I had the opportunity to drive our community with the Public Works Director Joe Bonaccorso and I have to tell you that for those isolated areas where you had cars parked as the Mayor had mentioned that the plows could not get close, our Public Works Department really did a more than adequate job. They cleared the roads, they cleared the intersections and that was an important thing to make it safe for our community. And you know it was gratifying for me to see first hand with our Public Works Director the job that our personnel do, thank you very much for your efforts and that concludes my report.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No written objections were received in connection with the following Ordinance.)

Ordinance 11-01

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$2,396,000 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$2,500,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID TOWNSHIP TO FINANCE SUCH APPROPRIATION

Council President Mazzarella opens the Public Hearing on Ordinance 11 -01

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

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

Motion to adopt Ordinance 11-01 made by Councilman Barr, seconded by Councilwoman Albanese

Discussion:

Councilman Kazanowski: Mr. President, can I have Mr. Laezza give a little short synopsis of what we're doing so the people out there know what we are talking about.

John Laezza: Yes thank you Council President. This is a refunding bond ordinance where we have outstanding three issues for 2011, 2012 and 2013 totaling two million three hundred and ninety-six thousand dollars at interest rates of 4.875% and 4.9%. In this kind of market we believe that we can go to market, refund these bonds as if you were refunding a mortgage and refinancing a mortgage, get a lower interest rate and save the taxpayers probably close to seventy-five to eighty thousand dollars. That's what it is, thank you.

Councilman Kazanowski: One more question. If we can't get a cheaper rate then we are not going to...

John Laezza: If the bond market is such on March 12th that we can't get a cheaper rate, we will just continue with what we have.

No further discussion

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

Ordinance Adopted

Ordinance 11-02

AN ORDINANCE TO FIX THE SALARIES OF THE WHITE COLLAR EMPLOYEES FOR THE PERIOD 2010 THROUGH 2014

Council President Mazzarella opens the Public Hearing on Ordinance 11-02

Seeing no one coming forward Councilman Kazanowski made a motion to close the Public Hearing, seconded by Councilman O'Connor

Council President Mazzarella directed roll call:

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

Motion to adopt Ordinance 11-02 made by Councilwoman Whiting, seconded by Councilman O'Connor

Discussion: None

Council President Mazzearella directed roll call:

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

Ordinance Adopted

Ordinance 11-03

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX THE SALARIES OF COMMUNICATIONS OPERATORS FOR THE YEARS 2010 THROUGH 2014

Council President Mazzearella opens the Public Hearing on Ordinance 11-03

Seeing no one coming forward Councilwoman Whiting 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 11-03 made by Councilwoman Whiting, seconded by Councilwoman Albanese

Discussion: None

Council President Mazzearella directed roll call:

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

INTRODUCTION OF PROPOSED ORDINANCES:

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

BE IT ORDAINED by the Governing Body of the Township of Clark, that Chapter 2, Section 2-65 of the Revised Ordinances of the Township of Clark, be supplemented, as follows:

Section 1:

Section 2-65-6 entitled, "Fees for the Department of Finance" is hereby created and the following fees are established:

- (a) The fee to be charged for a duplicate tax bill by the Tax Collector of the Township of Clark shall be the sum of \$5.00 for the first duplicate, and \$25.00 for each subsequent duplicate copy of the same bill in the same fiscal year.
- (b) The sum of \$20.00 shall be charged to any taxpayer for any returned check for insufficient funds. Upon notification from the bank that a check has been returned, the Tax Collector is hereby authorized to debit the account of the taxpayer, reference the tax payment along with interest, and note the insufficiency in the records of the municipality. Thereafter, the Tax Collector shall notify the taxpayer and require the outstanding taxes be paid in cash, certified check or money order, together with the fee for the insufficiency.

Section 2:

Any ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3:

This ordinance shall take effect upon final adoption and publication, according to law.

Motion to Introduce Ordinance was made by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion: None

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

Public Hearing on February 22, 2011

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

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 21 of the Revised Ordinances of the Township of Clark entitled "Health Regulations" is hereby supplemented as follows:

SECTION 1: The Township of Clark hereby adopts by reference all of the provisions of N.J.A.C., Title 8, Chapter 51 entitled “Childhood Lead Poisoning.” as though the same were fully set forth herein at length.

SECTION 2: Inconsistent Ordinance

This ordinance is to be read in material with the terms and conditions of the Ordinance which it intends to supplement whenever and wherever. Any Ordinance or parts thereof inconsistent with the provisions contained herein are expressly repealed to the extent of such inconsistency.

SECTION 3: Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Introduce Ordinance 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

Public Hearing will be February 22, 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 AND 10-05

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

0-75,000

GPY \$225.00

OVER	EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON
				75,000 GALLONS
OVER	EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON
				400,000 GALLONS

b) COMMERCIAL DOMESTIC

	MINIMUM CHARGE			
	0-75,000	GPY	\$225.00	
OVER	EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON
				75,000 GALLONS
OVER	EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON
				400,000 GALLONS

c) GOVERNMENTAL

	MINIMUM CHARGE			
	0-75,000	GPY	\$225.00	
OVER	EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON
				75,000 GALLONS
OVER	EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON
				400,000 GALLONS

d) NOT-FOR-PROFIT

	MINIMUM CHARGE			
	0-75,000	GPY	\$225.00	
OVER	EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON
				75,000 GALLONS
OVER	EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON
				400,000 GALLONS

e) INDUSTRIAL (NON-SIU)

MINIMUM CHARGE

	0-75,000	GPY	\$225.00	
OVER	EXCEEDS 75,000	GPY	\$225.00	plus \$.02 PER GALLON
				75,000 GALLONS
OVER	EXCEEDS 400,000	GPY	\$6,725.00	plus \$.023 PER GALLON
				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 \$0.02 per gallon shall be charged for flows in excess of 75,000 gallons per unit. Example: a ten (10) unit apartment using 1million gallons of water per year would be billed \$ 7,250.00 as follows:
 \$2,250.00 for the first 750,000 gallons per year plus \$.02 per gallon of the excess 250,000

Gallons in excess or \$5,000.00.

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			
0-75,000	GPY	\$225.00	
OVER	EXCEEDS 75,000	GPY \$225.00	plus \$.02 PER GALLON
			75,000 GALLONS
OVER	EXCEEDS 400,000	GPY \$6,725.00	plus \$.023 PER GALLON
			400,000 GALLONS

SECTION 2: APPEALS

All requests for appeals shall be received by the Utility on or before April 20th 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: 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 5: 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 6 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 7: EFFECTIVE DATE

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

Motion to Introduce Ordinance made by Councilwoman Whiting, seconded by Councilman O'Connor

Discussion: None

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

Public Hearing will be on February 7, 2011 in the Municipal Building, Room 30

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 \$439,457.31 for the period ending January 14, 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 Citizen Hearing on the Agenda

Seeing no one come forward Councilman Kazanowski made a motion to close the Citizen Hearing on the Agenda, seconded by Councilwoman Whiting

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

RESOLUTIONS:

Resolution 11-22

BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers are hereby authorized and directed to effect transfers of 2010 Appropriation Reserves.

**CLARK
TOWNSHIP**

BUDGET APPROPRIATION RESERVE TRANSFERS		<u>From</u>	<u>To</u>
31-460-223	Gas & Diesel Fuel	20,000.00	-
20-100-201	Administration - Other Expenses	-	10,000.00
26-290-205	Roads - Other Expenses	-	10,000.00
		20,000.00	20,000.00
Total		20,000.00	20,000.00

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:

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

Resolution 11-23

RESOLUTION AUTHORIZING ENTRY AND EXECUTION OF THE MUNICIPAL JOINT DEFENSE GROUP AGREEMENT AND DESIGNATION OF MUNICIPAL LIAISON COUNSEL IN THE ACTION ENTITLED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, V. OCCIDENTAL CHEMICAL CORPORATION, ET AL.

WHEREAS certain claims have been asserted against the Borough/City/Town/Township of Clark in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et.al., Docket

No. ESX-L-9868-05 pending in the Superior Court of New Jersey, Law Division, Essex County, or any other related cases in State or Federal Court related to the Newark Bay Complex (hereinafter referred to as the "Litigation") regarding alleged discharges of hazardous substances into bodies of water defined as "the lower seventeen (17) miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill Van Kull and adjacent waters and sediments" (hereinafter collectively referred to as the "Newark Bay Complex");

WHEREAS without admitting any fact, responsibility, fault and/or liability in connection with the claims asserted against it in the Litigation, the Borough/City/Town/Township of Clark , wishes to designate a municipal liaison counsel and enter into a Municipal Joint Defense Group Agreement for the purposes of devoting its resources to respond efficiently to the claims asserted against it in the Litigation, allocating among other third-party defendant municipalities and municipal entities common legal, technical, administrative and other costs incurred in the Litigation, and cooperating with other third-party defendant municipalities and municipal entities in this effort;

WHEREAS neither the Notice of Designation of Municipal Liaison Counsel nor the Municipal Joint Defense Group Agreement effect or impact in any way the right of the Borough/City/Town/Township to maintain and/or retain its own separate municipal counsel and/or counsel of record with respect to the Litigation;

WHEREAS, a copy of the Notice of Designation of Municipal Liaison Counsel and a copy of the Municipal Joint Defense Group Agreement are in the Clerk's office and are incorporated by reference hereto;

NOW, THEREFORE, BE IT RESOLVED by the Borough/City/Town/Township of Clark as follows:

1. The Borough/City/Town/Township is hereby authorized and directed to execute the signature page of the Municipal Joint Defense Group Agreement, and thereafter transmit said signature page to Peter J. King, Esq., King & Petracca, 51 Gibraltar Drive, Suite 1D, Morris Plains, New Jersey 07950-1254, pjk@kingpetracca.com.
2. The designation of Peter J. King, Esq. as municipal liaison counsel on behalf of the Borough/City/Town/Township is hereby ratified.
3. This resolution shall take effect immediately.

Moved by Councilman O'Connor, seconded by Councilwoman Whiting

Discussion: None

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

CONSENT AGENDA RESOLUTIONS:

Resolution 11-24

WHEREAS the Municipal Land Use Law and in particular N.J.S.A. 40:55D-53.2 authorizes the Township to offset the cost of professional fees incurred by it in connection with Township’s or its administrative boards’ review of applications for development, the preparation of documents and the inspection of developments and improvements under construction; and

WHEREAS the fees or charges to be assessed in connection therewith shall be based upon a schedule to be established.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.S.A. 40:55D-53.2 that the following 2011 fee schedule as the same may be periodically updated yearly, for in-house review of applications for development, review and preparation of documents, inspection of improvements or other charges authorized by the Municipal Land Use Law is hereby approved.

ESCROW FEE SCHEDULE (In-House)
 Plan Review, Site Inspection & Testing Fees

<u>Title Category</u>	<u>Name</u>	<u>Salary</u>	<u>Work Hours</u>	<u>Hourly Rate</u>
Township Engineer	Richard O’Connor Grotto Engineering Associates, LLC	-0-	As needed	\$130.00
Engineering Tech	Richard O’Connor Grotto Engineering Associates, LLC	-0-	As needed	\$ 75.00
Planning Board Attorney	Michael Cresitello DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC	-0-	As needed	\$150.00
Board of Adjustment Attorney	Howard Spialter	-0-	As needed	\$150.00

Resolution 11-15

WHEREAS the County of Union entered into a contract with Xerox Capital Services LLC for the period of August 31, 2007 through August 30, 2012 to provide document management and daily operations services to operate the County Print Shop; and

WHEREAS the County also runs the Sign Shop to design, create, print, deliver and install all County signage; and

WHEREAS the County desires to extend the Print Shop and Sign Shop services to all municipalities within the County as a “Shared Service” pursuant to N.J.S.A. 40A:65-4 and as more fully set forth in the Shared Services Agreement; and

WHEREAS the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Shared Services Agreement for Printing and Signage with the County of Union; and

WHEREAS pursuant to N.J.S.A. 40A:65-5(a) a local unit authorized to enter into an agreement under section 4 of P.L. 2007, c.63 (C.40A:65-4) may do so by the adoption of a resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it hereby directs the Mayor to sign the Shared Services Agreement for Printing and Signage with the County of Union on behalf of the Township of Clark.

Resolution 11-26

WHEREAS William Angelo, 18 Brant Avenue, Clark, New Jersey has requested the release of his Maintenance Bond in the amount of Five Thousand, Sixty Dollars and Ninety Nine Cents (\$5,060.99) 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 William Angelo.

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 Maintenance Bond with interest earned and accrued and all remaining escrow to William Angelo, 18 Brant Avenue, Clark, New Jersey 07066.

Resolution 11-27

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
10-167	1295-0	Chorniewy	Andrew	32 Stemmer Drive	175.00	175.00	\$ 175.00
10-168	4525-0	Spicer	Joseph	19 Lupine Way	125.00	125.00	\$ 125.00
							\$ 300.00

Resolution 11-28

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	47	3094-0	Mook Chin&Yuk Mui	83	Westfield Ave	revised	2,180.16	850.00	1,330.16

Resolution 11-29

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2010 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	QUALIFIER	NAME	#	ADDRESS	REFUND
25	8		RODACK		70 HILLCREST DRIVE	\$2,872.01
85	16		OLIVEIRA, P		71 GERTRUDE STREET	\$2,204.61
					TOTAL REFUND	\$5,076.62

Motion to adopt 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:

Resolution 11-30

WHEREAS the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$36,000; and

WHEREAS N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS Nancy Raymond possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS Nancy Raymond was appointed on June 16, 2008 as the Qualified Purchasing Agent for the Township of Clark to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

WHEREAS the Township of Clark desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, in the County of Union, in the State of New Jersey hereby increases its bid threshold to \$36,000; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:34-5.2 the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Nancy Raymond’s certification to the Director of the Division of Local Government Services.

Motion to add to Agenda made by Councilman Barr, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:

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

Motion to Adopt made by Councilwoman Albanese, seconded by Councilman O’Connor

Discussion: None

Council President Mazzarella directed roll call:

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

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 comment portion of the meeting

Seeing no one come forward Councilman Kazanowski made a motion to close the public comment portion of the meeting, seconded by Councilwoman Albanese

Council President Mazzarella directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: Thank you, I just want to thank Ralph Bernardo and the entire UNICO organization and congratulate them and also best wishes for many years too come in the future events that they may have.

I just wanted to follow up on what the Mayor said that we would appreciate if people could try to move their cars off the street. As he said we don’t want to get into a situation we have to give out a lot of tickets to people. I did read in the paper that Garwood gave out ninety-six tickets to their residents and we don’t want to get into that situation, so it’s a very simple thing try to comply with the laws that we have in place and also to move your cars off the street so that the DPW can clean-up the streets effectively, thank you for your cooperation thank you.

Councilman Barr: No comment.

Councilman Kazanowski: Yes thank you I also like to complement DPW on the job on the last snowfall. I did receive several emails and phone calls complementing on a good job that they did the last time. And all of the people in the Third Ward yes my calendar will be out, it will be in the hands of the delivery boys this weekend, thank you so much.

Councilman O'Connor: Thank you I have no comment this evening.

Councilman Toal: Thank you Mr. President. For all of those we lost in the last month. The Pollock Family has been a part of Clark for many, many years, Mike Sr. was a longtime Clark Police Detective Sergeant, his Mother passed away Pauline Pollock, also the Grandmother of Mike Pollock Jr. who is now a Detective Sergeant also. Pauline passed away and our condolences to the Pollock Family. Also Ms. Malone a longtime Clark resident who had passed away recently to the Malone Family our deepest sympathy.

I just want again to say we are here to serve you. To Ralph again thank you for bringing the community together, that is what it's all about, having good times and those special memories that are built. Again we are here to serve you and again if there is anything else you might need, please feel free to call us with any questions or discussions, that's what we are all about here to take care of it, thank you Mr. President

Councilwoman Whiting: Thank you, again I would like to wish everyone a Happy New Year. In talking to the DPW Director today, he told me that a lot of the residents on Alice Lane actually took their cars and put them on their lawns to assist the DPW in making it easy to get that street cleaned. I happen to live on a street where there are a lot of cars parked and it's a very bad situation, so I along with the Mayor and this Council hope that people do...it's very easy just to ask one of your neighbors if you don't have enough of room in your driveway to ask one of your neighbors if you can piggy back with them. I mean think about it, it's less snow that you have to plow yourself if all the cars are piled up in your driveway because then all you have to do is pull them out. It does make it a lot easier and much safer for our neighborhoods. So with that being said again Ralph thank you to all the UNICO members for all the money and all the assistance that you do give all the events and organizations of our town, and that's it for this evening thank you Mr. President.

Council President: And I only have a brief comment. Yes just to echo what my colleagues have been saying with what the Mayor had said earlier about our snow emergencies. If you would please try to adhere to getting the vehicles off the roads so our Public Works Department could do an even better job for you, it's to your benefit, and it's making our community safer not only for the vehicles traveling but the pedestrians that are in the area. So please be mindful of this and try to do your part as much as possibly to assist us being better for you.

John Laezza: Thank you Council President and Members of Council and the Mayor. Tonight there were three ordinances introduced for public hearing on February 22nd and February 7th. The two ordinances on February 22nd are kind of logistical ordinances, one relates to the charging of a fee for duplicate tax bills. There has been a constant process where our citizens keep coming into the tax department and saying I don't have my tax bill, tell me how much I owe and then we

have to by law duplicate a tax bill. We are now charging \$5.00 for that tax bill and the second time will be charging \$25.00. It's a habit that's been abused and it's time that we have to get paid for the administrative responsibilities. Secondly, the second ordinance the Clark Health Regulations relates to lead poisoning in homes, it basically mimics the State Statues and gives us the responsibility to or the ability to check out your homes to see if your homes have any lead paint in them. And the third ordinance is an ordinance regarding the sewer rates. This is a program that was instituted in 2006, it's gone on continually. We believe this ordinance that we are presently introducing will adequately meet the needs of running the sewer department, sewer utility and paying our fair share to the Rahway Valley Sewerage Authority. Over the past year US Gypsum has left the Township of Clark and the revenues that were lost in that regard is anywhere in excess of one million five hundred thousand dollars. What we've done with this ordinance and we'll be sending our memo's that will be on our website as to why we've done this increase but I urge anyone that has questions about this ordinance to be at the February 7th meeting so that we can respond to as many questions as you have in relationship to it. This ordinance basically is structured so that the minimum fees for every user other than significant industrial users will be the same as if they were residential properties. There is an increase for those users who use in excess of four hundred thousand gallons of water. They will get an additional bump because use of water in that degree basically requires extra treatment at the Rahway Valley Sewerage Authority and it costs us more in that process. So basically this ordinance we believe will be an ordinance that will carry the Township of Clark through many years based on the assumptions we've made in relationship to the Rahway Valley Sewerage Authority their debt structure over the next forty years and the operation of the Rahway Valley Sewerage Authority.

The former property tax rebate is now what we call property tax benefits from Trenton, there will be no checks issued to residents. The May tax bill that the Township of Clark will receive a credit against your tax bill and you will be notified of the reduction in your May billing. It will probably be one quarter of what you received or something less. The twelve hundred rebate now has an excess property tax benefit of five hundred dollars, thank you.

Attorney Triarsi: No report.

Township Clerk: No comment thank you.

Richard O'Connor: No report.

ADJOURNMENT:

A motion to adjourn was made by Councilman Kazanowski, seconded by Councilman Barr

Council President Mazzarella directed roll call:

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