

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
February 1, 2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzaella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Union County Local Source, Star Ledger and TAP into Clark, by posting such Meeting Agenda 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.

RESOLUTIONS:

Resolution 16-32

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 2015 Appropriation Reserves according to the following schedule.

Clark Township
Appropriation Reserve Transfer

		<u>To</u>	<u>From</u>
5-01-20-130-100	Finance - Salaries and Wages	-	28,000.00
5-01-25-266-100	Fire - Salaries and Wages	50,000.00	-
5-01-27-331-100	Senior Citizens - Salaries and Wages	-	22,000.00
		<u>50,000.00</u>	<u>50,000.00</u>

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-33

WHEREAS George Sangiuliano of the Sangiuliano Group, LLC has requested partial release of the Performance Guarantee originally posted for the Stone Hill Village - Townhouses in the amount of One Million, One Hundred Twelve Thousand, One Hundred Seventy-Nine Dollars and Fourteen Cents (\$1,112,179.14) to guarantee site work at 960 – 982 Lake Avenue; and

WHEREAS the Township Engineer has performed an inspection of all work completed to date and based upon the work completed recommends that the Township reduce the required Performance Bond amount to Four Hundred Thirty-Three Thousand, Eight Hundred Fifty-Three Dollars and Five Cents (\$433,853.05) which is sufficient to guarantee full performance and installation of all requisite improvements.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize a partial release of the Performance Guarantee in the abovementioned amount to guarantee the complete installation and construction of all improvements, said remaining Performance Guarantee to be released only upon final completion and approval by the Township Engineer together with posting of the requisite Maintenance Guarantee.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-34

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby affirms the hiring of Ray Colandrea as temporary/part-time Fire Inspector to replace Giovanni Principato, from February 1, 2016 to March 31, 2016.

Moved by Councilman Barr, seconded by Councilman Mazzarella

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I will wait to the next meeting.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Smith: No comments.

Councilman Toal: No comments.

Council President Hund: No comments.

John Laezza: No comments.

Township Clerk: No thank you.

Police Chief Matos: No comments.

Council President Hund: And I'll hold my comments as well.

ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED

A handwritten signature in black ink, appearing to read 'S M HUND', written over a horizontal line.

STEVEN M. HUND
Council President

ATTEST:

A handwritten signature in blue ink, appearing to read 'Edith L. Merkel', written over a horizontal line.

EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
March 7, 2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Union County Local Source, Star Ledger and TAP into Clark by posting such Meeting Agenda 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.

INTRODUCTION OF PROPOSED ORDINANCE:

Supplemental Debt Statement for the Bond Ordinance has been properly filed with the New Jersey Division of Local Government Services by the Chief Financial Officer

BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF SANITARY SEWER LINES AT VARIOUS LOCATIONS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE MONEYS FROM SEWER CAPITAL OUTLAY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake

the replacement of sanitary sewer lines at Colonial Drive and Lexington Boulevard (and other locations to be determined) in order to minimize infiltration and inflow into the sanitary sewer system in, by and for the Sewer Utility of the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$800,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and Sewer Capital Outlay moneys appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$800,000, and (4) \$94,616 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) \$35,384 of said sum is to be provided by Sewer Capital Outlay moneys hereinafter appropriated to finance

said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$670,000, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$94,616 in the Township's Reserve for Sewer Flow Rights is now available to serve as the down payment on said purpose. The sum of \$94,616 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. The sum of \$35,384 is hereby appropriated from Sewer Capital Outlay to the payment of the cost of said purpose.

Section 6. It is hereby determined and stated that the Sewer Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2015, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to

finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Sewer Utility.

Section 7. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$670,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$670,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of

said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$670,000, but said \$670,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 13. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the

maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman Mazzearella, seconded by Councilman O'Connor

Discussion:

John Laezza: This Ordinance is basically predetermined from our street paving ordinance; we are taking it out of the sewer funds. It's before we do the repairs of Lexington Blvd and Colonia Drive and Alice Lane. There are specific sanitary sewer problems that we want to fix first before we rip up the road. So this is the beginning of our capital infrastructure program. And it also

accommodates the Rahway Valley Sewerage Authority that has an inconsistent formula for over excess use flow. By those three little words to minimize infiltration and inflow.

Councilman Mazzarella: Just to continue on what John said. At the Sewer Authority John was there and very eloquently he made a case to support how much we're doing to eliminate I and I. This year we have a penalty of seventy thousand dollars. What I'm going to be arguing with is if that penalty could be minimized or eliminated through the years because this one year it's only seventy thousand dollars. We're encumbering eight hundred thousand dollars. So if you interrupt like that out, that could be conceivably what I'm going to argue is eleven years down the road if it's seventy thousand each year, because our excess flows we have a stay on that requirement to produce an ordinance. So we'll see what happens at the Sewerage Authority. John and I spoke and we don't think it's going to go anywhere but I want to go on record of what we're doing, how much we're investing and we are investing far more than any other community.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Public Hearing March 21, 2016

RESOLUTIONS:

Attorney Triarsi: I'm going to ask to hold #2 (an amendment to the Hyatt Hills Operating Agreement with RACER Trust). We must resolve procedural issues related to the Hyatt Hills ordinance which will be completed before we act on this. I'm going to have a revised ordinance for you to introduce this month. I don't have it tonight but I will have it in the Clerk's hand by the end of the week so you'll get to see it. It revises the formation of the Hyatt Hills. And once that is adopted then it will be appropriate for you to entertain a resolution. So let's wait for that. So we are just going to mark this "not moved" Edie.

Resolution 16-39

BE IT RESOLVED by the Governing Body of the Township of Clark that John Laezza is hereby appointed as Acting Township Clerk in the absence of Township Clerk Edith Merkel as the need may arise from time to time until December 31, 2016.

Moved and seconded by Entire Council

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-40

WHEREAS the Polish American Sports Association (the Association), a Non-profit NJ Corporation, has requested permission to hold the Polonia 5K Run on Sunday, April 24, 2016 beginning at the Polish Cultural Foundation, 177 Broadway continuing on Lincoln Blvd., Lupine Way, Ascot Way, Liberty Street and Prospect Street; and

WHEREAS the goal of the event is to develop and grow the street race in order to raise funds to become a sponsor of the US Olympic Committee; and

WHEREAS the Traffic Bureau of the Police Department has established the requirements necessary to ensure the safety and well-being of the residents along the route as well as the runners participating in the event; and

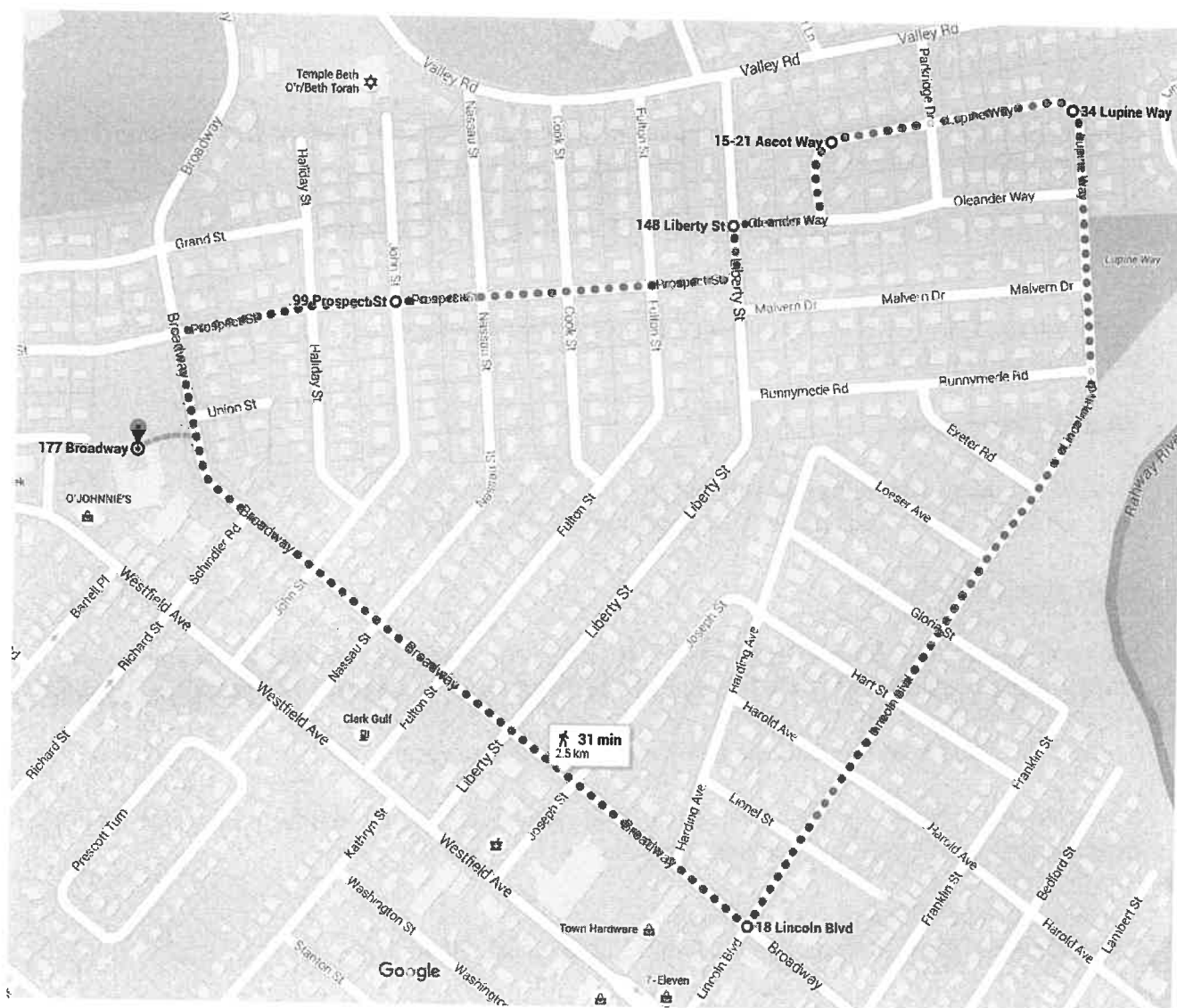
WHEREAS the Association has agreed to the Township's terms and conditions including financial responsibility for the police officers assigned to the event.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby approves the Polonia 5K Run to be held on April 24, 2016; and

BE IT FURTHER RESOLVED that a copy of this resolution will be provided to the Association President to serve as the permit to hold the event.

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:



John Laezza: This is basically the Polish American Sports Association is raising money for the Polish Olympians. They want to close our streets but they are putting out sufficient money for the protection of our citizens and the protection of the runners by paying our cops and blockades, so it will be well secured.

Police Chief Matos: I've seen the route. It's going to start up by the Polish Cultural and it won't go down Broadway, it will go right to the side streets. It will go out to like up Lupine through the side streets up Lincoln, back to Broadway and then they will go all the way back to the Polish Cultural. So the only main road that will really be affected is Broadway.

Council President Hund: Do they have any idea how long it's going to last?

Police Chief Matos: Well it's a 5k run.

Councilman Barr: It's up to the runners.

Councilwoman Albanese: It's like 3.3 miles.

Police Chief Matos: We're anticipating people being out in the road you know preparing for it and then getting off the road, so like all together like 2 ½ hours.

Councilman O'Connor: Is there going to be information given out to the homeowners so they can move their cars.

John Laezza: That's why we're putting this up now because they are going to do a lot of advertising and notifications.

No further discussion

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait till later.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment

John Laezza: No comment.

Attorney Triarsi: No report.

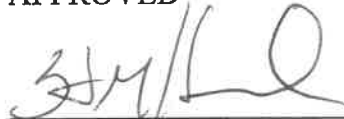
ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
April 4 ,2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Union County Local Source, Star Ledger and TAP into Clark by posting such Meeting Agenda 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 16-05

**AN ORDINANCE TO AMEND SECTIONS 16-23 AND 16-25 OF THE CODE OF THE
TOWNSHIP OF CLARK ENTITLED "COMPOSITION; TERMS OF OFFICE,
REMOVAL; VACANCIES"**

Council President Hund opened the Public Hearing on Ordinance 16-05

John Laezza: Just for everyone's information it's a reconfiguration of the Hyatt Hills Commission from seven commissioners to two commissioners. The Mayor of each town will be the Commissioners of Hyatt Hills.

Jerry Fogle, 9 Pine St.: What does that actual do? Are you going to sell Hyatt Hills, is that what you are saying?

John Laezza: No it means that basically the seven commissioners that were running it before; the Mayors of each town will be acting as the commissioners and not have seven commissioners, that's all, it's under private (management).

Mayor Bonaccorso: Jerry what had happened was when the golf course was formed, seven commissioners four from here and three from Cranford had a commission to run it for the GM company. Since they went bankrupt RACER Trust came in as their court appointed bankruptcy trustees and they wanted to run it themselves. And they brought a pro in to run it and we said fine. So in order to help them keep O'Brien's opened up there we then were able to form a two-man commission because of the liquor license as a concessionaire's license. So this way they were able to comply with the state law but they wanted to run the overall golf course themselves.

Jerry Fogle: So the state has a golf course.

Mayor Bonaccorso: Well that's what I'm fighting for right now, we hope so.

Jerry Fogle: That's what I'm wondering.

Mayor Bonaccorso: We were approach, John and I, by a developer that wanted to come in and basically develop every square inch of the property and the meeting only lasted seven minutes when I threw him out of my office. I then went to the Union County Freeholders and asked them to purchase the property to keep it as a golf course as part of the park lands and they are very anxious to do that. RACER Trust has come back, they have a tax appeal with the township and they said that they would deal once the tax appeal is settled. I wrote a letter to them asking them to please reconsider that and deal with the county. My next step will be going to the bankruptcy Judge and see if he could lay some heat on them to try to get them to do it. Because they want to sell the place in its entirety and destroy our town. So we are not going to allow that to happen.

Jerry Fogle: Right, so we are trying to keep that as a golf course. (Mayor Bonaccorso: right) Okay.

Mayor Bonaccorso: But this doesn't really have anything to do with that. (Jerry Fogle: okay) That's a sidebar.

Seeing no one else coming forward Councilman Mazzarella made a motion to close the Public Hearing, seconded by Councilman Smith

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

A motion to adopt Ordinance made by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-52

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize Mayor Sal Bonaccorso, Commissioner of the Hyatt Hills Golf Commission to execute an amendment to the Operating Agreement with RACER Properties LLC.

Moved and seconded by the Entire Council

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

Delia Collins, 72 Georgia St.: I tried to read about RACER on the internet and it's very confusing and very time consuming. But what does it mean that you are going to execute an amendment to the Hyatt Hills Operating Agreement.

John Laezza: Basically there's an agreement between the Hyatt Hills Commission and the Bankruptcy organization that the people that are running the club now can continue to run the club. They have an outside professional golf course and we are just giving them the authority to run that. They had an authority for one year and that expired yesterday this renews that today.

Delia Collins: Okay.

Mayor Bonaccorso: Because originally it was between GM and the two towns. So now it's between this company and the towns are kind of removed.

Delia Collins: I just wanted to know because I tried to read it: Okay, thanks.

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Smith: No comments.

Councilman Toal: No comments.

Council President Hund: No comments.

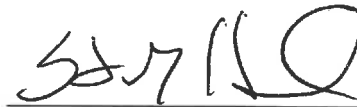
ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
May 2 ,2016**

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Hund
Absent: Toal

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator / Acting Clerk; Joseph Triarsi, Township Attorney.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Union County Local Source, Star Ledger and TAP into Clark by posting such Meeting Agenda 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 16-06

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President Hund opened the Public Hearing on Ordinance 16-06

Seeing no one coming forward Councilman O'Connor made a motion to close the public hearing, seconded by Councilman Mazzarella

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Hund

A motion to adopt Ordinance was made by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: This basically is a two million dollar road construction ordinance, the majority of which is in excess of a million dollars is for the Downtown Village Streetscape lighting which we will discuss later on. And the balance is to pay down the paving of the 2016 Capital Road Improvement Program.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Hund

RESOLUTIONS:

Council as ABC Board

John Laezza: We received a call from the attorney at 3:35 this afternoon asking that agreement be removed from the agenda for consideration.

Attorney Triarsi: What are you going to do, you are not moving it?

John Laezza: No we are taking it off the table.

Attorney Triarsi: No it's not on the table. You either are going to table it or you are going to mark it not moved, I don't really care.

John Laezza: Not moved.

Attorney Triarsi: Okay so it has to be re-introduced John.

John Laezza: Yes.

No motion to adopt – Resolution not moved.

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 Hund opened the public portion of the meeting

Seeing no one coming forward Councilman Smith, seconded by Councilwoman Albanese

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzearella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Council President Hund: No comment.

ADJOURNMENT:

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

Council President Hund directed roll call:

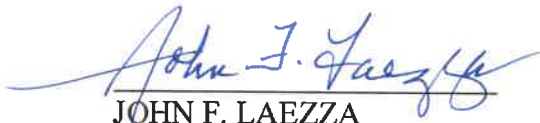
Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Hund

APPROVED

A handwritten signature in blue ink, appearing to read "SH/LQ", is written over a horizontal line.

STEVEN M. HUND
Council President

ATTEST:

A handwritten signature in blue ink, appearing to read "John F. Laezza", is written over a horizontal line.

JOHN F. LAEZZA
Acting Township Clerk

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
June 6, 2016**

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzairella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:00 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Union County Local Source, Star Ledger and TAP into Clark by posting such Meeting Agenda 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.

Township Clerk: Just for the record this is a special meeting to take care of some business. The next meeting will follow right after and that's where the discussion will happen in the second meeting. This meeting is just brief for a couple of votes.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 16-07

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2016 CAPITAL ROAD IMPROVEMENT PROGRAM (PHASE II) IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,470,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President Hund opened the Public Hearing on Ordinance 16-07

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

A motion to adopt Ordinance made by Councilman Mazzearella, seconded by Councilman Barr

Discussion: None

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

Ordinance adopted

RESOLUTIONS:

Resolution 16-73

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF LINDEN FOR THE RESURFACING OF WESTOVER ROAD

WHEREAS Westover Road is situated on the border of the Township of Clark and the City of Linden and is in need of resurfacing and other necessary improvements; and

WHEREAS the Township of Clark and the City of Linden have agreed to share the costs associated with said resurfacing and improvements; and

WHEREAS the Chief Financial Officer or his designee has certified as to the availability of funds for this purpose to be charged to Bond Ordinance 16-07; and

WHEREAS the City of Linden will act as the lead agency with respect to the bidding and award of a contract for the above purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the Township hereby agrees to reimburse the City of Linden for the actual unit cost of construction for Clark's portion of the resurfacing and improvements not to exceed \$50,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute said agreement with the City of Linden to effectuate the foregoing.

Moved by Councilman Mazzearella, seconded by Councilwoman Albanese

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

Seeing no one coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Smith

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments at this time Mr. President thank you.

Councilwoman Albanese: No comments for this meeting.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comments for this meeting thank you.

Councilman Smith: I'll wait for the next meeting.

Councilman Toal: No comment.

Township Clerk: No comments thank you.

John Laezza: No comment.

Council President Hund: And I'll hold my comments for the next meeting.

ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED

A handwritten signature in black ink, appearing to read "SH/LLQ", written over a horizontal line.

STEVEN M. HUND
Council President

ATTEST:

A handwritten signature in blue ink, appearing to read "Edith L. Merkel", written over a horizontal line.

EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 6 ,2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzaella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; Howard Lesnik, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 16-100

WHEREAS the Governing Body of the Township of Clark has advertised for bids on August 4, 2016 for the Lexington Boulevard Sanitary Sewer Improvements; and

WHEREAS three (3) bid proposals were received on August 24, 2016 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Underground Utilities Corp. of Linden, NJ with a bid in the amount of \$281,034.00, Montana Construction, Inc. of Lodi, NJ with a bid in the amount of \$282,995.58 and Black Rock Enterprises, LLC of Old Bridge, NJ with a bid in the amount of \$426,316.80; and

WHEREAS Underground Utilities Corp., 711 Commerce Road, Linden, NJ 07036 submitted the lowest responsible bid in the amount of \$281,034.00 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 16-04 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Underground Utilities Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Underground Utilities Corp. in the amount of \$281,034.00; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-101

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individuals are hereby appointed as Members of the Clark Volunteer Fire Department effective this 6th day of September, 2016.

Rocco Pardo
37 Lincoln Blvd
Clark, NJ 07066

Daniel Henderson
817 Midway Drive
Rahway, NJ 07065

Moved by Councilman Barr, seconded by Councilman O'Connor

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-102

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholder of the County of Union, on Friday, September 16, 2016, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

WHEREAS Friday, September 16, 2016 has been declared "POW/MIA Remembrance Day" in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

WHEREAS in honor of this special day, a ceremony will be held in front of the Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, beginning at 11:15 a.m. All residents of Union County are urged to make a special effort to give thanks and remember the sacrifices made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 16, 2016 be declared **“POW/MIA REMEMBRANCE DAY”** in the Township of Clark, County of Union, New Jersey; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution, suitably prepared, be forwarded to the Union County Board of Chosen Freeholders, the Clark American Legion and John L. Ruddy Post #7363 VFW.

Moved and seconded by Entire Council

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment.

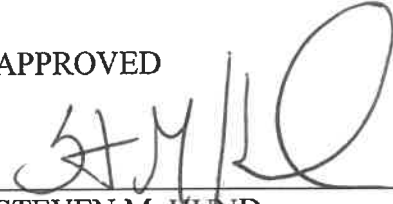
ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED

A handwritten signature in black ink, appearing to read 'SMH', written over a horizontal line.

STEVEN M. HUND
Council President

ATTEST:

A handwritten signature in blue ink, appearing to read 'Edith L. Merkel', written over a horizontal line.

EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
October 3, 2016

ROLL CALL:

Present: Council Members Albanese, Mazzarella, O'Connor, Smith, Toal, Hund
Absent: Barr

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO SUPPLEMENT CHAPTER 3, ARTICLE VIII, SECTION 3-26C
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"DEPARTMENT OF ASSESSMENTS"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 3, Article VIII, Section 3-26C is hereby supplemented in the following particulars:

- SECTION 1:** Section 3-26 C (4) Notify the Chief Financial Officer and the Governing Body of all tax appeals upon filing but no later than June 1st of each year.
- SECTION 2:** **Inconsistent Ordinances:** Any ordinances of the Township of Clark are 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 final adoption and publication, according to law.

Motion to introduce made by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: Council President, Members of Council basically what we have to put in our ordinance is the practice that we've been doing continually but we don't have it in a specific document. We've been doing it procedurally so this is an item where the Assessor has to notify the Chief Financial Officer and the Governing Body of all tax appeals by June 1st of the subsequent year. That's about the only sentence we are putting in this ordinance.

Council President Hund directed roll call:

Aye: Albanese, Mazzarella, O'Connor, Smith, Toal, Hund

Public Hearing is on October 17, 2016

DISCUSSION:

CY 2016 Best Practice Inventory

Prepared and certified by John Laezza, Chief Administrative Officer and Terance O'Neill, Chief Financial Officer – This discussion is held for the Governing Body's acknowledgement in compliance with the guidelines set forth by the New Jersey Division of Local Government Services in Local Finance Notice 2016-13 dated September 19, 2016. The discussion will be incorporated into the minutes of this meeting.

John Laezza: The State of New Jersey always comes up with this Best Practice Questionnaire near the end of the fiscal year because they have nothing to do in Trenton. And they try to change questions. It used to be fifty questions then they dropped down to thirty questions. It's now down to thirty questions and you have to answer yes, no or not applicable. And you go through it after you answer a number sufficient questions yes or not applicable, you apply that against the thirty and if you get over 80% it means you are a good town. We've answered all the questions and we are a good town. Some of the questions that they put in this questionnaire that you've gone through because each of you are then involved with it have nothing to do with the financial operations of a municipality or how it works, some of them do but it works on various things that we get personnel matters, administrative matters and general operation of government. And looking at each of them looking at our records and what we have we qualify as having provided best practices of the conditions of the township. You got my responses for your review and we can discuss it or you can accept as I have and I can set it forth and then we can just send it back to Trenton. Once you send it to Trenton you can't have a do over.

Mayor Bonaccorso: That was pretty self-explanatory.

Councilman O'Connor: Yes, very good.

Councilman Mazzarella: And we went through the same thing last year.

John Laezza: Every four years.

Mayor Bonaccorso: Since the Best Practices came into New Jersey has saved so much tax dollars, we don't need a 23 cents a gallon gas tax (joke). They just took all the money from the towns that were not practicing and were learned properly to ship them into the Transportation Trust Fund.

John Laezza: Well it's funny about the whole program though. They give themselves an out, if some government just doesn't have the right (tape inaudible) to look at the conditions of the government. So if you are incompetent you get away with it.

Mayor Bonaccorso: I would love to read their Best Practices.

Councilwoman Albanese: I would just like to thank John and Terry O'Neill for reacting so quickly in getting everything done timely.

Councilman Mazzarella: Are we going to act on this at the next meeting.

John Laezza: Doing it tonight. There's no vote, it's just that we discuss it.

Attorney Triarsi: This is just for your information.

Councilman Mazzarella: Oh okay.

Councilwoman Albanese: So John and Terry signed it that they review it certifying to the answers.

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 Hund opened the public portion of the meeting.

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

Council President Hund directed roll call:

Aye: Albanese, Mazzarella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment.

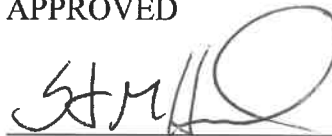
ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Mazzarella, O'Connor, Smith, Toal, Hund.

APPROVED

A handwritten signature in black ink, appearing to read 'SH', is written over a horizontal line.

STEVEN M. HUND

Council President

ATTEST:

A handwritten signature in blue ink, appearing to read 'Edith L. Merkel', is written over a horizontal line.

EDITH L. MERKEL, RMC

Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
October 10 ,2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 6:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 16-114

WHEREAS the Governing Body of the Township of Clark has advertised for bids on September 22, 2016 for the 2016 Capital Road Improvement Program: Prescott Turn and Ridge Road; and

WHEREAS eight (8) bid proposals were received on October 5, 2016 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were P & A Construction, Inc. of Colonia, NJ with a bid in the amount of \$246,949.76, S. Brothers of Manalapan, NJ with a bid in the amount of \$247,416.06 and Cifelli & Son of Nutley, NJ with a bid in the amount of \$262,383.00; and

WHEREAS P & A Construction, Inc. PO Box 28, Colonia, NJ 07067 submitted the lowest responsible bid in the amount of \$246,949.76 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 16-06 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to P & A Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to P & A Construction, Inc. in the amount of \$246,949.76; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

Moved by Councilman Toal, seconded by Councilman Smith

Discussion:

Councilman Toal: I just want to say I appreciate the Mayor's assistance and to Mr. Laezza for finding the funds and getting this on this year at this special meeting and to the council members for coming out tonight.

Councilman Smith: Is all of Ridge Road getting done?

John Laezza: No, it's not Ridge Road per say, it's saying Ridge Road but it's outlets on Ridge Road. Ridge Road has been done but when Ridge Road was done there are two houses on the bottom of the hill that the water runs through, so we are putting new outlets going down to keep the water away because there's no way you can stop it.

Just to give you an idea; this is going to be new curbs and no paving (Ridge Road). We had a preconstruction meeting this Wednesday and we hope they start the job by late October or by November 1st at the latest. We hope to get the job completed by November 30th weather permitting.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

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 opened the public portion of the meeting

Seeing no one in the audience Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilwoman Albanese

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: The only thing that I want to mention is that this weekend is the Four Centuries in a Weekend. If you are incline to go over to the Dr. Robinson House, just to stop by just to say hello. That's all I have.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: Actually yes, Mr. Mayor just following up on the comments you made last meeting about the left turn lane into Woodcrest. A resident called and spoke to me about the configuration of the new intersection.

Mayor Bonaccorso: The intersection was constructed in the most cost effective way to accommodate a better flow of traffic. A third lane would have cost approximately two hundred fifty thousand to acquire additional land from Kerry.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment.

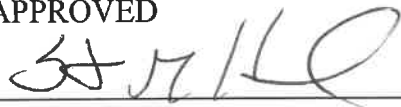
ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED


STEVEN M. HUND
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

PRIVATE COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.

October 3, 2016

Motion to go into private session was made at 7:54 pm by Councilman O'Connor, Seconded by Councilwoman Mazzarella

EXECUTIVE RESOLUTION

WHEREAS Section three (3) of the Open Public Meetings Act, Chapter 231, P. L. 1975 permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS this public body is of the opinion that circumstances presently exist; and

WHEREAS the Mayor and Council wish to discuss:

Pending COAH Litigation and Personnel Matters

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from the meeting at 7:54 pm and invited back to resume the regular order of business at 8:15 pm; and

BE IT FURTHER RESOLVED that the subject matter of this meeting will be released when the reasons for discussion and action on it in closed session no longer exists.

ROLL CALL:

Present: Council Members Albanese, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk

Discussion:

Pending COAH Litigation – Status of the case, discussion on potential zoning remedy to be presented to the Special Master

ADJOURNMENT:

Motion to adjourn private meeting and resume the regular order of business made at 8:15 pm by Councilman Smith, seconded by Councilman O'Connor

Council President Hund directed roll call:

Ayes: Albanese, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

**PRIVATE COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
October 17, 2016**

Motion to go into private session was made at 8:43 pm by Councilman Smith, Seconded by Councilwoman Albanese

EXECUTIVE RESOLUTION

WHEREAS Section three (3) of the Open Public Meetings Act, Chapter 231, P. L. 1975 permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS this public body is of the opinion that circumstances presently exist; and

WHEREAS the Mayor and Council wish to discuss Pending Litigation.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from the meeting at 8:43 pm and invited back to resume the regular order of business at 9:07 pm; and

BE IT FURTHER RESOLVED that the subject matter of this meeting will be released when the reasons for discussion and action on it in closed session no longer exists.

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk

Discussion:

Joseph Triarsi, Township Attorney presented a detailed explanation of the COAH Settlement reached with the court. He will prepare a resolution authorizing the Mayor to execute the settlement, for adoption at the November 9, 2016 meeting.

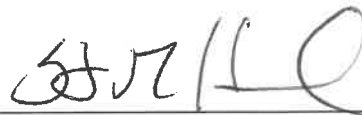
ADJOURNMENT:

Motion to adjourn private meeting and resume the regular order of business made at 9:07 pm by Councilman O'Connor, seconded by Councilman Toal

Council President Hund directed roll call:

Ayes: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
November 9, 2016**

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, Smith, Toal, Hund
Absent: O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney, Howard Lesnik also in attendance; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCE:

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 84
ENTITLED ANIMALS, CHAPTER 170 ENTITLED FOOD ESTABLISHMENTS
AND CHAPTER 248 ENTITLED PEDDLING AND SOLICITING OF
THE CODE OF THE TOWNSHIP OF CLARK**

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following Chapters and Sections of the Code are amended as follows:

SECTION 1. **Chapter 84, Animals**

Section 84-2E "Fees" is amended as follows:

Sub-Section E(1) is revised to read as indicated: "The person applying for a license shall pay the fee in Sub-Section E(3) below which include in addition to the state fees and a fee of \$1.00 for an annual or replacement dog tag for each dog. The same fees shall be charged for annual renewal of each license.

Sub-Section E(2) is deleted in its entirety

Sub-Section E(3) Schedule of license fees for cats and dogs is amended to both **delete** the existing schedule and **replace** it as follows:

Neutered/Spayed Dog	\$22.20
Non-Neutered/Spayed Dog	\$25.20
Neutered/Spayed Cat	\$18.00
Non-Neutered/Spayed Cat	\$20.00

SECTION 2: **Chapter 170, Food Establishments**

Section 170-4D is amended by changing “\$100.00” to “\$275.00”

Section 170-5C is deleted in its entirety.

Section 170-7C(1) “Fees” is amended by changing “\$25.00” to “\$275.00”

SECTION 3: **Chapter 248, Peddling and Soliciting**

248-1 “Definitions” is amended as follows:

Transient Merchant - The second sentence is revised to remove the reference to food vendor, as indicated: “Transient Merchant” also includes ~~a mobile food vendor, as defined in Chapter 170, Article I,~~ and any person who, as a private enterprise, schedules, organizes or promotes any entertainment, concerts, athletic events, contests or competitions or beauty pageants to be held on a non-regular basis and which require the payment of a fee for entry or admission, wherein such event is to take place within the confines of the Township; provided, however, that no such person shall be classified as a transient merchant if he/she is sponsored by an bona fide civic, fraternal, educational or religious organization having a local chapter in the Township.

Section 248-3 “Fees” is amended to eliminate the lettered sections and replace them as follows:

Each applicant under this article shall pay a fee of \$275.00 for such annual license, which shall not be prorated.

Section 248-3B. is deleted in its entirety

Peddlers and solicitors at public events sponsored by the Township of Clark shall pay a fee in the amount of \$275.00 per vendor, booth, stand or motor vehicle.

SECTION 4:

Inconsistent Ordinances:

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

SECTION 5:

Effective Date:

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

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Basically we're increasing the fee for a dog license to \$22.20 for spayed dogs, non-spayed \$25.20, spayed cat \$18.00, non-spayed \$20.00. That's basically the section of the animal section. Basically it's been a convoluted ordinance throughout with naming who's a food merchant, who's a merchant, who's a peddler, and who's a transient peddler. We had a variety of fees and such and we decided to make all the fees \$275.00. That's basically what that ordinance says.

Councilwoman Albanese: My question on that; so that is for the entire event? It doesn't matter if it's for a week, a day or two days or whatever?

John Laezza: Correct. If they are a restaurant in town that paid the \$275.00 fee when they come to our event, they don't have to pay anything other than what the event warrants but they don't have to get another license fee from us.

Councilman Smith: If you come to one event and you pay \$275.00 and then you do another event six months later do you have to do \$275.00 again?

John Laezza: \$275.00 is for the event if they are outsiders. If they are regular restaurants in town they just pay...we watch them all year so we know what they do.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

RESOLUTIONS:

Resolution 16-124

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Mayor and Clerk of the Township of Clark to execute the attached Settlement Agreement in order to fully implement and conclude the settlement of the COAH litigation

between the Fair Share Housing Corporation and the Township of Clark presently pending in the Superior Court of New Jersey Law Division Union County Docket No. UNN-L-2441-15.

Moved by Councilman Smith, seconded by Councilman Mazzearella

Discussion:

Attorney Triarsi: Mr. President, this resolution is at my request. The town has been involved in a litigation that was initiated by the Supreme Court and the Fair Share Housing agency in order to provide affordable housing in the Township of Clark. I might add that every county, every state, every city and every county in the state is similarly situated. When the Fair Share agency broke up, nothing was done to complete the requirements for the second, for the third and fourth rounds. So the Supreme Court took it upon itself to act in the place of the Council on Affordable Housing. And they designated it and I implicated at the last meeting so the judges and every (tape inaudible due to coughing) to oversee these litigations. And these litigations are all over, they are all over in every county in the state. This is a settlement between the Township of Clark and the Supreme Court and Fair Share Housing. It calls for basically the construction of 170 units over the next twenty years in various sites. That doesn't mean they will be built but that's what your share was. We received a number of different credits for work that had already been done, housing that already had been constructed. And we received an adjustment that we negotiated with Fair Share of thirty or forty units which they wanted and which they agreed to give up if we were willing to settle it. So it's good settlement, it requires the Mayor and Clerk's execution of the agreement which is attached to your packet and I ask that it be adopted this evening.

I'll take it to the next step; the next step will be the Master Plan Review which is going to be conducted after the first of the year to determine the locations of these properties we'll be building. That's all I have.

Councilman Mazzearella: By approving this, this protects the township (Attorney Triarsi: absolutely) with the developer coming in to do a developer's remedy and have cart blanche in the township to do whatever they want.

Attorney Triarsi: You picked up on that Frank. Right now we have an immunity from the developer's litigation because we are involved in this lawsuit and we're negotiating any resolution of the dispute. Once we put this in effect and an order is entered, we will be forever immune from a lawsuit. The Mayor was principally concerned about an action that might have been brought in connection with the Golf Course properties. This will immunize the town from any such action. We need to do this now to protect the town and the future of the township. Thank you Frank.

Councilman Smith: When is the trial date?

Attorney Triarsi: The 21st.

Councilman Mazzarella: And for the record, it's to protect the township.

Attorney Triarsi: Yes, no question about it.

Councilwoman Albanese: There are numerous actions that have to be taken in the 180 days. Can you just review that with us Joe?

Attorney Triarsi: Well what's going to happen is ordinances have to be prepared, the ordinances have to be submitted to the Planning Board, the Planning Board has to review them and make a recommendation to council and then council has to adopt the ordinances all within this time frame (six months). Alternatively, we could have taken each of the properties and handled them as if they zoned one at a time but we didn't think that was a good idea. We're ready for a six-year Master Plan Review anyway. So we'll just move this in with the Master Plan Review and let it run its course.

No further discussion

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Resolution 16-125

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the settlement of the Racer Properties, LLC tax appeals with respect to the years 2010 through 2017 in accord with the Stipulations of Settlements attached hereto; and

BE IT FURTHER RESOLVED that the Director of Law together with his Assistant Counsel and the Tax Assessor of the Township of Clark are hereby authorized to execute the same on behalf of the Township of Clark.

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

Attorney Triarsi: Under prior administration GM made a deal with Racer Properties with respect to the Golf Course. And I will say this is prior to this present administration and I don't mean the 2016 administration, I mean before Mayor Bonaccorso's administration. Anyway a deal was made verbally to leave the assessments in place despite the fact the property was going to be used for golf course purposes and the taxes would be charged as though it were an industrial site and not a site that was producing no revenue. Had we not had that kind of an arrangement with the prior administration, this property would have had to come with all or would have had to

have their assessments reduced. And it worked for eight, nine, ten years there about and GM went into a bankruptcy, bankruptcy counts off all of those agreements, so we found ourselves with a series of tax appeals. And this is the culmination of the tax appeals which changes some of the assessments over a period of time. The BA and my office were involved in it together with the Assessor. We believe we achieved the result that is economic to the town and it's beneficial. And this will allow us to implement that particular settlement and then that litigation you won't be confronted with this in the future. This now assesses the properties for what they should be assessed at.

Mayor Bonaccorso: What had happened and it was very common practice in the prior administration that when somebody wants something badly enough they would turn around and assess the eyeballs out of it. And in many instances going back through the late 90's where Barnes and Noble and Shop Rite being another were itching to come in, they came in with high assessments. They shut up to get their way and within three years they went in for tax appeals, because they needed the money then with all the budget problems and worry about it later. This Hyatt Hills Golf Course is a perfect example, because this should have been assessed as recreation not as an industrial. But GM saved about two hundred and sixty-five million dollars by doing what they did up there using the CAP and making it a recreation site. So they were only too glad to have it assessed higher, stay with it assessed for what Joe just said and paid more in tax dollars because it was a heck of a lot more savings. And that was all finally good until RACER came along and said "hey we're trying to market these properties, you're trying to get rid of them, this is ridiculous." And that's where we got the short end of the stick on this one.

Attorney Triarsi: And that's because of the bankruptcy Sal. The bankruptcy interrupted the arrangement that we had made to GM.

Mayor Bonaccorso: Right, right, if GM would have stood with it, it would have been fine.

Attorney Triarsi: If GM wouldn't have gotten into bankruptcy we would be fine. But still we didn't ever have anything in writing with GM.

Mayor Bonaccorso: No, and it shouldn't have been done that way Joe because it could have been just left as a recreational facility and went from there.

Attorney Triarsi: You are right.

Councilman Smith: I have a few questions for Mr. Triarsi. If you look through each year it says on #5 we are going to pay two hundred and seventy-one thousand, the question is for Mr. Laezza too. So each one you put through it says two seventy-one we are going to refund two seventy-one. I'm under the understanding that that's what we're not paying, we are only paying the credits.

Attorney Triarsi: There are going to be credits, right John?

John Laezza: Not totally. There's going to be credit for 2017. And there's going to be a reimbursement of two seventy-one. Basically this is an eight hundred-thousand-dollar refund over that and we have to pay it by August 1st, 2018.

Councilwoman Albanese: Each docket stands on its own.

Councilman Smith: So we're going to pay them two seventy-one by August 1st...

John Laezza: No by August 1st, 2018 we have to pay everything off.

Councilman Smith: The two seventeen, two seventeen, two seventeen.

John Laezza: No it's not the two seventeen each year. The whole total refund for all these reductions are eight hundred and four thousand.

Councilman Smith: Okay so then why am I confused at this of all these years two seventy-one.

John Laezza: Basically that's the settlement agreement. If you read it, it says two seventy-one by December 31st of this year, 2017 will be a credit against the 2017 taxes and by August 1st, 2018 the total refund will be paid back to us.

Councilman Smith: Now does it say in here what the total refund is because I didn't see that number unless I missed it.

John Laezza: No it doesn't say that.

Attorney Triarsi: They took individually each of these stipulations.

John Laezza: It's telling you it's 804.

Councilman Smith: Thank you for that explanation.

Councilwoman Albanese: Okay the assessed value is going down, right?

John Laezza: Basically it started at an assessed private property value, it was fifteen million and which was an assessed value 4.4 million. And that basically was reduced to a fair value of five million when the assessed value was a million three.

Attorney Triarsi: And the ultimate evaluation that we've settled on was very close to the evaluation that was put on the property by our Assessor.

Councilman Smith: So it's worth one million six, almost one seven.

Attorney Triarsi: Yes.

Councilman Mazzarella: So if we don't approve this, they can mark the property and sell it.

John Laezza: No if we don't approve this, but basically we have approved it. This does not prevent them from selling the property, okay. Right now they want twenty million dollars for the property. If they get a zoning change right now they can't do the stores and apartments if they want. Because we have our COAH plan that you just did. So now the property is worth about five million dollars.

Attorney Triarsi: So what we were doing we were conscious of trying to get this thing resolved at or near a number that was close to what our Assessor could have sustained and that's where we are.

Councilman Mazzarella: We have the money to do this?

John Laezza: Yes, that's why we spread it out.

Councilwoman Albanese: John, how do we pay it?

John Laezza: With a check.

Councilwoman Albanese: All at the due date.

John Laezza: By August 1, 2018.

Councilman Smith: So we're going to give two seventeen now and the balance...

John Laezza: Two seventy-one now and the balance by August 1, 2018.

No further discussion

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Resolution 16-126

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 2016 budget appropriations in accordance with the following schedule of transfers.

**Clark Township
Budget Transfers
November 9, 2016**

		<u>From</u>	<u>To</u>
Municipal Council	Other Expense	-	1,000.00
Assessments	Other Expenses	10,000.00	-
Law	Other Expenses	-	15,000.00
Engineering	Other Expenses	-	15,000.00
Planning Board	Other Expenses	15,000.00	-
Zoning	Other Expenses	5,000.00	-
Code Enforcement	Other Expenses	-	1,000.00
Police	Other Expenses	-	5,000.00
Fire	Salaries & Wages	10,000.00	-
Fire	Other Expenses	-	10,000.00
Fire Hydrants	Other Expenses	8,000.00	-
Recreation	Salaries & Wages		

		-	10,000.00
Recreation	Other Expenses	-	1,000.00
Celebration of Public			
Events	Other Expenses	10,000.00	-
	Total	58,000.00	58,000.00

Moved by Councilwoman Albanese, seconded by Councilman Mazzarella

Discussion:

John Laezza: This is standard budget routine.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Resolution 16-127

BE IT RESOLVED by the Governing Body of the Township of Clark that the Health Officer and Township Clerk are hereby authorized to enter into an agreement between the Township of Clark and the City of Elizabeth, Department of Health and Human Services, Division of Health; Sexually Transmitted Disease (STD) Clinic for the period commencing January 1, 2017 and shall remain valid through December 31, 2017.

Move by Councilman Toal, seconded by Councilman Barr

Discussion:

John Laezza: This is a continuation of our Interlocal Service Agreement with the City of Elizabeth. Fees are the same as they have been for the last few years.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

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

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.
Councilwoman Albanese: No comment.
Councilman Barr: No comment.
Councilman Mazzarella: No comment.
Councilman Smith: No comment.
Councilman Toal: No comment.
Council President Hund: No comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman Smith, seconded by Councilman Barr

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

APPROVED



STEVEN M. HUND
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
December 5, 2016

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Hund. 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 sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 16-12

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 284 OF THE
CODE OF THE TOWNSHIP OF CLARK ENTITLED "SEWER USER FEES"**

Council President Hund opened the Public Hearing on Ordinance 16-12

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

A motion to adopt Ordinance was made by Councilman Barr, seconded by Councilman Smith

Discussion:

Councilman Mazzarella: Yes. Still one of the lowest in the State for the user fees.

John Laezza: Basically for the verification for the public. The sewer budget we're estimating will be in excess of 3.1 million dollars this year. The sewer fees that we collect at the two twenty-five

minimum is about two million five hundred thousand dollars. We'll need two million nine hundred thousand dollars from sewer fees because we have another two hundred and ninety-eight thousand in surplus over the years to balance this budget. So this will be in two million nine hundred and thirty thousand dollars. It's an increase from two twenty-five to two eighty. Basically it's predicated to the 2006 Ordinance for the \$225.00 per unit. Basically it accommodates eighty-three percent of our property owners. Eighty-three percent of our property owners are within the minimum of the two twenty-five. Everybody uses sewers, everybody has to pay a sewer fee for the in-house plumbing in their homes. Down through the years our sanitary sewers are about seventy-five years old. They are starting to leak water and we are paying Rahway Valley Sewerage Authority for the rain water that goes through your grass down to your sewer pipes and those sewer pipes are now being replaced. We've replaced eight hundred thousand dollars' worth of sewer lines on Colonial Drive. We are now in the process of finalizing the sewer lines on Lexington Blvd, so we have expended anywhere from a million to a million two hundred thousand on sanitary sewer line construction this year. Basically we were fined by Rahway Valley Sewerage Authority because our lines were putting in excess water over our capacity. So these are the reasons why the sewer utility budget is going up and the surplus has come down so we need sufficient monies to pay for it. Therefore, we increased it to \$280.00 and we believe this will cover us for a few more years but we'll have to see how it goes.

Councilman Barr: John I have one question. This is the main sewer lines, what about from the houses?

John Laezza: The lateral lines are the responsibility of the homeowners. And basically as the homeowners go they are going to be seeing that their lines will be cracking up and they are going to have to replace their own sewer lines.

Councilman Barr: It's that water seeps in how will they know?

John Laezza: When they get clogged, they get clogged all the time and that's what happens.

Mayor Bonaccorso: You'll have root branches and dirt in there. To satisfy our inflow infiltration in the sewer line, it's bad enough the township owned ones have enough problems, the resident owned ones have as many problems unless you had a previous line put in. When we were overflowing down at the Authority we use to get fined and it happened more, years ago and we had talked about doing a smoke test where you put the smoke down into the sewer system and you can see it come up through people's front lawns and through our right-of-way's. But the problem is that was great like I said to John and Rich at the time, okay, so you tell the people you have a broken sewer line that you need to fix it because the rains are going into your system, into your pipe and into our pipe and we are paying more down at Rahway Valley. So what are you doing when you have the senior citizen who doesn't have the money, what do you do when you have a young couple who just moved in by the skin of their teeth or what do you do when you have the family of five or six that are feeding kids and clothing them and they don't have an extra thirty-five or four thousand dollars to do sewer line, what do you do? I said unless we are ready to strike a bond and pay for it and put it on their tax bill and have them pay us back over time, you can't do it. So that's why we are repairing ours, there will always be inflow and infiltration into the system but we are doing the best we can.

Councilman Barr: One other thing if I may bring this up which I did fairly recently and it's not that expensive. I got insurance for my sewer line and my water line. It's not that expensive but say they check my sewer and it has to be fix, it's taken care of. So I think it may be worth it.

Councilman Mazzarella: To add to what the Mayor had said. Out of the eleven member municipalities that make up the Sewerage Authority we're one of the biggest contributors of flow into the Sewer Authority. But we have contributed or invested more than any other community of the eleven member communities into our infrastructure. And that's a good thing because the end result will be those communities that didn't get...their infrastructure is getting devastated and they are going to have a lot of infiltration points and they are going to have to deal with it later on, we are dealing with it now. And kudos to the Mayor and John to see that and so we act on this and get these things buttoned up.

No further discussion

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

RESOLUTIONS:

Resolution 16-136

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Clark Council of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Clark Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Clark Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Township of Clark, County of Union, State of New Jersey hereby recognizes the following:

1. The Clark Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year July 1, 2017 – June 30, 2018 in the amount of:

DEDR	\$ 13,053
Cash Match	\$ 3,263
In-Kind	\$ 9,790

2. The Clark Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

John Laezza: Well this is the Municipal Alliance Grant that's basically taken care of by Ralph Bernardo. It accommodates their program, it accommodates the teenager program and it accommodates some of the senior citizen programs. The funds we get from the County every year goes down because the money they get is distributed to other communities but we're still getting our share.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-137

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 2016 budget appropriations in accordance with the following schedule of transfers.

**Clark Township
Budget Transfers
December 5, 2016**

		<u>From</u>	<u>To</u>
Engineering	Other Expense	-	10,000.00
Senior Citizens	Salary & Wages	10,000.00	-

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Engineering needs a little bit more money to balance out their year.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazarella, O'Connor, Smith, Toal, Hund

Resolution 16-138

WHEREAS the Administration has requested various appropriations that have balances remaining in the Current Fund Budget Appropriations; and

WHEREAS it is necessary to formally cancel said balances so that the unused authorizations may be credited to Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, and State of New Jersey that the following unexpended and dedicated balances in the Current Fund Budget Appropriations be canceled.

<u>APPROPRIATIONS</u>	<u>AMOUNTS</u>
Clerk – Other Expenses	\$ 5,000.00
Elections – Salaries and Wages	300.00
Elections – Other Expenses	1,000.00
Finance – Salaries and Wages	40,000.00
Police – Salaries and Wages	112,100.00
Police – Other Expenses	73,600.00
911 – Salaries and Wages	50,000.00
Fire – Salaries and Wages	57,000.00
Roads – Salaries and Wages	117,000.00
Buildings and Grounds – Salaries	79,000.00
Buildings and Grounds – Other Expenses	10,000.00
Senior Citizens - Salaries	20,000.00
Utilities	50,000.00
Street Lighting	25,000.00
Gas & Diesel Fuel	50,000.00

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: In looking at our budget we indicated there were certain areas that we could reduce the budget. Unfortunately, we had a number of personnel that were either out on disability this year and disability most of the year with the fire department and the police department so that these were some excess revenues appropriations available about six hundred and ninety thousand and we had the other places where the salaries were mostly set forth by the disability insurance paying those salaries. So it's better to cancel these before the end of the year so it'll transfer into our surplus to accommodate our next year's budget so we can give it back to the people rather than for them to pay for it twice.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-138

A Resolution of the Township of Clark, County of Union, State of New Jersey, supporting Senate Bill S981, sponsored by Senator Bob Smith, District 17, (Middlesex and Somerset), Senator Christopher "Kip" Bateman, District 16 (Hunterdon, Mercer, Middlesex and Somerset), and Assembly Bill A2375, sponsored by Assemblyman John F. McKeon, District 27, (Essex and Morris County), Amending The New Jersey "Electronic Waste Management Act".

WHEREAS, counties and municipalities are burdened with the expense and environmental impact of the existing New Jersey "Electronic Waste Management Act"; and

WHEREAS, manufacturers of Covered Electronic Devices (CED) are not meeting their legal obligation to provide a free and convenient collection opportunity in each county; and

WHEREAS, CED manufacturers are not fully supporting successful government programs by covering the full cost to collect and dispose of CEDs generated by consumers in accordance with the New Jersey "Electronic Waste Management Act"; and

WHEREAS, the lack of support by CED manufacturers, has resulted in negative economic impacts to local government budgets and the elimination of longstanding successful collection programs; and

WHEREAS, existing manufacturer supported private collection opportunities are insufficient and incapable of handling the overwhelming volume of material should government collection processes cease to operate; and

WHEREAS, the elimination of government collection programs has serious potential to cause an increase in illegal dumping activities and the release of environmentally harmful materials contained in CEDs, due to the lack of drop off opportunities provided by CED manufacturers.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Clark, County of Union on this 5th day of December, 2016, calls upon the members of the Senate, General Assembly and specifically the Governor of New Jersey, to support Senate Bill S981 and Assembly Bill A2375 that would enable the continuation of government sponsored collection programs, free of charge to consumers and taxpayers, therefore, fulfilling the intent of the original law.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laczka: This is a program that's been very beneficial to the citizens of Clark and we believe that it should be extended.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

Resolution 16-140

**EMERGENCY RESOLUTION REQUIRING APPROVAL OF THE DIRECTOR
OF THE DIVISION OF LOCAL GOVERNMENT SERVICES – NJS 40A:4-49**

WHEREAS, an emergency has arisen with respect to payment of a Tax Appeal and, no adequate provision was made in the 2016 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$670,000 and three (3) percent of the total operating appropriations in the budget for 2016 is \$541,317; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations in the budget for 2016.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Clark, hereby affirmatively concurring that in accordance with NJS 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for Assessor – other expenses in the amount of \$670,000
2. That said emergency appropriation shall be provided for in full in the 2017 budget, within CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That an emergency Note not in excess of the above amount be authorized pursuant to NJS 40A:4-51
4. That the power to sell the Note is hereby delegated to the Chief Financial Officer

5. That such Note shall be executed by the Chief Financial Officer and the Township Clerk
6. That such Note shall be dated on or before December 31, 2016
7. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services
8. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: We've had between 2015 and 2016 we've had about close to a million dollars in tax appeals that we had to refund. Basically we've been paying them back out of our monies that we've accumulated down through the years and reserved to set aside. This latest appeal with RACER Trust was a six-year process 2010, 2011, 2012, 2013, 2014, 2015 and 2016. We negotiated 2010 to zero, we negotiated 2011 to zero, 2012 to 2015 we minimized the reduction that they were looking for down through the years. We believe the negotiation probably saved us eight hundred thousand dollars over the eight hundred thousand we paid them. This is money that we are passing an emergency to raise in next year's budget and it accommodates our surplus and it gives us the ability to pay back the appeals that we have over and above what we paid back this year. So I think this accommodates all purposes, it keeps the community whole, it keeps our cash flow functional and it gives us the ability to continue to pay these. Down through the years the RACER Trust has been paying taxes at a rate of industrial operation. They had assessments of about fourteen million dollars a year. This brings it down to the use of a Golf Course which is just under five million dollars a year and we graduated the decrease over the years to come up with the best possible settlement that we can enter into and that settlement was accepted by the tax courts. This is to accommodate that.

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

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 Hund opened the public portion of the meeting

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Usually I skip to the last meeting but I want to touch on this Hyatt Hills Tax Appeal what John was just talking about. Like I said to you last month here the Golf Course was over assessed from day one by the prior administration. I can't believe we're talking about something sixteen years later but it always comes back. What had happened was as John just said they had a 14 ½ million-dollar assessment. GM said we'll pay the taxes no problem because they saved a bag load of money by capping that facility versus cleaning it up. It was about six hundred million dollars, somewhere in that neighborhood if I remember right. So basically Clark and Cranford was taking advantage of that from 2001 through 2010, I'm sorry I'm wrong, even later than that until RACER Trust came in and was appointed by the court to be the people who liquidate the GM properties and manage and take them into trust. As you know they wanted to dissolve the Hyatt Hills Golf Commission after we were running that for many years for free and doing pretty well. They wanted to take that over and that was their sole prerogative to do that, there wasn't any argument. Then they went after us now for the taxes, they said not so fast, we are paying you people way more than you deserve and they were right, they were right. So I mean John and RACER went after this for a long time, pretty vicious negotiations at times. We went back and forth and the attorney got involved and finally we came to a settlement which we still are doing a heck a lot better than we could ever imagine because we got overpaid for all those years and like John said from 10 forward he negotiated some years that is down to zero. So how many exact years is it three or four.

John Laezza: 2010 to 2016. We got zero in 2010 and 2011 and then we got minimum deduction in 2012.

Mayor Bonaccorso: So it's about five years. So now it's time to pay it back. So the sad part is we have to pay it back. If you look at the long term we probably still did better off. But it doesn't matter because we have to come up with this money next year as part of the settlement. So that's why we had to do what we had to do here tonight. And by doing it this way we'll be able to keep our budget in whole and our services going forward.

Councilman Toal: So to make sure we're all streamed on with an increase. Are we looking beyond 2017.

Mayor Bonaccorso: No next year we pay it off.

Councilman Toal: That's it we're done.

Mayor Bonaccorso: Should be.

Councilwoman Albanese: Because they'll have the new rates in place then. But the key thing is we are preserving the Golf Course the nature of the property.

Mayor Bonaccorso: Which is a good thing. And eventually if the County is interested in taking it over, if they do then we'll be getting zero.

Councilman Toal: We do have to consider that down the road.

Mayor Bonaccorso: Well you know what Brian it's always a half a dozen more or six of the other which I've come to learn to live with in local government. You think you're doing like this development, you're like "yeah" more money, more revenue, better budgets and then you deal with an appeal like this. And then eventually the County takes it which I'd rather have because then we would never have to worry about anybody in the future screwing around with COAH making a mistake and we end up with a concrete city up there with all kinds of low income housing and shopping and everything else. Once the County buys it through open space it has to stay an open space forever. Even though right now we have the COAH protection on us but I'm talking ten years down the road, fifteen years down the road, God only knows. So you are going to lose that revenue.

John Laezza: But the revenue we lose from that is twenty-five thousand dollars a year.

Mayor Bonaccorso: Yeah it's not going to kill us. It's kind of like being a small business owner. I have a great week I make money then I have a three-thousand-dollar truck repair and you are like okay so much for a great week. I'm use to that trust me but that's the same thing here. That's when you know we see like this little Dunkin Donuts here this little strip center coming to bring a few dollars and you know I read some of the comments. When you have open space who is going to pay the bills here, not the geese, not the fish, not the ducks and not the birds, it's true. And if anyone out there would like to take this down to an article. One third of Clark Township is open space, the Resi, Oak Ridge, Hyatt, some of our pocket parks, Bartell, Picton you know go right through the town, it's about one third. So I mean you know how much more do you want? It's the truth, if you are going to run a municipality it all sounds great at candidate's night and you know in the street and we don't want this to change and we don't want that to change until you are sitting there with a tax increase in front of you and then you saying God why can't we get more revenue into this town. It doesn't mean anybody has to destroy it either, I agree with that, I'm right on the side with everybody with that. But when you brought Clark Commons in and you know we can get a heck a lot of that, we had a couple hundred thousand for us, the school district got it all. But you have to pay your bills.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment.

John Laezza: No further comments.

Township Clerk: No thank you.

Attorney Triarsi: No comment.

Police Chief Matos: No comments.

ADJOURNMENT:

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

Council President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

