

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
October 18, 2010

ROLL CALL:

Present: Council Members Albanese, Kazanowski, Mazzarella, Toal, Barr

Absent: Council Members O'Connor and Whiting

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer; Denis Connell, Police Chief; Andy Beach, Fire Chief

The Regular Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Barr. 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 Local Source, and NJTODAY.NET the successor publisher to the Clark Patriot, 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 Toal, seconded by Councilman Kazanowski

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Mayor's Proclamation: Proclaiming November "Pancreatic Cancer Awareness Month"

Township Clerk read the Proclamation into the record. For more information www.pancan.org
Mayor Bonaccorso presented Todd Cohen with the Proclamation

C.E.R.T. Presentations made by Emergency Management Coordinator Jerry Fewkes

Jerry Fewkes handed out the certificates along with Mayor Bonaccorso to the participants of the C.E.R.T. program.

Motion to Resume Regular Order of Business made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Barr directed roll call: Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso:

1. Commended Ralph Bernardo and UNICO for another fantastic Italian American Feast
2. Deutscher Club's 75th Anniversary
3. Branches have ended except for storms. Leaves and branches cannot be mixed together. Leaf pick-up begins the last week in October.
4. Bulky clean-up has ended and we will resume again hopefully in January weather permitting.
5. keep your eye on www.ourclark.com

Township Clerk: police and fire reports for the month of September, 2010 received and filed

REPORT OF COUNCIL COMMITTEES:

Councilwoman Albanese:

Library:

1. Celebrating National Humanities month starting tomorrow (10-19-10)
Film: celebrate Italian American Directors and Actors. Band Wagon by L. Minnelli Librarian and Film Historian will give a short lecture regarding the film. For other films check out the Library's website.
2. Teen Read Week; the theme is books with a beat. Films: New York Minute; free popcorn. Fame and more free popcorn again.
3. Presentation 10-21-10 at 7:00 pm conducted by the Criminal Justice Department of New Jersey on Human Trafficking which is apparently a very serious problem in the State of New Jersey and all over the country.
4. November Programs for young children on Library website
5. Barnes and Noble Nook or Sony Touch e-reader you can download free books at the Library. Audio books also available

Councilman Kazanowski:

Suggested that the Pancreatic Cancer Action Network website www.pancan.org be linked to the Township website

Councilman Mazzeella: No report

Councilman Toal:

1. Four Centuries in a Weekend - Historical Societies and Historical Sites in Union County are open to the public; Dr. Robinson was open with the aid and direction of Scott McCabe and the members of the Historical Society. Native American Indian theme (Lenape Tribes) it was a great success.
2. Annual Reservoir Clean-up (Oct 2nd and 3rd) Thanks to: Dominick Romeo from ShopRite, our Mayor's office, the Business Administrator, Edie Merkel, Joe Bonaccorso, Scott McCabe and of course John Kristof for getting it all together

Council President Barr:

Clark Volunteer Fire Department: The State mandates that the fire hoses have to be checked for pressure twice a year and many, many municipalities hire a company that does this type of work and they charge between thirty-five hundred and four thousand dollars each time and our Volunteer Fire Department yesterday did hose testing and Chief Beach we thank you and the fire department.

Mayor Bonaccorso: Mr. President may I please. I forgot one important announcement; special thank you to School Superintendent Ken Knops and his staff for a two part presentation to the Realtors in town, which included presentations by the Mayor and Recreation Director to describe amenities and programs. Part 2 was a tour of the schools ending at ALJ where everyone was joined by Assemblywoman Stender and Assemblyman Green where there was a presentation regarding the educational aspects of our community.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 10-20

AN ORDINANCE TO AMEND CHAPTER II, SECTIONS 2-10.4b.2.(b)(3) AND 2-10.4b.2.(b)(4) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CLARK

Council President Barr opened the Public Hearing on Ordinance 10-20

Seeing no one coming forward Councilman Kazanowski made a motion to close the Public Hearing on Ordinance 10-20, seconded by Councilman Mazzarella

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Motion to adopt Ordinance 10-20 made by Councilman Toal, seconded by Councilman Kazanowski

Discussion: None

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Ordinance Adopted

Ordinance 10-21

**AN ORDINANCE TO AMEND CHAPTER V, SECTION 5-2.5 OF THE REVISED
ORDINANCES OF THE TOWNSHIP OF CLARK**

Council President Barr opened the Public Hearing on Ordinance 10-21

Seeing no one coming forward Councilman Kazanowski made a motion to close the Public Hearing on Ordinance 10-21, seconded by Councilman Mazzarella

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Motion to adopt Ordinance 10-21 made by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion: None

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

Council President directed the Clerk to read the Ordinance by title:

AN ORDINANCE TO AMEND ORDINANCE 07-13, ADOPTED SEPTEMBER 17, 2007, ENTITLED “AN ORDINANCE TO AMEND CHAPTER 10, SECTION 10-1.1a OF THE REVISED ORDINANCES OF THE TOWNSHIP OF CLARK ENTITLED PARKS, RECREATION AREAS AND TOWNSHIP FACILITIES”

BE IT ORDAINED by the governing body of the Township of Clark that Ordinance 07-13 adopted September 17, 2007, is hereby amended in the following particulars:

SECTION 1: Section 2 of the ordinance to be amended hereby is amended to read
“Township
recreation fields or athletic fields, where electric lighting exists, shall not be subject to the provisions of this amendment, and they shall be permitted to remain open, accessible and in use until *10:00 p.m., Sunday through Saturday*. Specifically exempted from the provisions of this subsection are any parks, recreational fields, or athletic fields owned and operated by the Board of Education of the Township of Clark.”

SECTION 2: Except for the section hereinabove amended, Chapter 10 of the revised Ordinances of the Township of Clark shall remain as stated and continue in full force and effect.

SECTION 3: Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall take effect upon adoption and publication, according to law.

Moved and Seconded by Entire Council

Discussion: None

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Public Hearing on November 15, 2010

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF CLARK**

WHEREAS, it has been called to the attention of the Governing Body of the Township of Clark that various organizations and individuals are proselytizing, preaching, lecturing, exhorting, addressing, soliciting or otherwise endeavoring in the name of free speech to canvass within the Township of Clark, and;

WHEREAS, this activity has been observed to have been conducted in the immediate vicinity of the Clark Public School buildings at the hours of opening and closing of the school when students are arriving and leaving, and;

WHEREAS, the Governing Body of the Township of Clark is of the opinion that this activity has created a public safety concern due to the hours of its occurrence and the location of same, and;

WHEREAS the Governing Body of the Township of Clark has determined it to be in the public interest that both the hours of this activity and its location must be regulated in order to protect all of the residents of the Township of Clark and, in particular, those students enrolled in the Clark Public Schools.

NOW, THEREFORE be it ordained by the Governing Body of the Township of Clark as follows:

SECTION 1: The activity referenced hereinabove and defined as proselytizing, preaching, lecturing, exhorting, addressing, soliciting or otherwise endeavoring in the name of free speech to canvass within the Township of Clark on the public streets of the Township of Clark is hereby restricted to locations at least 1,000 feet from any public or private school buildings between the hours of 7:30 a.m. and 9:00 a.m. and 2:00 p.m. and 3:30 p.m. weekdays.

SECTION 2: Inconsistent Ordinance

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: Effective Date

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

Moved and seconded by the Entire Council

Discussion: None

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

Public Hearing on November 15, 2010

PAYMENT OF CLAIMS: In the absence of Councilman O'Connor, Council President Barr read the payment of claims current and capital expenditures in the amount of \$331,460.77.

Moved by Councilwoman Albanese, seconded by Councilman Mazzarella

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

CITIZEN HEARING ON 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 Barr opened the meeting to the public regarding agenda items only

Seeing no one coming forward Councilman Kazanowski made a motion to close this portion, seconded by Councilwoman Albanese

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

RESOLUTIONS:

Resolution 10-121

WHEREAS the Governing Body of the Township of Clark authorized the Business Administrator to solicit bids for Recycling Collection and Marketing of recycling materials within the Township; and

WHEREAS one (1) bid was received on September 22, 2010 at 10:00 a.m. in accordance with specifications prepared by the Business Administrator; and

WHEREAS Great Northern Recycling, Inc., 142-156 Frelinghuysen Ave., Newark, New Jersey 07114 submitted the lowest responsible bid in the amount \$93,600.00 for the first year, \$94,400.00 for the second year, and \$99,300.00 for the third year subject to the final adoption of subsequent year budgets; and

WHEREAS the Chief Financial Officer has ascertained funds will be available in Recycling Account #26-307-223.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract for Recycling Collection and Marketing to Great Northern Recycling for a period of three years subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Toal, seconded by Councilman Mazzarella

Discussion: None

Council President Barr directed roll call:
Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

CONSENT AGENDA RESOLUTIONS:

Resolution 10-122

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer is hereby authorized to enter into an agreement between the Township of Clark and Visiting Nurse and Health Service (VNHS) in the amount not to exceed \$3,970.00 for the period commencing January 1, 2011 and terminating on December 31, 2011, pending the approval of the 2011 Municipal Budget.

Resolution 10-123

WHEREAS Richard Jaruczyk, 22 King Street, Clark, New Jersey has requested the release of his Maintenance Bond in the amount of \$8,865.54 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 Richard Jaruczyk.

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 Richard Jaruczyk.

Resolution 10-124

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:

CLARK TOWNSHIP							
TAX REFUNDS - 2010							
BLOCK	LOT	QUALIFIER	NAME	#	ADDRESS		REFUND
62	5		SANGIULIANO ASSOC.	1139	RARITAN ROAD		253.15
					4 th Quarter		
			TOTAL REFUND				253.15

Resolution 10-125

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.

Resolution 10-126

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	overpaid	12.48	
10R	2	1999-0	JW Ruby	290	Madison Hill Rd	overpaid	325.00	2009
			Antonio					
10R	3	3678-0	Mendes	57	Haliday Street	overpayment	221.93	
			Clark Jewish					
10R	4	3688-0	Center	117	John Street	overpayment	82.54	
			Clark Jewish					
10R	5	3674-0	Center	111	Valley Road	overpayment	890.38	
10R	6	4616-0	Edziel Crispino	27	Colonial Drive	overpayment	701.86	
10R	7	4862-0	Grant Shannon	1714	Westover Road	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 Street	overpayment	149.45	
10R	10	3037-0	Damien Griffin	76	Stanton Street	overpayment	87.50	
10R	11	2204-0	RJ Kelly	16	Janie Lane	overpayment	4.85	
			Feil, RCG &		Penn Plaza,			
10R	12	2183-0	Bldg	7	NY	overpayment	820.46	
			Joseph		Lake Avenue			
10R	13	877-0	Flammia	1168	Unit #2	overpayment	25.00	
							<u>5,228.01</u>	

Resolution 10-127

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	
			Dennis						
10	44	304-0	Cunha	196	Hawthorne Dr	water co issue	2,095.00	175.00	\$1,920.00
			Charlotte						
10	45	1169-0	Barcas	35	Chestnut St	water co issue	806.80	447.76	\$ 359.04
									<hr/>
									\$2,279.04

Consent Agenda moved by Councilman Toal, seconded by Councilwoman Albanese

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

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 Barr opened the public portion of the meeting

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

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

COUNCIL AND PROFESSIONAL COMMENTS:

Councilwoman Albanese:

1. Congratulated C.E.R.T. Trainees
2. Encouraged residents to visit the Dr. Robinson Plantation
3. Thanked Ralph Bernardo and UNICO, all the members, all the volunteers of the community who worked at the feast.

Councilman Kazanowski:

1. Congratulated C.E.R.T. Trainees
2. Congratulated Ralph Bernardo and UNICO

Councilman Mazzearella:

1. Traffic: Asked residents to be mindful of your surroundings while they are driving and please slow down for the safety of the children
2. Encouraged residents to recycle

Councilman Toal:

1. Reservoir clean-up: Thanked Joe Seebode, Kevin Koch, Martha Kamichoff, Tony Pedro, Judy Broom, the Mulligan Family, that's Ellen, Kyle and Kevin
2. Commented on pancreatic cancer awareness
3. Congratulated C.E.R.T. trainees.
4. UNICO great job
5. Election Day
6. Traffic safety – slow down

Council President Barr:

1. Congratulated everybody who has been congratulated already
2. Commented on pancreatic cancer awareness

PROFESSIONAL COMMENTS:

Mayor Bonaccorso:

1. Election Day comments – be an educated voter – polls open 6:00 am to 8:00 pm
2. Cut in State Aid, 2% cap and Best Practices Checklist – Charts explained by John Laezza, Business Administrator

John Laezza:

1. Explained the Best Practices Questionnaire (88 questions) State Aid is determined by the number of questions the Township can answer “yes.” Clark can and did answer yes to all 88 questions.
2. Explained the process by which the Township budget is developed
3. Chart comparing 2006 through 2010 – explained money saving measures, expenses, revenue, tax rate, services, etc. (the full transcript is available in the Clerk's office)

Council and the Mayor have been prudent and conservative and we are kind of proud of that, thank you very much.

Mayor Bonaccorso:

Wrap-up:

1. Cut in State Aid - no increase next year
2. No raises for Township employees

3. We have not laid off one person in this community nor do we plan too
4. Governor is working to get the Toolkit passed to help the hard 2% property tax cap
5. We've increased the bulky services
6. I commend John for his hard work with the township finances as you have heard us all over ten years continued to sing his praises for his expertise he gives us each and every Budget season.

John Laezza: All this information will be on our website within the next week or so. There will be Budgets that we've adopted for the last three years and details that I explained tonight and so that if any citizen has any questions I will be happy to answer them at any given time, thank you very much.

Councilman Toal:

Clark residents who have passed away:

Mr. Henry Buczynski father of John Buczynski, Public Works and Police Officer Bill Buczynski.

Michael Di Cosmo of Di Cosmo Deli

Mr. Paul Grurich Sr.,

Bill Clancy Jr., son of former Township Clerk Kay Clancy

Attorney Triarsi: No report

Richard O'Connor: No report

Police Chief Connell: No report

Fire Chief Beach:

It's Fire Prevention month - change the batteries in smoke detectors and alarms

Township Clerk:

Vote by Mail applications are available in the Clerk's office

ADJOURNMENT:

Motion to adjourn was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Barr directed roll call:

Aye: Albanese, Kazanowski, Mazzarella, Toal, Barr

