

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
December 16, 2013
7:30 PM**

ROLL CALL:

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

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

Meeting Suspended for a Police Department Promotion: Kevin Shackleton to Sergeant
Regular order of business resumes

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Business Administrator Meeting Summary:

Township Officers: Police, Fire and First Aid Reports for the month of November, 2013 have been received and are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through December 12, 2013 in the amount of \$148,079.58

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

RESOLUTIONS:

1. Authorizing the transfer of funds within the 2013 Municipal Budget
2. Authorizing Contracts with certain Nationally Approved Cooperative Contract Vendors for contracting units pursuant to NJ Law P.L. 2011, c. 139
3. Accepting and authorizing the Fire Department Guidelines for the Annual Clothing Allowance

CONSENT AGENDA RESOLUTIONS:

4. Resolutions awarding professional services contracts through a fair and open process for 2014:
 - A. Auditor – Wiss & Company LLP
 - B. Engineering Services – Grotto Engineering Associates LLC
 - C. Labor Attorney – Apruzzese, McDermott, Mastro & Murphy
 - D. Bond Counsel – Rogut McCarthy, LLC
 - E. Special Counsel and Director of Law – Triarsi, Betancourt & Wukovits, LLC
5. Appointing Special Police Officers effective January 1, 2014
6. Authorizing the Police Chief to issue Clothing Bin permits for the year 2014
7. Authorizing the Chief Financial Officer to apply a sewer account balance adjustment in the amount of \$112.50
8. Authorizing the Chief Financial Officer to refund overpayment of Sewer fees in the amount of \$3,797.20

NEW BUSINESS ON THE CALENDAR:

9. Authorizing the submission of a grant extension to accommodate the Governor's Council on Alcoholism and Drug Abuse grant extension until June 30, 2014

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK

Resolution _____

December 16, 2013

Motion _____ Second _____

WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2013 budget appropriations in accordance with the attached schedule of transfers.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16BudgetTransfers

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

**CLARK TOWNSHIP
BUDGET APPROPRIATION TRANSFERS**

		<u>FROM</u>	<u>TO</u>
	Administration		
20-100-200	Other Expenses	\$ -	\$ 8,000.00
	Police		
25-240-100	Salaries and Wages	-	10,000.00
	911		
25-250-100	Salaries and Wages	-	18,000.00
	Bureau of Roads		
26-290-100	Salaries and Wages	23,000.00	-
26-290-200	Other Expenses	20,000.00	-
	Recycling Expense		
26-307-223	Other Expense	-	6,000.00
	Recreation		
28-370-100	Salaries and Wages	-	1,000.00
		\$ 43,000.00	\$ 43,000.00

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

2

Motion _____ Second _____

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN NATIONALLY APPROVED
COOPERATIVE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO NJ LAW
P.L. 2011, c. 139

WHEREAS the Governing Body of the Township of Clark, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under a County Cooperative as well as Federal Supply Schedules; and

WHEREAS the Governing Body of the Township of Clark has the need on a timely basis to purchase goods or services utilizing the Federal Supply Schedules; and

WHEREAS the Fire Chief has recommended that the Township us H-GAC Cooperative Purchasing for the purchase of Fire Equipment; and

WHEREAS any purchase made by the Township of Clark, through this Resolution shall be subject to the conditions applicable to the current National Cooperative.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Chief Financial Officer and/or the Business Administrator to purchase certain goods or services through H-GAC Cooperative Purchasing Program pursuant to all conditions of the National Intergovernmental Purchasing Alliance Cooperative; and

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized to sign the Interlocal Contract between the Township of Clark and H-GAC.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16H-GACCooperativePurchasing

Aye Nay Abstain Absent

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

3

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby accepts and authorizes Fire Department Standard Operating Guideline #103-7-1 which outlines the requirements and payment schedule for the annual clothing allowance as attached and made a part hereof; and

BE IT FURTHER RESOLVED that a change in said Guidelines requires action of the Governing Body in response to the approval and recommendation of the Fire Chief and Business Administrator.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16FDClothingAllowance

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

CA 4A

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

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

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

WHEREAS one (1) proposal was received for the professional position of Auditor and publicly opened at 10:00 am on December 4, 2013; and

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

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16RFP Auditor

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

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

CA 4 B

Motion _____ Second _____

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

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

WHEREAS one (1) proposal was received for the position of Professional Engineering Services under the duties of the Municipal Engineer and were publicly opened at 10:00 am on December 4, 2013; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to the firm of Grotto Engineering Associates, LLC for the year 2014.

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16RFP Engineer

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

CA 4 C

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

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

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

WHEREAS one (1) proposal was received for the professional position of Labor Counsel and publicly opened at 10:00 am on December 4, 2013; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Apruzzese, McDermott, Mastro & Murphy for the year 2014.

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16RFPLaborAttorney

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

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

CAHD

Motion _____ Second _____

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

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

WHEREAS two (2) proposal were received for the professional position of Bond Counsel and publicly opened at 10:00 am on December 4, 2013; and

WHEREAS the Business Administrator and Chief Financial Officer have reviewed all documents required by the Request for Proposals (RFP) and recommend award of professional services contract to Rogut McCarthy, LLC to the professional position of Bond Counsel for the year 2014.

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

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16RFPBondCounsel

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

CA 4 E

Motion _____ Second _____

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

WHEREAS qualification submissions for the position of Special Counsel/Director of Law to represent the Township in litigated matters, contested tax appeals and to provide such other extraordinary legal services as may be required from time to time and to perform such services as are required by the Director of Law pursuant to ordinance were received on December 4, 2013 and publicly opened at 10:00 am; and

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

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

BE IT FURTHER RESOLVED that the value of the contract is subject to the 2014 budget appropriation; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16RFPDirofLawSpecCounsel

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

TOWNSHIP OF CLARK

Resolution _____

December 16, 2013

CA 5

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby appoint the following named individuals as Class 1B and Class II Special Law Enforcement Officers to serve for the period commencing January 1, 2014 and concluding December 31, 2014.

Class 1B	Beceiro, Anthony R	60 Wendell Place Clark, NJ 07066
Class 1B	Burlew, Chris	887 Dona Road Union, NJ 07083
Class 1B	Bielski, Valerie	412 Laurel Avenue Roselle Park, NJ 07204
Class 1B	DeVre, Arthur	87 Lincoln Blvd. Clark, NJ 07066
Class 1B	Flicek, Francis	43 Lefferts Lane Clark, NJ 07066
Class 1B	Leonardis, Richard	239 Old Tote Road Mountainside NJ 07092
Class 1B	McKenna, Shaun	54 Ross Street Clark, NJ 07066
Class 1B	Ringwood, Tom	64 Gertrude Street Clark, NJ 07066
Class 1B	Stankwich, Margaret	151 Gertrude Street Clark, NJ 07066
Class 1B	Tarantino, Robert	25 Blake Drive Clark, NJ 07066
Class II	DeLuca, John	54 DeWitt Lane, Hillsborough, NJ 08853
Class II	DeMarzo, Victor	39 Mildred Terrace Clark, NJ 07066
Class II	Janus, Bob	8 Wendell Place Clark, NJ 07066
Class II	Kovacs, Michael	1 Van Pelt Drive Whitehouse Station NJ 08889
Class II	Mason, Eric	272 Westfield Avenue Clark, NJ 07066
Class II	Pollock, Sr., Michael	28 Terhune Road Clark, NJ 07066
Class II	Santoro, Paul	1486 Elaine Terrace Union, NJ 07083
Class II	Ehling, John	1921 Crescent Pkwy. Linden, NJ 07036

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16AppointSpecialPoliceOfficers

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

CAB

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operators having met all the requirements of Chapter 117 of the Code of the Township of Clark are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Police Chief is hereby authorized and directed to issue permits to the vendors listed as attached and made a part hereof, to be displayed according to law effective January 1, 2014 through December 31, 2014.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16ClothingBinPermits

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

2014

Clothing Bin Operators

Location of Bins

American Recycling Technologies
98 Cutter Mill Road, Suite 290-North
Great Neck, NY 11021
Attn: Ed Klein (908-616-3730)

78 Westfield Avenue (2 bins)

H&M Leasing
1245 Marconi Blvd.
Copiague, NY 11726
Attn: Marc Field (631-225-5246)

76 Central Avenue (2 bins)

DARE New Jersey, Inc.
202 Davis Station Road
Cream Ridge, NJ 08514
Attn: Nicholas DeMauro (609-860-6777)

430 Westfield Avenue (2 bins)
45 Central Avenue (2 bins)
6 Broadway (2 bins)

We Collect Clothes for a Cause
625 Wortman Avenue
Brooklyn, NY 11208
Attn: Peter Salm (866-468-7228)

52 Westfield Avenue (2 bins)
111 Valley Road (1 bin)
140 Central Avenue (2 bins)

Giving Back for America
P.O. Box 329
Woodbridge, NJ 07095
Attn: Anthony Cruz (732-485-3692)

1074 Raritan Road (2 bins)

Planet Aid
3 Lincoln Drive
Fairfield, NJ 07004
Attn: Stanley Ferris (845-608-1675)

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

CA7

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

WHEREAS the Treasurer/CFO has certified that a sewer utility account requires a balance adjustment; and

WHEREAS the Business Administrator has reviewed and approved the sewer fee adjustment.

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 adjustment according to the following schedule.

<u>Ref #</u>	<u>Acct#</u>	<u>Name</u>	<u>Address</u>	<u>Reason</u>	<u>Original</u>	<u>Revised</u>	<u>Credit</u>
13 75	747-0	Lettni & Son Inc.	97 Stonehenge Terr	House Demo	\$225.00	\$112.50	\$112.50

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16SewerAdj

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Toal	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

CAB

TOWNSHIP OF CLARK
Resolution _____
December 16, 2013

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2013 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 following schedule.

REF	#	Acct #	Name	#	Address	Reason	Refund
13	18R	5022-0	Jeannette Black	18	Sunset Drive	Water issue	\$3,120.00
13	19R	2502-2	Target Stores	PO	Box 908	overpayment	\$171.84
13	20R	4714-0	Ramiro Castro	1113	Maurice Avenue	overpayment	\$353.85
13	21R	5136-0	Angela Porchetta	1551	Raritan Road	overpayment	\$14.85
13	22R	2106-0	Maria Raimondi	9	Cutler Road	overpayment	\$9.31
13	23R	3046-0	John & Elisa Borja	30	Stanton Street	overpayment	\$112.50
13	24R	5136-0	Patrick Cook	1551	Raritan Road	overpayment	\$14.85
							\$3,797.20

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council President

Res13/12-16SewerRefunds

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