

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
March 2, 2015**

ROLL CALL:

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

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

Absent: Mayor Bonaccorso

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. 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 and Star Ledger, 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 ORDINANCES:

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

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2015 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 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

Motion to introduce was made by Councilman Toal, seconded by Councilman Hund

Discussion:

John Laezza: Council President and Members of Council, this is the beginning of our Capital Ordinance procedures for the Township of Clark. We had tried to do it in the early part of the year so that we can accommodate it before the end of the calendar year. As you can see in the ordinance the roads that are selected, the three major roads in the

area of Malvern Drive, Oleander Way and Runnymede Road, the off shoot roads are Park Ridge Drive and Ascot Way within the same section and Fisher Place. So that would be the Capital Ordinance for the municipality. We have as you can see we have not done the State Aid Program for NJDOT Roads. #1 we have not received the allocation from the State of New Jersey, they are still playing with the Transportation Trust Fund and #2 the roads that we are going to be considering will required more than the two hundred thousand. We've tried to offset the cost, so we will probably set it aside until the latter part of this year and work on it at the beginning of next year. So that's the road program for this year.

Councilman Toal: Again I thank the administration; again I want it on public record that for the last several years I've been working to get Fisher Place, which is a small little street cutting between Bradley and Cornell. But the residents saw the other streets Ivy and Cornell get done and we greatly appreciate the Mayor and Mr. Laezza's assistance in getting this street allocated for this year. And I'm always going to continue fighting for the residents of Kathryn Street; when the funds are available to get Kathryn Street done which the street is in total disrepair. But again when the funding is allowed and available we will get this street done, I hope. Thank you Mr. President.

No further discussion

Council President Smith directed roll call:

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

Public Hearing March 16th

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SU OF \$800,000 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

Motion to introduce ordinance was made by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Last year was the year of the fire department. This year is the year of the other departments. The Department of Public Works equipment is getting close to being brutalized a little and the Fire Department did get something in here. And so we've basically set aside some four hundred thousand dollars for the Department of Public

Works. Basically the acquisition of a three wheel sweeper, the acquisition of an international six to eight ton dump truck, the acquisition of a pickup truck all with plows, the acquisition of a claw to pick up branches and leaves, and that rounds out to about four hundred thousand dollars.

For the Fire Department the equipment that we bought and the Fire Department that we have each of the men are entitled to have self-contained breathing apparatus; self-contained breathing apparatus has reached a point where they could be harmful to the fire personnel in entering a fire. So we have set aside two hundred and sixty thousand dollars for self-contained breathing apparatus equipment. We set aside sixty thousand dollars for two thermal imaging cameras, so then when they go into a fire they will be able to locate where they are for safety purposes. And we put some twenty-five thousand dollars for new turnout gear for new firemen that are coming on board.

With regard to the Police Department, they will be getting two license plate readers for two traffic cars, so that with the shopping center and the ability of people to hide those cars in those centers, these trick cars now a days can read license plates without even seeing them. So this will be once again an opportunity to prevent as a preventive measure if there are any of the bad guys in our neighborhoods. So that total appropriation comes to eight hundred thousand dollars, which we will be borrowing seven hundred and sixty thousand and that debt will be paid over a five year period.

Councilman Barr: I would like to say one thing on these several things on the Fire Department the thermal cameras. They actually can save homeowners tremendous, tremendous amount of money. Because what happens if you have say you are in the kitchen and there's a fire by the stove or close to the wall, normally you are protected even though they put the fire out they don't seem to have to open up the walls or they have to break open the walls. With the thermal cameras they can go over any areas even if it was an outlet that might be bad. And they can check with these thermal cameras if there's anything and if there's any kind of a heat. And if it's not there they don't have to break open the walls and you know that does save the homeowner a tremendous amount of money. So you know they have them and they do get old and I've been on the jobs where they are not working now.

Councilman Mazzarella: I just want to thank the Mayor and the Administrator for putting together this plan for Public Works, it's much needed. This equipment is going to help our community and it's going to help our public works personnel work better, more diligently, and with less breakdowns of our existing equipment. The existing equipment that we have is as Mr. Laezza mentioned is horrid. We're bandaging it and it's costing us a great deal of money to try to keep it working and going and this is totally, totally a good thing for the community to increase our Public Works efficiency, thank you.

No further discussion

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, Mazzarella, O'Connor, Toal, Smith
Public Hearing March 16th

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

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

Discussion:

John Laezza: Council President and Members of Council this is a continuation of programs we've started ever since the Cap Law came into effect. In putting our budget together there is cap set forth by the State of New Jersey of 1.5 % over the prior year. These are appropriations that you are allowed to increase your appropriations with a number of certain acceptance as it's spelled out in the law. They also give communities an opportunity if they think that 1.5 % is not adequate to have the opportunity should if emergencies arise to increase their appropriation by the differential between 1.5 % and the 3.5 % maximum cap. And so we are asking for the opportunity to increase our cap amount by three hundred and sixteen thousand should an emergency arise where we would have to increase our budget for emergent purposes because you can't spend money without a budget item and you can't pass an emergency until you have the ability to accommodate that. So this is a program that we've continued to do annually, its a protective measure.

No further discussion

Council President Smith directed roll call:

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

Public Hearing April 20th

John Laezza: April 20th is because that's when we will have the Public Hearing on our Municipal Budget, so it ties in with that concept.

**AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF
THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT"**

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

Discussion:

John Laezza: This is the sign ordinance. This is the ordinance that we had originally put together just to accommodate to basically define what a window sign is and what a window graphic is and what a temporary sign is. First page of this ordinance does in fact

respond to each of those specific areas. The various other words in this ordinance are similar to the words that were in our regular ordinance; they have not changed the zone with regard to the placing of signs on stores in front of residential areas, in front of homes, in front of whatever and those rules have remained the same at all times. Because of the concerns expressed by those that violated the ordinances down through the years, we give them the amnesty program; by after a review of the town and looking over the town indicated that the temporary signs that they have on their windows are valued as long they have not affected the character of the neighborhoods. However, we put criteria as to what those temporary signs would be in relationship to their size, how could they be placed and the magnitude of what portion of the windows they can accommodate. In all cases those signs that are there meet the criteria set forth here from those that have done it prior and we believe that this accommodates it. We then basically set aside the LCI zone as it relates to window graphics and we just put it in another section of the ordinance so it reads whatever could be done properly. So that basically we believe this ordinance accommodates the concerns that were expressed prior the areas that we thought needed corrections and at least some rules and regulations as it related to graphics and the definitions of signs. We also spelled out the purpose of the ordinance to accommodate the Master Plan as it relates to the character of the community as this administration wants it and the ability of future administrations to live within those criteria.

Howard Lesnik: So this would supplant the tabled ordinance?

John Laezza: Yes.

Howard Lesnik: And if there's no motion at the next meeting then that tabled (ordinance) would automatically expire.

Councilman Toal: Thank you Mr. President. Members of Council, Mr. Laezza and Madam Clerk, I'm not going to be long winded, I'm not going to be repetitive, but I am going to say though the people of Clark were heard. We placed an ordinance before us to discuss and vote on; the people objected to it, we heard them loud and clear. We pulled it back and sent it to legislative, sent it to the attorneys, to Mr. Laezza for his fine tuning and now we are presenting the ordinance in a new form to address the issue and make the town the way we want it, always clean and safe and beautiful. That's all I have to say, we appreciate the concerns and opinions of the citizens of Clark, that's what they are here for and that's why we're here for. Thank you Mr. President.

No further discussion

Council President Smith directed roll call:

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

Township Clerk: The Planning Board will review the ordinance on March 5th. The Public Hearing on this ordinance will be scheduled after the Planning Board takes action. That's why there's no Public Hearing scheduled because the law requires them to review it, take action, and then we can schedule accordingly.

RESOLUTIONS:**Resolution 15-38****Municipal Budget of the Township of Clark County of Union for Calendar Year 2015**

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015:

**EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2015**

General Appropriation For:

1. Appropriations within "CAPS":
 - (a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2)
16,321,234.00
2. Appropriations excluded from "CAPS"
 - (a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended) 4,823,000.91
 - (b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)
-
 - Total General Appropriations excluded from "CAP" (Item O, Sheet 29) 4,823,000.91
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated 98.48
Percent of Tax Collections 875,000.00
4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2015 \$ _____
for Schools –State Aid 2014 \$ _____ 22,019,234.91
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11)
(i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes) 6,216,263.91
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)
 - (a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes
(Item 6(a), Sheet 11) 15,014,382.50
 - (b) Addition to Local District School Tax (Item 6(b), Sheet 11)
-
 - (c) Minimum Library Tax 788,588.50

BE IT RESOLVED that notice is hereby given that the Budget and Tax Resolution was introduced by the Municipal Council of the Township of Clark, County of Union on March 2, 2015; and

BE IT FURTHER RESOLVED that said Budget be published in summary in the Union County LocalSource in the issue of April 2, 2015; and

BE IT FURTHER RESOLVED that a Regular Meeting for the hearing on the Budget and Tax Resolution will be held at the Municipal Council Chambers, 315 Westfield Avenue, on April 20, 2015 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2015 may be presented by the taxpayers or other interested persons.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: On behalf of the Finance Committee representing Council, we had a long discussion Councilman O'Connor and Councilwoman Albanese on the details of the budget. The procedures and the perimeters in relationship to the revenues that are

indicated in the budget to accommodate the appropriations that we believe that are necessary to meet the needs of the citizens of Clark and continue to provide the services that we have provided. I'm happy to say that the budget document as planned seems of accommodated sufficient money to meet the snow storms for every weekend for the last four weekends. So that this budget document that's presented is within the CAP appropriations set forth by the State of New Jersey and it's within the CAP levy appropriations set forth by the State of New Jersey and it reflects a two point three point increase on a hundred thousand dollar assessed home; that's twenty-three dollars. It does not include what we need for the Board of Education or what the County needs to accommodate the County. But we minimized the increase as it relates to municipal government.

Council President Smith: When do we know the County and the school?

John Laezza: Well the County should have introduced their budget but they have not. The Board of Education's budget I think by law should be up within the next month, so that's when they usually adopt their budget. If it's within the CAP it will be copied by April by the Board of Education, maybe April or May, and then that's certified to the County Board of Taxation. The County budget should be adopted sometime in April or May. Our budget will be adopted in April barring any changes. When you have the public hearing you can make changes so that by statute all the budgets should be to Trenton by May because they are supposed to notify local governments of the amount to be raised by taxation and the approval of all those documents so then we can strike a tax rate and send out tax bills in June for payment in August and November.

Councilwoman Albanese: So the initial tax bills are estimated based on prior year.

Councilman O'Connor: I just want to thank the Council for forwarding the questions and Mr. Laezza for his time.

No further discussion

Council President Smith directed roll call:

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

Public Hearing April 20th

Resolution 15-39

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

		Original	New		
<u>Block/Lot</u>	<u>Address</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>	<u>Year</u>

60/63	1072 Raritan Road	216,000	208,100	7900	2010
60/63	1072 Raritan Road	216,000	187,600	28,400	2011
60/63	1072 Raritan Road	216,000	187,400	28,600	2012

BE IT FURTHER RESOLVED, that a refund be issued in the amount of \$4,837.08.

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: You may wonder why this is at a special meeting. If there is a decision on the tax court case and if you don't refund the money to the parties of the appeal within the certain time period then you have to give them five percent interest per month. So we had to do it. Our regular March meeting would be beyond the time.

No further discussion

Council President Smith directed roll call:

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

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 Smith opened the public portion of the meeting

Delia Collins, 72 Georgia St.: I just have a question and I don't know if I should direct it to the Clerk or to Mr. Laezza or to the Council. When the Planning Board gets this ordinance regarding the land use and development...do they have that now or would that be presented to them that evening?

John Laezza: They have it.

Delia Collins: They have it to review it. (John Laezza: yes) At that meeting I assume there will be a discussion and it will be opened to the public and whatever. At that meeting do they have an option to accept it, reject it, change it, can or can they not take action at that meeting, so than it can be presented on March 19th. (John Laezza: yes) Okay, so it all depends upon what happens on March 19th. (John Laezza: yes) Okay, if not then it would go into April I assume.

John Laezza: It would go into another meeting yes.

Delia Collins: Okay. And I know there were three people that wrote to Madam Clerk. But there was a big discussion about it on Facebook and there were several people that were concerned. There are people that are shy or they don't want to come to meetings and they don't want to discuss and they do present on a public forum.

John Laezza: We had about thirty-five people that voiced opinions that had no bearing to the ordinance. They had no idea what they were talking about.

Delia Collins: I'm glad that they are temporary signs because there are issues that come up and you know need to have signage out. Because there's not many people, well not many, but there are people in town that don't have internet access.

Township Clerk: Delia the only opinions that count are the ones that come officially to my office in writing signed by a person. Otherwise it could be somebody who lives in Kenilworth and they are not taxpayers here. So the Mayor and the Administration has no obligation to read Facebook or the TAP even though we do, but the only opinions that count were the three residents and the one business that came into my office.

Delia Collins: Alright thank you.

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza: I would say that our DPW went out last night during the snowstorm and did the main streets. We knew full well that it was going to be warm today and it melted. I would say the complaints I got were more about citizens not shoveling their sidewalks than those that we got from DPW not plowing the roads.

Councilwoman Albanese: No comments

Councilman Barr: No comments

Councilman Hund: No comments

Councilman Mazzarella: No comments

Councilman O'Connor: I too got a complaint about people not shoveling their sidewalks.

Councilman Toal: No comments

Council President Smith: I will hold my comments until the next meeting. But I will say the main streets there wasn't a speck of snow on them, so I know the brine worked pretty good and then they would salt a little bit and they plowed it and cleaned it up nice.

John Laezza: And also at the end of our workshop meeting I would like this council to go into private because I have something that I would like to talk to council about maybe future litigation.

Private Session: At 8:02 pm Councilman Mazzarella moved an Executive Resolution, seconded by Councilman O'Connor to discuss possible litigation.

Council President Smith directed roll call:

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

Audience members were asked to wait in the hallway.

Business Administrator, John Laezza lead the discussion regarding possible litigation.

A motion to resume the Special meeting was made at 8:14 pm by Councilwoman Albanese, seconded by Councilman Mazzarella.

Council President Smith directed roll call:

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

Audience members were invited back into the room.

ADJOURNMENT

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
April 6, 2015

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith L. 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 Vice 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 and Star Ledger, 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.

Motion to Suspend the Regular Order of Business was made by Councilwoman Albanese, seconded by Councilman Mazzarella

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Toal, Hund

Proclamation: Declaring April 6th Kiwanis International Day

Mayoral Proclamation

WHEREAS the first Kiwanis Club originated in Detroit, Michigan in 1915, which was followed by Kiwanis Club of Clark in 1954. This year is a pivotal year for the organization, for it marks not only 60 years of service in Clark, but it's 100th Anniversary of positive impact on communities nationwide; and

WHEREAS the Kiwanis International is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and

WHEREAS the members of Kiwanis Club of Clark are devoted to improving the world, one child and one community at a time by seeking primacy to the human and spiritual rather the material values of life; and

WHEREAS in addition to improving lives, Kiwanis Club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community services; and

WHEREAS the service provided by the Kiwanis Club of Clark will continue to have a positive impact on our community and citizens; and

NOW, THEREFORE, BE IT RESOLVED that I, Sal Bonaccorso, Mayor of the Township of Clark, proclaim April 6, 2015, as Kiwanis International Day, and congratulate the members on their admirable efforts on providing meaningful service to our community.

IN WITNESS WHEREOF I have hereunto set my hand and caused the great Township of Clark to be hereunto affixed this 6th day of April.

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

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzearella, O'Connor, Toal, Hund

ORDINANCES:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 15-06

**AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF
THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT"**

Council Vice President Hund opened the Public Hearing on Ordinance 15-06

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

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzearella, O'Connor, Toal, Hund

Motion to adopt the Ordinance made by Councilman O'Connor, seconded by Councilman Barr

Discussion:

Councilman Toal: This issue was brought up a couple of months ago to the community. There were some concerns, same objections and the proposal was brought back to legislative (committee) which was discussed again and it was fine tuned. It was brought

into a new form to correct any flaws or problems, released then back to Council and then sent to the Planning Board which now sent it back to us and now here. I will be supporting this issue because we are addressing something that really is not major. We just want to make sure that the town looks proper, clean, and make sure these windows and this community and these businesses have a nice look to them. And that's what the propose intent was for this, not to upset people or to whatever else might have occurred. But very simple I will be supporting this on all the effort that went into this. I thank Mr. Laezza and our legislative committee as well as the attorney for the township for his efforts on making sure that they follow the law. I repeat, follow the law. Thank your Mr. President.

Council Vice President Hund directed roll call:

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCES:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND VARIOUS ARTICLES OF CHAPTER 195 OF THE CLARK CODE ENTITLED "LAND USE AND DEVELOPMENT" ADOPTED APRIL 6, 2015

BE IT ORDAINED by the Governing Body of the Township of Clark that ordinance No. 15-06, adopted April 6, 2015 is hereby amended and supplemented in the following particulars:

SECTION 1: 195-155 Determination of Sign Area:

E. Graphics on awnings which are free of text shall not be included in the maximum aggregate sign area. Awning graphics may be utilized provided they conform to area and sign classification limitations.

F. Any drive-thru restaurant use approved by the Township may include up to two (2) ground-mounted signs to provide menu information to the public. The first sign shall be a maximum of thirty (30) square feet in area. The second sign shall be fifty (50) percent of the area of the first sign.

SECTION 2: 195-157 Exempted Signs

Remove and replace Paragraph A with the following:

Nothing herein shall be construed to affect in any way any directional, informational, or street name signs erected by any

Municipal, County, State or Federal government agency or utility in connection with street identifications, public buildings, railroad crossings, electric utility lines and installations and other like uses, buildings or activities or any non-illuminated nameplate or plaque of less than two (2) square feet in area or any directional signs on premises less than three (3) square feet in area indicating traffic movements, exits and entrances.

SECTION 3: **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 4: **Effective Date:** This Ordinance shall take effect upon final adoption and publication, according to law.

Council Vice President Hund: The Planning Board adopted a resolution at a meeting held on April 2nd recommending this amendment. This resolution is on file in the Clerk's Office.

Moved by Councilman Mazarella, seconded by Councilman O'Connor

Discussion: None

Council Vice President Hund directed roll call:

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

Public Hearing April 20th

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES

WHEREAS said Ordinance reflects a change in salaries to be paid to certain employees of the Township for the year 2015 and forward.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the proper officer or officers of the Township of Clark be and they are hereby authorized and directed to execute and deliver checks on Township funds for the purpose of paying the following annual salaries to the employees of the Township of Clark within the range as set forth below opposite each job classification as in such cases made. The Schedule of salaries hereinafter set forth shall be effective as of January 1, 2015 and may be amended for those who may exceed the maximum.

	MINIMUM	MAXIMUM
Business Administrator	\$ 75,000.00	\$ 200,000.00
Township Clerk	\$ 55,000.00	\$ 100,000.00
Township Attorney*		

Mayor's Confidential Secretary	\$ 30,000.00	\$ 70,000.00
Confidential Assistant/H.R./Affirmative Action	\$ 30,000.00	\$ 70,000.00
Assessor P/T	\$ 20,000.00	\$ 50,000.00
Tax Collector	\$ 1,200.00	\$ 75,000.00
Certified Finance Officer	\$ 50,000.00	\$ 200,000.00
Construction Code Official	\$ 40,000.00	\$ 140,000.00
Municipal Court Administrator	\$ 35,000.00	\$ 70,000.00
Health Officer/Purchasing Asst.	\$ 40,000.00	\$ 100,000.00
Prosecutor P/T	\$ 8,500.00	\$ 25,000.00
Judge	\$ 20,000.00	\$ 50,000.00
Public Defender P/T	\$ 4,000.00	\$ 10,000.00
Superintendent of Public Works	\$ 15,000.00	\$ 100,000.00
Public Works Supervisor	\$ 40,000.00	\$ 100,000.00
Mayor	\$ 4,000.00	\$ 20,000.00
Council President	\$ 4,000.00	\$ 10,000.00
Council Members	\$ 4,000.00	\$ 10,000.00
Board of Adjustment Secretary	\$ 1,600.00	\$ 10,000.00
Planning Board Secretary	\$ 1,600.00	\$ 10,000.00
Fire Prevention Official	\$ 7,000.00	\$ 95,000.00
Captain/Fire Prevention Official	\$ 4,200.00	\$ 20,000.00
Fire Official Secretary	\$ 750.00	\$ 1,000.00
Director Public Safety	\$ 1,700.00	\$ 3,500.00
Director Senior Citizen	\$ 1,700.00	\$ 7,500.00
Director Public Works/Shade Tree	\$ 1,750.00	\$ 20,000.00
Fire Sub Code Official P/T	\$ 3,000.00	\$ 10,000.00
Elevator Inspector P/T	\$ 2,500.00	\$ 12,000.00
Plumbing Sub Code Official P/T	\$ 6,000.00	\$ 14,000.00
Electrical Inspector P/T	\$ 7,000.00	\$ 20,000.00
Emergency Management Coordinator	\$ 1,500.00	\$ 6,000.00
Deputy Emergency Management	\$ 300.00	\$ 3,000.00
Fire Chief	\$ 3,800.00	\$ 15,000.00
Battalion Chief	\$ 2,500.00	\$ 6,000.00
Deputy Chief #1	\$ 1,100.00	\$ 6,000.00
Deputy Chief #2	\$ 1,100.00	\$ 5,500.00
Deputy Chief #3	\$ 1,100.00	\$ 5,500.00
1 st Fire Captain	\$ 1,900.00	\$ 4,500.00
2 nd Fire Captain	\$ 1,900.00	\$ 4,500.00
1 st Lieutenant	\$ 1,000.00	\$ 4,500.00
2 nd Lieutenant	\$ 1,000.00	\$ 4,500.00
Public Information Officer	\$ 1,000.00	\$ 5,500.00
Director of Recreation/Facilities Mgr.	\$ 50,000.00	\$ 100,000.00
Assistant Recreation Supervisor	\$ 9,200.00	\$ 15,000.00
Director Teen Center	\$ 2,000.00	\$ 15,000.00
Assistant Teen Center	\$ 2,000.00	\$ 10,000.00
Recreation/Senior Fitness P/T Personnel	\$ 500.00	\$ 25,000.00
Manager – TV 36	\$ 5,000.00	\$ 60,000.00
Fire Training Officer	\$ 1,000.00	\$ 5,000.00
Bus Driver – Part Time	\$ 15,000.00	\$ 25,000.00
Property Maintenance P/T	\$ 5,000.00	\$ 7,500.00

HOURLY

Police Matron – on duty	\$ 40.00 event	\$ 40.00 event
Police Matron – on call	\$ 40.00 hour	\$ 40.00 hour
Seasonal Employees – Recreation/Sr. Citizen	\$ 6.00 hour	\$ 25.00 hour

POLICE – Base Pay

**Chief (plus longevity and education)	\$ 115,000.00	\$ 200,000.00
**Captains (plus longevity and education)	\$ 100,000.00	\$ 180,000.00

MUNICIPAL POOL

Pool Director/Manager	\$ 8,450.00	\$ 14,000.00
Pool Facilities Manager	\$ 5,000.00	\$ 15,000.00
Assistant Manager(s)	\$ 4,100.00	\$ 10,000.00
Water Safety Instructor(s)	\$ 3,300.00	\$ 10,000.00
Lifeguard(s)	\$ 2,700.00	\$ 6,000.00
Maintenance Worker(s)	\$ 2,000.00	\$ 6,000.00
Gate Control Person(s)	\$ 2,000.00	\$ 5,000.00
Activities Director	\$ 1,050.00	\$ 3,750.00

*Annual Professional Services Contract

**Contract(s) for each position is 10% above lower position plus longevity and education.

Any ordinance inconsistent with the provisions contained herein is hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion:

John Laezza: Council President, Members of Council basically each year it's our responsibility to upgrade the ordinances for salaries. And we made some adjustments to some maximum salaries on three or four positions namely the fire department to accommodate the ordinance we had regarding the full time fire chief and some various other part timers. But other than that everyone else is within the perimeters. No one is near the maximum.

Mayor Bonaccorso: I don't think anyone is at maximum.

John Laezza: No one is near the maximum.

Council Vice President Hund directed roll call:

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

Public Hearing April 20th

**AN ORDINANCE TO FIX THE SALARIES OF THE WHITE COLLAR
EMPLOYEES
FOR THE PERIOD 2015 THROUGH 2019**

WHEREAS Union Council No. 8, I.F.P.T.E. AFL-CIO and the Township of Clark completed contract negotiations for the years 2015 through 2019.

NOW THEREFORE BE IT ORDAINED that there shall be general wage increases for employees covered hereunder as follows:

Effective January 1, 2015-2%
Effective January 1, 2016-2%
Effective January 1, 2017-2%
Effective January 1, 2018-2%
Effective January 1, 2019-2%

Increases of \$350.00 shall be paid to employees on their anniversary date of hire until they reach the maximum salary.

Any employee hired after January 1, 1991, shall not be eligible for the longevity program.

Each employee hired prior to January 1, 1991 who completes five (5) years of continuous uninterrupted service shall become eligible for longevity payment computed as follows:

For each five (5) year period of service as outlined above, each employee of the Township shall receive the following in addition to the current annual salary:

After 5 continuous years	\$ 500.00
After 10 continuous years	\$1,000.00
After 15 continuous years	\$1,500.00
After 20 continuous years	\$2,000.00
After 25 continuous years	\$2,500.00

The effective date as to eligibility for longevity shall be the anniversary date of the individual's employment by the Township of Clark and the amount shall be as set forth above.

BE IT FURTHER ORDAINED the new pay scale for all white collar personal will be as set forth in the following wage and hour scale:

Salary Range-White Collar 2015-2019**Salary Range
Schedule A**

	Annual	
	Minimum	Maximum
Administrative Clerk	\$40,000	\$66,500
Accounting Clerk	\$30,000	\$40,800
Sr. Accounting Clerk	\$35,700	\$49,000
Principal Accounting Clerk	\$39,800	\$67,000
Clerk 1	\$30,000	\$40,800
Clerk 2	\$35,700	\$49,000
Clerk 3	\$39,800	\$60,000
Keyboarding Clerk 1	\$30,000	\$40,800
Keyboarding Clerk 2	\$35,700	\$49,000
Keyboarding Clerk 3	\$39,800	\$60,000
Records Support Technician 1	\$30,000	\$40,800
Records Support Technician 2	\$35,700	\$49,000
Records Support Technician 3	\$50,000	\$67,000
Building Maintenance Worker	\$30,000	\$52,000
Sr. Building Maintenance Worker	\$54,000	\$75,000

Part Time Hourly Rates:

	Hourly	
	Minimum	Maximum
Building Maintenance	\$13.25	\$25.00
Clerk Typist	\$13.25	\$25.00
Inspectors	\$13.25	\$40.00
Bus Driver	\$15.30	\$25.00
General Part Time Help	\$13.25	\$25.00

Hourly

Matron on duty	\$40.00	Flat Rate
Matron call-in	\$40.00	2 hr. minimum

Note: Salary range does not include longevity.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Basically Council President and Members of Council this is an ordinance to accommodate the salaries of the White Collar Employees for the contracts for the next five years. So we do this once every time we get a new contract. The contract has been ratified and this indicates the ranges for the various White Collar workers and what their salary increases were for each year for those years as a 2% increase.

Council Vice President Hund directed roll call:

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

Public Hearing April 20th

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX THE SALARIES OF COMMUNICATIONS OPERATORS FOR THE YEARS 2015 THROUGH 2020

BE IT ORDAINED said ordinance reflects the changes in salaries paid to certain communications operators in accordance with Union Contracts adopted for the years 2015 through 2020;

BE IT FURTHER ORDAINED the new pay scale for all communications operators will be on the following wage scale:

	2015	2016	2017	2018	2019	2020
Start	28,560	32,631	35,733	36,443	37,177	37,921
Step 2	30,600	34,712	38,466	39,235	40,020	40,820
Step 3	32,640	36,793	40,589	41,401	42,229	43,074
Step 4	38,250	42,515	46,425	47,354	48,301	49,267
Step 5	40,800	45,116	49,078	50,060	51,061	52,082
Step 6	43,860	48,237	52,262	53,307	54,373	55,460
Step 7	47,940	52,399	57,637	58,790	59,966	61,165
Step 8	55,080	59,682	63,936	65,215	66,519	67,849
Senior Com. Oper.	60,551	65,262	69,627	71,020	72,440	73,889

The salary ranges designated above shall be effective as of the 1st of March for the year 2015 and effective as of the 1st of January for each succeeding year 2016-2020.

The pay plan established for employees covered by this agreement shall be 24 pays per year on the 15th and 30th of each month.

The salary range for the year 2016 includes a \$3,500 buyback of (7) Holidays pay included in the base and a \$3,000 buyback of (6) Holidays pay included in the base.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Council President, this is the same concept. The dispatchers decided they wanted to go for a six year contract 2015 through 2020. And it accommodates all of the dispatchers for those years.

Council Vice President Hund directed roll call:

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

Public Hearing April 20th

**AN ORDINANCE ENTITLED AN ORDINANCE TO FIX THE SALARIES OF
POLICE PERSONNEL FOR THE YEARS 2015 THROUGH 2019**

BE IT ORDAINED said ordinance reflects the changes in salaries paid to certain police personnel in accordance with Union Contracts adopted for the years 2015 through 2019; and

BE IT FURTHER ORDAINED all police personnel hired prior to January 1, 2006 are at Step 8 on the following wage scale.

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Detectives *	\$1,600	\$1,700	\$1,800	\$1,900	\$2,000

* To be paid to all Police Officers regardless of rank while assigned Detective Duties, in addition to their Annual Salary.

The wage scale for all Police Officers shall be as follows:

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
First year	\$52,989	\$52,989	\$52,989	\$54,049	\$55,130
Step 1	\$56,559	\$56,559	\$56,559	\$57,690	\$58,842
Step 2	\$60,129	\$60,129	\$60,129	\$61,332	\$62,559
Step 3	\$63,699	\$63,699	\$63,699	\$64,973	\$66,272
Step 4	\$67,269	\$67,269	\$67,269	\$68,614	\$69,986
Step 5	\$70,839	\$70,839	\$70,839	\$72,256	\$73,701
Step 6	\$74,409	\$74,409	\$74,409	\$75,897	\$77,415
Step 7	\$77,979	\$77,979	\$77,979	\$79,539	\$81,130
Step 8	\$90,000	\$90,000	\$90,000	\$91,800	\$91,800
Step 9	\$101,985	\$104,025	\$106,106	\$108,228	\$110,393

Sergeants equal 12% of Step (9) Police salary scale for each subsequent year.

Lieutenants equal 20% of Step (9) Police salary scale for each subsequent year.

The pay plan established for employees covered by this agreement shall be 24 pays per year on the 15th and 30th of each month.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion:

John Laezza: Same concept.

Council Vice President Hund directed roll call:

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

Public Hearing April 20th

RESOLUTIONS:

Resolution 15-45

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING
AN EMERGENCY TEMPORARY APPROPRIATION
IN ACCORDANCE WITH N.J.S.A. 40A:4-20
CURRENT FUND**

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2015 Budget, and adequate provision has not been made in the 2015 Temporary Budget for the appropriations specified on the attached page; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2015 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$5,396,538.00

NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made as specified on the attached page in the amount of \$5,396,538.00; and
2. That said emergency temporary appropriations will be provided in the 2015 budget under the headings as specified on the attached page.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Council Vice President Hund directed roll call:

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

Resolution 15-46

**RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING
AN EMERGENCY TEMPORARY APPROPRIATION
IN ACCORDANCE WITH N.J.S.A. 40A:4-20
SEWER UTILITY**

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2015 Budget, and adequate provision has not been made in the 2015 Temporary Budget for the appropriations specified on the attached page; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2015 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,000,000.00

NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made: Other Expenses \$2,000,000.00; and
2. That said emergency temporary appropriations will be provided in the 2015 budget under the heading of Other Expenses.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Toal, Hund

Resolution 15-47

WHEREAS on March 31, 2015 Mayor Bonaccorso declared an emergent need for road repairs on Acorn Drive, Hillcrest Drive, Wheatsheaf Road, Armstrong Drive, Emerson Road, Oakridge Road, Rainbow Drive and Stonehenge Terrace due to extraordinary winter damage; and

WHEREAS repairs to the roads are required to be done with dispatch commencing April 1, 2015; and

WHEREAS the emergency affects the public safety and welfare and requires the immediate delivery of services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby authorize the Business Administrator to acquire the services necessary to remediate the emergency in accord with the requirements of the aforesaid statute; and

BE IT FURTHER RESOLVED that Pro Construction Specialty Corp., 821 East Linden Avenue, Linden, New Jersey 07036 be authorized to complete the repairs on a time and materials basis and the cost thereof shall not exceed the total sum of \$48,000.00 without further authorization.

Moved by Councilman Toal, seconded by Councilman Mazzarella

Discussion:

Councilman Toal: Exactly what are we talking about? I know there's going to be a list of streets that are in bad shape.

Mayor Bonaccorso: Wrong. These streets are done. These are streets that were not potholes, they were "small bombs that went off," that they were absolutely un-drive able and a concern to people's health, safety and welfare. We had this problem and it was brought to my attention and immediately we had to jump into action on it. To date the DPW has used eighty tons of blacktop patch for potholes. If you are thinking about every pothole having two or three or four shovels of patch put in it let's say, some more/some less, eighty tons is a lot. You know the Tandum Dump Trucks, those are four of those full, okay. These streets were completely un-drive-able. So I had to declare an emergency and we had to get a contractor out and get everything paved. And we did it, you can see here; Acorn, Hillcrest, Wheatsheaf, Armstrong, Emerson, Oak Ridge, Rainbow Drive and Stonehenge Terrace. I think we used close to a hundred and eighty tons of blacktop. So again at twenty yards a truck, figure it out on what we had to do for these so called potholes. So it's something that we had to take care of immediately, it was very, very unsafe. Now the rest of the potholes will continued to get filled as normal.

Councilman O'Connor: I notice that when you call town hall there's actually a recording that says "we are aware you can leave a message".

Mayor Bonaccorso: We're what?

Councilman O'Connor: When you call town hall there's a message in DPW that says "we are out currently filling the potholes, if you have any or would like to report it please report it."

Mayor Bonaccorso: Yeah I mean they were just terrible; they are still working on them.

Councilman Toal: No, absolutely and I'm glad you said Stonehenge. You know I'm partial to the Fourth Ward but I was over in the First Ward on Stonehenge and I could not believe the condition of that street. I had to zigzag...

Mayor Bonaccorso: Brian I will show you a picture on what happened on Lupine. I will show you later on. There were two spots in front of one house the same thing, we had to literally shut that side of the road down. So this wasn't just a pothole, these were craters.

Councilman Toal: Thank you Mr. Mayor.

Mayor Bonaccorso: You're welcome sir.

Council Vice President Hund directed roll call:

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

Resolution 15-48

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of one (1) 2015 Ford Police Utility Interceptor unmarked police vehicle for use by the Police Department; and

WHEREAS the Administration recommends an outright purchase payable upon delivery of the Police Vehicle:

Pricing of the Vehicle through the Cranford Police Cooperative Pricing System;
System Identifier 47-CPCPS

Dealer: Beyer-Warnock Fleet, 31 Williams Pkwy., East Hanover, New Jersey 07936

Funded by: O/E Account 5-01-23-210-223

One 2015 Ford Police Utility Interceptor unmarked police vehicle

Total equipment price \$28,800.00

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$28,800.00 funded by O/E Account 5-01-23-210-223 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase One (1) 2015 Ford Police Utility Interceptor unmarked police vehicle from Beyer/Warnock Fleet of East Hanover, New Jersey.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

Councilman Toal: Are we replacing the ones that were damaged recently or are these just add-on's.

John Laezza: No we are replacing.

Councilman Toal: Replacing the damage ones, right? Okay. And the officer's okay from when he was injured in the accident.

Acting Police Chief Matos: We will find out tomorrow if he will be back to work.

Councilman Toal: Okay, but hopefully he is feeling better from his injuries.

Acting Police Chief Matos: He's doing better.

Councilman Toal: Thank you sir.

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzaella, O'Connor, Toal, Hund

Resolution 15-49

BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator and Health Officer to execute a Memorandum of Agreement with The City of Elizabeth enabling the Township to receive Sexually Transmitted Disease (STD) Services, effective retroactively from January 1, 2015 to December 31, 2015.

Moved by Councilman Mazzaella, seconded by Councilman Barr

Discussion: None

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzaella, O'Connor, 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 Vice President Hund opened the meeting to the public

George Stafford (Outreach Director for the NJ Highlands Coalition), 16 Kitchel Ave., Wharton in Morris County up in the Highlands: The DEP indicates that you get about fifty percent of your water from Highlands sources. You have two water companies that you deal with and they come out of a whole lot of systems. I've seen many but you get water from a lot of places but some are like Newark and the Delaware River Canal and places like that and those are Highland sources that you get the water from.

I'm here to ask you to consider a resolution obviously in the future to support the 2004 New Jersey Highlands Water Protection and Planning Act, which this is the Master Plan and it's currently under review. The review will be finished sometime through the end of this year. We've had in the neighborhood of eighty communities Environmental Commission's and Freeholder Boards including the Union County Freeholder Board to pass our resolution which was originally nine hundred and fifty words but I was a town councilman in my hometown and I wasn't about to read a resolution if it was nine hundred fifty words. So it's one hundred and sixty-five words on one page including my contact information. And basically we're asking you to support the Act because there are people in the Highlands and some groups in the Highlands who want to see some of the rules change that would allow them to for instance have greater nitrate solution standards, which is a polite way of saying that they want to use more septic systems, the septic they put in the ground water the more users have to take it out and it costs that much more for the un-user. Some of the other things that they want to do is to be able to pave over areas in the Highlands, which are restricted now They want to increase the area that they can pave the roof over. Records tell us that if you pave a roof over an acre in the Highlands and figure we get fifty inches of rain in a year approximately, you end up with about four million gallons of run off. Now what run off does is instead of it being soaked into the ground and come as a reliable water source, and it hits the ground, hits our ground rain water system and immediately it starts for the Atlantic Ocean. I imagine most towns have had this, you get a lot in town, where it's been for probate reasons or whatever kind of abandonment you get leaves buildup and you get grass buildup and it's kind of a soggy mess. Well think of the Highlands as an eight hundred and eighty thousand acre abandoned lot and nobody raked the leaves or cut the grass for ten thousand years. That's the kind of sponge that the Highlands represents and some of that's paved over now and a lot of its housing and different things. But there are still tremendous areas there that soak that water in during the heavy rain periods like we are having in the spring. And then over the course of time it releases it and it's a reliable water source, we call Green Infrastructure, that's what we are trying to save. And that's why we are asking the communities that use water from the Highlands to pass this resolution. So like I said it's a simple resolution, it has my contact information on it if you need anything more. If you would like to do some light reading or you have trouble going to sleep at night I can leave this with you tonight and I would answer any other questions that you might have. I will point out that we have a few neighbors here, Union Township, Cranford, Winfield Township, Rahway among others in Union County have passed our resolution already. So if you have any questions, I will be happy to answer them.

Councilman Barr: Let me asked you one question. Now we get our water from there?

George Stafford: Yes you get your water sources. You get your water from water utilities but where the water actually falls out of the sky it bubbles out of the ground is in the Highlands. So it comes out of the Raritan River, some of your water comes out of the Raritan River, some of it comes out of the Newark system or the Jersey City system which is part of the Passaic system and some of that actually comes out of the Delaware Raritan Canal system which actually takes water out of the Delaware River. And about twenty percent of the usable water that is in the Delaware comes from Highland sources, Lake Hopatcong our largest lake in the State empties in the Delaware and that's part of the water. I have the water sources here. I have copies for you. I have copies of the communities that have passed the resolution and copies of the resolution itself.

Councilman Barr: If we accept this, how does it affect us?

George Stafford: Well it's going to tell the Highlands Council that the people who get the water from the Highlands understand what's going on and they have a stake in this. So they want the rules of the Highlands Act as they exist to be upheld. There have been a lot of concerns that the Highlands Act has affected the economy and the well-being of the people in the Highlands. At the last Highlands council meeting they released the preliminary report on the economical impact and not to my surprise anyway 2004 when the Act was passed the economy in the Highlands went just like it did everywhere else because we were having a boom times. 2008 things went down and the last couple of years things have come back. I use to be a Tax Commissioner in Morris County and I did an assessment study and eighty-eight towns of seven different (tape inaudible) that was really tough reading too. Same thing 2004 real estate values despite the type of the house went through the roof fell off and now they are coming back. So compared to the worldwide recession, the worst is the great depression and the banking problem that we've had the Act has had no effect in the Highlands. I mean people resent being told what to do and what they can do with their water and have the State tell them how many acres they can use for various projects. But almost sixty-three percent of the people in the State of New Jersey get some and all of their water from Highland sources and then imagine the impact that that would have on our State economy.

Councilman Mazzearella: You came before us last year, right?

George Stafford: I believe so yes.

Councilman Mazzearella: With a similar resolution.

George Stafford: Yes exactly the same resolution.

Councilman Mazzearella: And how did you fair out with the communities then. Did you get a lot of support back then?

George Stafford: Well as I say we've had eighty communities and we have about another twenty in the pipeline that are considering it and reviewing it. There are two hundred and forty-four towns that receive some or all of their water from the Highlands. There is only one of me and I'm a part time guy. I've been to almost two hundred meetings in the past two years. But some communities take more convincing than others; I went to Wayne five times before they finally passed our resolution.

Councilman Toal: Okay Mr. President, I'm the liaison to our Environmental Commission and I'm asking you if you have any literature because we will be meeting actually I think in another two weeks. We then can have a discussion to review your request and then get it back to the town council and then come up with something for the May meeting maybe, would that be okay.

George Stafford: Yes. I have this resolution here and I have your water sources. I will give it all to the Clerk.

Councilman Toal: Thank you we appreciate that.

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

Council Vice President Hund directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

Councilwoman Albanese: Just nice to see that Kiwanis is still active, it was nice tonight to see all those people.

Councilman Barr: No comments.

Councilman Mazzearella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: I'll wait till the next meeting.

Council Vice President Hund: I'll hold my comments to the next meeting as well.

ADJOURNMENT

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

Council Vice President Hund directed roll call:

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

APPROVED



STEVEN M. HUND
Council Vice President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
May 4, 2015

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith L. 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 Smith. 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 and Star Ledger, 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:

Public Hearing on the 2015 Municipal Budget as Amended

Resolution 15-59

Adoption of the Municipal Budget of the Township of Clark for Calendar Year 2015

BE IT RESOLVED by the Township of Clark, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

<u>\$15,014,382.50</u>	(Item 2 below) for municipal purposes, and
<u>\$ 788,588.50</u>	Minimum Library Levy

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 2,150,000.00
Miscellaneous Revenues Anticipated	\$ 3,606,263.91
Receipts from Delinquent Taxes	\$ 460,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	\$15,014,382.50
AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	<u>\$ 788,588.50</u>
Total Revenues	\$ 22,019,234.91

=====

SUMMARY OF APPROPRIATIONS

General Appropriations:

Within "CAPS"

Operations Including Contingent	\$14,375,696.00
Deferred Charges and Statutory Expenditures – Municipal	\$ 1,945,538.00

Excluded from "CAPS"

Operations – Total Operations Excluded from "CAPS"	\$ 1,722,685.91
Capital Improvements	\$ 100,000.00
Municipal Debt Service	\$ 3,000,315.00
Reserve for Uncollected Taxes (Include Other Reserves, if Any)	\$ 875,000.00

Total Appropriations	<u>\$22,019,234.91</u>
----------------------	------------------------

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 4th day of May, 2015. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2015 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Council President Smith opened the Public Hearing on the Municipal Budget

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

Council President Smith directed roll call:

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

Motion to adopt the Budget made by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Councilman Toal: Mr. President in a year per our duties as council members of this governing body we are here to make decision on behalf of the residents of Clark. One of the hardest things to do is to be voting on their wallets making decisions that are affected their income and what they are paying to keep their homes together and being a part of the Clark family. And it's always difficult to come up and just say yes or no to it. And all that work that went into it to make this budget possible and I know a lot of thought of what it takes to run this town. I just thank the Mayor, the Business Administrator and our Finance Committee Councilman O'Connor and Councilwoman Albanese. It's not an easy task to just say "yes" to hard earned money of the residents. I will be voting in favor of this tonight but just again I want people to understand it's one of the most difficult decisions we have to do as council members voting on their hard earned money. And we just want to let them know that we just don't do it nonchalantly, we care and we just want to make sure this town is safe and sound at all times, and we need things to do to make it run properly. We don't just vote "yes," we vote with a conscience and caring about them and their money and what they are doing in their homes. Thank you Mr. President.

Councilman O'Connor: I made my comments at the public meeting but I'll just take this time to reiterate thanking Mr. Laezza and the Administration for all of their hard work and efforts that they put into delivering an outstanding budget, thank you.

Councilman Mazzarella: And as the third member of the committee I want to thank John for a real good budget.

John Laezza: I would like to make some comments. I left the State of New Jersey in 1979 and my legacy was to have a computer user friendly budget in 1979. And the State and the speed of Flash Gordon it has gone through that

era ration since 1979 and last week they finalized it so we now have a user friendly budget which has to go down to Trenton tomorrow morning with this document. If you look at a user friendly budget, it has a lot of different information in it and I'm just anxious to see what the user friendly citizens can understand when they look at this document. But it does have a lot of good information, it has a lot of personal information, it has a lot of breakdowns of our appropriations which are good. I would say that we were one of the few communities that took to accommodate this in five days when it came out because they would not have accepted our budget unless we had a user friendly budget to adopt tonight. So tomorrow morning each of you will have one of these copies in your file to accommodate it.

Council President Smith: Excellent and will that be up on the website.

John Laezza: It will be up on our website and it will be sent to Trenton online and they will use this to compare Clark with every other municipality in the State of New Jersey.

Councilman O'Connor: And realize there is no comparison to Clark.

John Laezza: And realize that there is no comparison to Clark. And I'm happy to say that we are an AA2 rated bond rating for the new Moody's.

Council President Smith: When that goes down to Trenton, does Trenton put all of the towns on the website.

John Laezza: Yes.

No further discussion

Council President Smith directed roll call:

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

Budget is Adopted

Resolutin 15-60

WHEREAS an application has been filed for a Place-to-Place transfer of pocketed Plenary Retail Consumption License Number 2002-33-003-003, issued to Whole Foods Market Group, Inc., with a mailing address of 550 Bowie Street, Austin, Texas 78703; and

WHEREAS the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2014-2015.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Clark does hereby approve, effective July 10, 2015, the Place-to-Place transfer of the aforesaid Plenary Retail Consumption License from the pocket to its new location at 1255 Raritan Road, Clark, New Jersey 07066 and does hereby direct the Township Clerk to endorse the license certificate as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 1255 Raritan Road, Clark, New Jersey, 07066 effective July 10, 2015."

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Councilman Toal: If I could just get an explanation where this is coming from. We know it's going to be known as Applebee's but what business did this come from.

John Laezza: It's coming from Applebee's to Applebee's. It was transferred from Steak and Ale to AGPC Management LLC to Applebee's.

Councilman Toal: Right, that's what I wanted to get on record, thank you.

John Laezza: That was two years ago.

Councilman Toal: I understand.

No further discussion

Council President Smith directed roll call:

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

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 Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait till the next meeting.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council President Smith: No comments.

ADJOURNMENT

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
July 6, 2015

ROLL CALL:

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

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

Absent: Mayor Bonaccorso

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. 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, and Star Ledger, 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 15-84

WHEREAS it has come to the attention of the Township of Clark that New Jersey Supreme Court issued an opinion *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing* and

WHEREAS the Court decided that it would dissolve the exhaustion-of-administrative-remedies under the Fair Housing Act of 1985 (FHA); and

WHEREAS the holding authorizes the courts to hear and decide actions addressing municipal compliance with constitutional *Mount Laurel* obligations by municipalities that sought protections of the FHA through COAH; and

WHEREAS the holding permits municipalities file a declaratory judgment action seeking a judicial determination that it's housing plan is presumptively valid because it presents a realistic opportunity for the provision of its fair share of its housing region's present and prospective need for low- and moderate-income housing; and

WHEREAS in the event that a municipality does not file a declaratory judgment action, an action solely focused on whether the municipality's housing plan meets its *Mount Laurel* obligations may be brought by a party against that municipality; and

WHEREAS in all declaratory judgment actions brought before the Courts, the trial court may grant temporary periods of immunity prohibiting exclusionary zoning actions from proceeding against the municipality; and

WHEREAS in all declaratory judgment actions brought before the Courts, the trial court's approval of a municipality's plan may result ultimately in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the FHA; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, authorizes the Township to file a declaratory judgment action for the Court's evaluation of the Township's plan as proof of constitutional compliance.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Attorney Triarsi: I'll address this very briefly Mr. President. In March the Supreme Court dissolved the exhaustion of remedies that the Fair Housing Act was authorized to pursue and they turned around and they appointed one Judge from each of the vicinages to act as the housing Judge. So we no longer have COAH in business. Now each Judge in each county is going to make decisions on Affordable Housing. They knew that was going to be chaotic, so what they did was give all municipalities ninety days from the effective date of the order to file a declaratory judgment action to hold their position. Our position right now is we are in for a third round. So we decided that it would be wise to do that to insulate us from builders remedy suits. Tomorrow the complaint, which Edie has on her desk, which is bound in my office, will go to the Court together with a copy of this resolution and be filed. And that will effectively shield us from any builders remedies at least for the next five months during which time hopefully someone with some agency will profound appropriate rules and we'll be able to proceed further. My guess is that that won't happen and that five months from now we'll be doing something else to delay it another five or six months, but that's where it is and that's why this resolution is necessary.

Council President Smith directed roll call:

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

Resolution 15-85

WHEREAS the Township of Clark had a verbal understanding of the restricted use of municipally owned vehicles; and

WHEREAS the best practice position, as set forth by the State of New Jersey suggested that such policy be set forth in written form; and

WHEREAS the position of the Township of Clark is to promote the encouragement of use of municipal vehicles by our supervisory and on-call employees as they are subject to 24 hour call duty or other legitimate business reasons.

NOW THEREFORE BE IT RESOLVED that the use of municipal vehicles is non-taxable if the following conditions are adhered to:

- (a) The employee is required to use the vehicle for legitimate business reasons
- (b) The employee's personal use of the vehicle is restricted as herein stated, to driving to and from home and work, except for infrequent, de minimus, or emergency occurrences
- (c) The employee complies with the policy
- (d) The employer has some reasonable method to monitor employee compliance
- (e) The vehicle driven by the employee qualifies as a non-personal use vehicle, such as clearly marked police, fire or public safety officer vehicles; and

BE IT FURTHER RESOLVED that a written policy will be sent to all such employees.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Basically as you know each year the State decides to give a questionnaire regarding where are we going. We had an employee's policy with regard to vehicles; we wanted a more finite policy to satisfy that process of use of cars and use of cars for business purposes only. And so this resolution now strengthens our policy.

Council President Smith directed roll call:

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

Resolution 15-86

WHEREAS the Governing Body of the Township of Clark advertised on June 11, 2015 and received one (1) bid for a Three Wheel Street Sweeper with Belt Conveyor on June 25, 2015 at 10:00 am; and

WHEREAS the one (1) lowest responsible bidder was W. E. Timmerman Co, Inc., 3554 Route 22 West, Whitehouse, New Jersey in the amount of \$188,427.00 for the Base Bid, \$3,696.00 for the optional Lifeline Hopper Liner and \$2,236.00 for the optional Right Hand Side Broom Tilt with Indicator; and

WHEREAS the Base Bid of \$188,427.00 plus the optional Lifeline Hopper Liner in the amount of \$3,696.00 for a total amount of \$192,123.00 meets the needs of the township; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to W. E. Timmerman Co, Inc. in the amount of \$192,123.00; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount not to exceed \$192,123.00 funded by Bond Ordinance 15-04 as attached hereto as a "Certification of Availability of Funds".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to W. E. Timmerman Co, Inc. in the amount of \$192,123.00 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Councilman Toal: We have how many sweepers right now?

John Laezza: We have two. One is on its last leg.

Councilman Toal: That's the one we are replacing.

John Laezza: We are replacing that one and the other one...

Councilman Toal: The one that's running what year is that one?

John Laezza: Probably ten years old.

Councilman Toal: And what's the life span on these vehicles.

John Laezza: Well the one that we are getting rid of is about thirty years old.

Councilman Toal: That answers my question, thank you sir. Thirty years, that's an average about another twenty on the one they are driving now and we are adding a new one to the fleet.

Councilman Mazzarella: Plus they are a maintenance nightmare.

Councilman Toal: Yes I'm aware of that and I remember we've been tinkering with these things for years at least the one that's going out.

No further discussion

Council President Smith directed roll call:

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

Resolution 15-87

WHEREAS the Union County Board of Chosen Freeholders is sponsoring the Preserve Union County Grant Program, which makes funding available to local municipalities, to assist them in Historical Preservation; and

WHEREAS the Township has funding in the amount of \$40,000 for a preservation plan and submission of the long form for historical eligibility determination for the Dr. William Robinson Plantation located at 593 Madison Hill Road, Clark, NJ, and desires additional funding in the amount of \$40,000 from the Historical Preservation Grant Program; and

WHEREAS the Mayor and the Township Council believe that it is in the Township's best interest to submit an application to the Historical Preservation Grant Program for funding consideration in the amount of \$40,000 towards the purchase of said study.

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

1. The Township Business Administrator is hereby authorized to submit a grant application to the Preserve Union County Grant Program.
2. The Governing Body intends to match the \$40,000 with the Township Capital Account.
3. The Township Clerk is hereby directed to forward certified copies of this resolution to the Business Administrator, Victoria Durbin Drake, Preserve Union County Grant Program Trust Fund Administrator, and to James Pellettiere, Clerk of the Board of Chosen Freeholders for distribution to all County Freeholders.

Moved and seconded by Entire Council

Discussion:

Councilman Toal: What exactly is Scott looking to do on the building now? Is there a specification of what he's looking to put the money towards?

John Laezza: He's trying to basically maintain the driveways, take care of the drainage and things of that nature.

No further discussion

Council President Smith directed roll call:

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

Resolution 15-88**Council as ABC Board**

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following licenses are approved for their annual renewal: Plenary Retail Consumption Licenses in the sum of \$2,500.00; Plenary Retail Distribution Licenses in the sum of \$1,728.00; Club Licenses in the sum of \$188.00, be renewed for the Year 2015-2016, effective as of July 1, 2015.

- | | |
|-----------------|---|
| 2002-44-002-004 | Clark Circle Liquors & Lounge Inc.
t/a Wine Anthology
77 Central Ave., Clark, NJ 07066 |
| 2002-33-003-004 | Whole Foods Market Group Inc.
Mailing address: 550 Bowie Street, Austin, TX 78703 |
| 2002-33-004-007 | Garry's Catering LLC
440 Madison Hill Road, Clark, NJ 07066 |
| 2002-33-005-009 | Clark BBQ Inc.
1419 Raritan Road, Clark, NJ 07066 |
| 2002-33-007-007 | Apple Food Service
1255 Raritan Road, Clark, NJ 07066 |
| 2002-44-008-005 | Rotondo's Oak Ridge Liquors Inc.
t/a Rotondo's Liquors, Deli and Fine Foods, Inc.
1040 Lake Avenue, Clark, NJ 07066 |
| 2002-33-009-004 | 1085 Central Ave. Restaurant Corp.
t/a Molly Maguire's Irish Pub & Restaurant
1085 Central Avenue, Clark, NJ 07066 |
| 2002-33-010-007 | CLKDIN LLC
t/a Manny's Diner
1030 Raritan Road, Clark, NJ 07066 |
| 2002-33-011-007 | 1199 Corp.
t/a Tarantella's Ristorante
1199 Raritan Road, Clark, NJ 07066 |
| 2002-31-012-001 | Clark Post #328 The American Legion
t/a American Legion Clark Post 328
78 Westfield Avenue, Clark, NJ 07066 |

- 2002-31-013-002 Deutscher Club Clark Inc.
787 Featherbed Lane, Clark, NJ 07066
- 2002-31-015-001 The Gran Centurions
440 Madison Hill Road, Clark, NJ 07066
- 2002-31-017-001 John L. Ruddy Post 7363 VFW
8 Broadway, Clark, NJ 07066
- 2002-33-018-012 Paragon Restaurant Group LLC
77 Central Avenue, Clark, NJ 07066
- 2002-31-019-001 Columbian Club of Clark Inc.
27 Westfield Ave., Clark, NJ 07066
- 2002-31-020-001 Polish Cultural Foundation Inc.
177 Broadway, Clark, NJ 07066

Moved by Councilman Barr, seconded by Councilman Hund

Discussion:

Township Clerk: Last month you approved the application for Chili's. They were the first ones to comply with everything and there was no reason to make them wait. Everyone else complied except the Hotel. Because they sold the Hotel, they paid their fees (municipal and state fees) which they had to do or they would have already been shut down. They have applied but they don't have tax clearance. Meaning; the new people have not yet obtained the liquor license. So the old people are still controlling the sale of alcohol in the Hotel. The old people are dragging their feet because. But we've been back and forth and I can't tell you how many conversations. They are trying to get tax clearance; they were late on a quarterly report or something. So ordinarily they would be shut down right now or they would be paying the state additional fees. However, because of this new process there was an order written by the Director, he has now amended that order twice because he doesn't want to shut down all the people who don't have tax clearance. So they have an extension until September 18th to get tax clearance which has never happened (prior to the amended order).

Councilman Mazzarella: But you have added the VFW today.

Township Clerk: I did add the VFW today because they complied. I was trying to be nice, I gave them a deadline of June 30th but they complied today. So everybody is good except the Hotel, but they will still be able to serve.

No further discussion

Council President Smith directed roll call:

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

INTRODUCTION OF PROPOSED ORDINANCE:**AN ORDINANCE TO SUPPLEMENT CHAPTER 347 SECTION 45
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED TRAFFIC CONTROL SIGNALS**

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, State of New Jersey as follows:

SECTION 1. That the following Traffic Control Signal Installation shall be installed and operated at the following mentioned intersection and as per the designated plan:

<u>LOCATION</u>	<u>DESIGNATED PLAN/DATE</u>	<u>REVISED TIMING DIRECTIVE DATE</u>
Raritan Road (CR607) at Driveway for Hyatt Hills Golf Course and Clark Commons Shopping Center	As-built 07/06/15	07/06/15

SECTION 2. That the Traffic Control Signal installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control devices and Title 39 of the Revised Statutes; shall conform to the design and shall be maintained and operation, as authorized by the NJ Department of Transportation.

SECTION 3. That all prior ordinances or resolutions or portions thereof of the Township of Clark inconsistent herewith be and they are hereby repealed.

SECTION 4. That this ordinance shall become effective upon adoption and publication as required by law and upon the approval of the Commissioner of the Department of Transportation.

SECTION 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not effect the validity of the remaining portion hereof.

SECTION 6. When the Ordinance is finally adopted, the Township Clerk is to send a certified copy to Thomas O. Mineo, P.E., Union County Engineer, 2325 South Avenue, Scotch Plains, NJ 07076 and to Chris Barretts, Manager, Bureau of Traffic Engineering and Safety Programs, NJ Department of Transportation, 1035 Parkway Avenue, Trenton, NJ 08625

SECTION 7. This ordinance shall take effect upon adoption and upon publication according to law.

Motion to introduce made by Councilman O'Connor, seconded by Councilman Barr

Discussion:

John Laezza: Basically this is the new light for the Clark Commons (shopping center) as you know is finally blinking now at the protocol from the county. So we get commuters and people over the weekend it will be blinking so that everybody knows that there's a light there before they put it into motion. We have to give commuters two days of blinking and the weekend it's two days of blinking.

Councilman O'Connor: Again I'm sure the answer is yes but I'm sure it's going to be synchronized with all the lights.

John Laezza: Yes it will.

No further discussion

Council President Smith directed roll call:

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

Public Hearing July 20, 2015

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 Smith opened the meeting to the public

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council President Smith: No comments.

John Laezza: No comments.

Attorney Triarsi: No comments.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
August 21, 2015

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator/Acting 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 Smith. 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, and Star Ledger, 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.

Mayor Bonaccorso administered the Oath of Office to Pedro Matos as the Chief of Police

Police Chief Matos: Thank you everyone for being here tonight. I wish I could describe in words the feeling of humility and gratitude that I have at this moment but it is impossible. I would like to thank the town council, Mayor Bonaccorso and the Business Administrator Mr. Laezza for your trust and confidence in me. I know that this promotion comes with a great deal of responsibility to the residents of Clark, the town government and the Officers and department personnel I will lead. I am honored to be given this opportunity. The Clark Police department has always had a good working relationship with the town government and I will continue to foster a good working relationship between us so that our combined efforts will benefit the residents of Clark.

I would like to thank the many family, friends, law enforcement representatives and distinguished guests here tonight that have taken the time to come here this evening to support me.

I would like to thank Acting Prosecutor Grace Park ... 1st assistant pros Isenhour, for being here tonight and the so many other representatives of the UCPO who have reached out to me over the last 7 months to congratulate and offer their support. Your support has been invaluable to me and I truly appreciate it.

I would also like to recognize U C PCA for the support they have provided me over the last 7 months

To all of you and the so many other law enforcement leaders that during the last couple of months who have reached out to me to congratulate and offer their support, thank you and I look forward to working and collaborating with each of you.

I would like to recognize retired Clark Police Chiefsthank you for your many years of service and leadership to me and this department.

I would like thank Capt. Vincent Concina, Captain James Rapp, Lt Michael Pollock, Lt Patrick Grady, Lt Daniel Pitts and all of the Sergeants of the Clark Police Department. Your support and leadership you display every day is an invaluable asset to me and this department. Without your dedication our mission could not be accomplished. I can confidently say that every level of leadership in this department works hand in hand to accomplish our mission. I am very grateful for that, it makes my job a little easier. Thank you for your service and for all that you do.

I would like to thank my many brothers and sisters and I say many because for those who don't know I am the youngest of 10 siblings. It wasn't easy being the youngest of ten but I wouldn't trade it for anything. It was truly a memorable childhood filled with great memories, hard knocks and stiches. The lessons I learned from each of you I carry with me every day, some even in the form of scars..

I know that I would be remiss if I did not take a moment to recognize the blessings I have in my life. A very special person who without her constant support this would not have been possible. My wife of 18 years Barbara, thank for always being there for me with words of encouragement or just a hug. I really don't know how she puts up with me but I am blessed that she does. You are an amazingly loving caring person and I am truly lucky to have you in my life. I am thankful that I have you by my side to share my life with. Despite the fact that I won't admit it you are always right. I know that I could not be here today without you. 26 years ago when we first met your dad told you that if I came around again he was going to break both my legs. Well, I am glad you defied him. He didn't break either of my legs, but over the years he loved me like a son. I know that your dad and my mom are watching over us today and I am sure that they are very proud of the family we have created.

My children Nicholas, Andrew and Isabella. I am sure that I can speak for every parent here in the room that the day I found out that I was going to be a father a cloud of worry fell over me that I know I will carry with me forever. Fortunately you three make it very easy for us. Unfortunately for you, me and mom will never stop pestering you or asking questions about how you are doing or how your day was. Andrew, I will never stop sneaking up behind you and slapping your ears or just generally annoying you. You three make us smile every day and it has been a pleasure to watch you grow and develop your own passions in life. Nicholas with your love for photography, Andrew with movie making and stop animation and Isabella with your love for animals. If there is one thing I want to be known for I hope it is, that I was worthy of being your father. I am very proud of each of you.

To the officers and detectives of the Clark Police Department, the back bone of this Department. I want you to know,,, that first and foremost I will always be a police officer, I always have been and always will be a police officer. Truth be told I miss being inside of a patrol car. I will make

every effort to be fair, supportive and remain connected to you. I will work continually to reassess how we operate and to find ways to work more efficient. I will always demand a high level of professionalism and dedication from you. Many of you have worked with me long enough to know that. You also know that I am not afraid to try something new. Over the last couple of years we have successfully incorporated several new technologies to the department. My mission is simple; maintain the high level of professionalism that the Clark Police Department has always displayed. Through training maintain a high level readiness so that the department is ready to face any challenge we will encounter. And I will work tirelessly to develop the next generation of leaders of this department.

Back in February when I was appointed Acting Chief we all met and I encouraged every officer of this department to take an extra step when dealing with the public. To try and leave a positive impression with the people you encounter every day.

Since then I have received numerous letters from citizens, not just from Clark, thanking you for a job well done. Nothing brings more pride than when I receive a letter or an email from a citizen who felt compelled to write to me to explain how the officers of this department sympathized with their issue and went out of their way to help.

I would like to quote from a letter I received on July 10th from an individual. And I quote "Even though I was completely out of order, your officers conducted themselves with the highest standards. The Sgt. was also unbelievable kind and understanding. Though I was not fully forthcoming or cooperative I was treated with such respect. They both showed great concern for my health condition and taking all things into consideration these Officers were incredibly patient, kind and helpful. This is a credit to the job you are doing leading, training and guiding your Officers. Continue to do the great job you're doing and thank you.

Presentation of gift by PBA to Police Chief Matos

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 Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Comments of congratulations were made to Police Chief Matos from Mayor and Members of Council.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 8, 2015

ROLL CALL:

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

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 Smith. 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, and Star Ledger, 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:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE VEHICLE DIGITAL IN CAR VIDEO CAMERAS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$95,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

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 acquire Police Vehicle In Car Video Cameras and any ancillary costs related thereto.

Section 2. The sum of \$95,000 is hereby appropriated for the acquisition of Police Vehicle In Car Video Cameras and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Mayor Bonaccorso: Mr. President, Chief Matos is here tonight to give you some information.

Police Chief Matos: First of all I understand that ninety-five thousand dollars of taxpayer money is not something easy to ask for. But at this point it is necessary. The department can no longer justify not having this equipment with it becoming so readily available and so easy to use. Back in March myself, Captain Concina, and three other officers from the department who had a good understanding how the department works and a good understanding of technology got together and we started meeting with vendors. We met with numerous vendors and in the end the vendor we chose was certainly not the most expensive and wasn't the cheapest but it was the vendor we felt that had the best product that fit our needs, our specific needs of the department. About sixty percent of this money is going to the actual physical equipment that will be placed in the vehicles which includes three cameras per vehicle; a permanent mounted front facing camera, a camera that covers the rear passenger compartment where prisoners always get placed, and a third camera that is at the discretion of the officer which they could turn at any direction he deems it necessary. Plus the computer equipment for the vehicle hard drives wireless uploading equipment for each vehicle. The rest of the money will be used to purchase the servers and storage equipment that will be physically placed in the building. There are some construction costs there and also the wireless upload equipment for the building, plus training of our personnel on how to view the equipment and maintain the equipment. The life span of the physical equipment that is in the vehicle have about a ten year life span, so even though a patrol vehicle might only be in use three or four years, we can move this equipment from one vehicle to the next into the next. If there are any specific questions that I can't answer I will certainly reach out to the vendor and obtain any information that you may need.

Councilman O'Connor: Just one question. So when the officers are in the car themselves stationed looking out, will they be able to set their camera to check their blind spots in case someone does come up behind them? Is there a screen inside that they can check?

Police Chief Matos: Well that's a good question. There are three cameras that are going to be placed in the vehicle, the forward facing camera will be not be adjustable, it's a forward facing camera. Then there's a secondary camera that's underneath that can be rotating three hundred

and sixty degrees whichever way the officer deems it necessary. Could he actually see out of back window, I don't think so because...

Councilman O'Connor: My question is more if I'm sitting in the car facing this way, can I look at a monitored screen here and see the camera looking over here so no one is coming up on my blindside.

Police Chief Matos: Well the third camera is a camera that's mounted where normally a dome light would be and that camera is permanent and it's facing the prisoner compartment in the vehicle. With the new Ford vehicles now there is a camera, an actual rearview camera, equipped in our new patrol vehicles. So theatrically he could use that camera to see if there's anything behind him but it would require for him to place in universal.

Councilman O'Connor: Right. I was just thinking about the officer's safety that's all.

Police Chief Matos: We don't have this option yet this year in the three vehicles that we just got. But the newer Ford vehicles for next year will actually have sensors around the vehicle and when an officer is stationary and in park if someone were to walk behind the vehicle, it would automatically lock the doors and raised the windows, that's coming, that will be standard in these vehicles.

Mayor Bonaccorso: The camera rotates. When the Chief was showing me in the brochure, you pull up this way and something is going on that way you can just turn the camera. You know let's say there's another car on the other side of the street, so that makes a lot of sense, and the body camera is also, correct?

Police Chief Matos: That's independent of this but yes we will the next time.

Councilman Mazzearella: That was my next question. Do you have any anticipation of when?

Police Chief Matos: Before the end of the year.

Councilman Mazzearella: Oh great, so all of our police officers will be equipped with body cameras.

Police Chief Matos: Yes this includes eleven systems for our eleven patrol vehicles that we primarily use for patrol. We have other vehicles that we've use now that are our older vehicles that aren't used for patrol, we've put them out to pasture let's say. We use them for the road jobs that you see behind the construction. Those are the vehicles we are not going to waste five thousand dollar video system to watch down the road.

Councilman Mazzearella: But the body cams when you do get them every officer will be equipped with one, right?

Police Chief Matos: They will not be assigned a camera but when they go out on a patrol they will have a camera. (Councilman Mazzarella: ok) But they will not have an individual camera that would be assigned to them because that's very costly.

Mayor Bonaccorso: Yeah that's a question. We've never, ever, ever, ever had a problem because I know what you are going to say. But the detail guys are they going to be wearing cameras or no?

Police Chief Matos: That's a decision that I've been working on the policy and as of right now I don't see a need to have an officer who is working a construction detail to be equipped with a camera in the car and a camera on his chest. But other details let's say like security details when we do the Italian Feast out here, the officers who they have will have cameras. (Mayor Bonaccorso: ok)

Councilman Toal: Chief, so cars with Township of Clark Police will have camera systems. Are the patrol officers driving the cars in control of the camera systems or is the supervising officer in charge of the cameras.

Police Chief Matos: No. The triggers, they call them triggers; when the officer turns on the light the camera comes on. (Councilman Toal: ok) We set those triggers. The vehicles that are involved in an impact would get automatically recorded. If the vehicle goes after a certain set speed, it automatically starts the camera.

Councilman Mazzarella: So you have a traffic stop, the officer...

Police Chief Matos: The lights are on the camera is running. (Councilman Mazzarella: The cameras are on, ok)

Councilman Toal: There's no way for the officer to override it and shut down the system.

Police Chief Matos: No. It's a secure system so there's no way that the officer can delete the system. But as soon as he pulls into headquarters that's why we will upload it, there's no VHS tapes like fifteen years ago. As soon he pulls in the video from the car is uploaded.

Councilman Toal: Is the recorded system to this or everything that you are going out with do these patrol cars having a memory system or a record system to it?

Police Chief Matos: There is a 256 GB hard drive in the vehicle which will hold up they estimate somewhere in the vicinity about forty-four hours of video. It will never load up that much unless the system failed at headquarters and we might have to go a couple of days without uploading video from cars. At the most during a shift you might get two or three hours of video as soon as the car comes within range of headquarters the video is uploaded into the system.

Councilman Toal: But my question is then that video is stored, recorded, archived or what.

Police Chief Matos: It's stored within our system. And part of this cost is also software management and evidence management. (Councilman Toal: that's what I was going to ask) So which videos will be tagged as to what they are whether it be a car stop or an arrest?

Councilman Toal: Right so you have a record. And you can use that in court, correct?

Police Chief Matos: Absolutely.

Councilman Toal: That's what I'm looking for.

Police Chief Matos: The eventuality value of this is amazing with the not only the evidence but also any complaints. I'm assuming any complaints that are going to be filed against any officers are going to be quickly resolved because you are going to have video, it's there. (Councilman Toal: just what I want to hear) Where now it's a time consuming process interviewing this interviewing that person where in the future we'll just look at the video.

Councilman Toal: And the supervising officer of your choice will then oversee the archived information and the archived records.

Police Chief Matos: Yes. And officers will be able to view their own videos.

Council President Smith: One of the questions was once it's stored on our system over there does it eventually...because that's going to fill up, does that get stored up in the cloud.

Police Chief Matos: No there's no offsite cloud storage, we are not going to do that, we are going to have about twenty mega bite storage systems which should hold depending on what the video is, depending on what kind of case it's involved. Most videos and most routine videos will probably be deleted after ninety days depending on what we say.

Council President Smith: So someone is going to physically go look at them and decide what to delete.

Police Chief Matos: Depending on how the officer tags the video. (Council President Smith: right I got you)

Mayor Bonaccorso: You know another thing is Chief, you pull a car over and you give a simple summons or a warning, that video we don't need it saved unless... (Matos: those videos will probably be ninety days) Right because if someone is going to say an officer was abusive they are going to file a IA report immediately within a day or two. So you know he's not going to need forty thousand vehicle stops with tickets you know over an x amount of years. It's going to be like if something happened like in Rahway, it's going to be like crimes and things of that nature that will be the only thing tagged. The routine car stops, they put their lights on when they go to an ambulance call and when they get there they don't need that.

Police Chief Matos: Also if a video is in regards to a crime let's say, I'm assuming that by the time that video comes up cause the way the storage system works at headquarters as it's getting

older and older and older and the server gets filled up the oldest videos get purged out and will automatically be deleted. Certainly by the time that would happen those videos that are necessary would have already been burned onto hard DVD's.

Council President Smith: My second question; you mentioned I guess each car would be with a computer, correct?

Police Chief Matos: Yes, it's not by a computer, it's a hard drive.

Council President Smith: Oh because I was going to say could that eliminate the laptops or computers they have in their car now (Matos: no) or it can't be run on the same system to try to eliminate some cost. (Matos: no)

Councilwoman Albanese: So Edie and I attended a seminar I mentioned I think at the last meeting or the meeting before. And one of the interesting questions that came up was on these videos. So let's say you come to my house or to someone's house and it's a family dispute and then you are recording the entire incident. Now is that all part of open public records, can someone come and say "I saw that my neighbor had an incident at their house and I want to see that video and I want to see what's going on at that house next door." How are we going to address those issues?

Police Chief Matos: The Attorney General passed a directive last month that covers all of sensitive videos of that nature where there is any video that's recorded inside a house, inside a medical facility, and inside a school, there's actually within the direct of the officer...and those are the videos that are going to be recorded on the body camera. So when an officers enters a school and if there's children around he has to shut the camera off unless there's something else going on where he feels let's say where he might have to use force or something else going on that would be more priority than let's just say talking to an individual. So if there's children present in the school he has to shut the camera off. Any video that's recorded in a medical facility, a drug rehabilitation facility or a person's home cannot be released without the Prosecutor's Office approval.

Councilman O'Connor: Because that's going to fall under the HIPPA guidelines.

Councilwoman Albanese: It's conflict with the OPRA and the HIPPA guidelines then.

Mayor Bonaccorso: And the other thing is too Angel if there's any kind of crime it would go under evidence and the police are investigating the case and cannot be released.

Township Clerk: Right. Ongoing investigations wouldn't be opened.

Mayor Bonaccorso: Yes this file wouldn't be opened. I mean if they showed up to your front door because someone called and said you had a party and they went there and said "no there's no one here" and I came in and said "well I'm going to see what the police officer said to him".

Councilwoman Albanese: Or even a burglary. You go to the house, okay, the door is opened and you suspect a burglary or a neighbor calls saying a burglary is going on. I see things like you know strangers moving things out and when you are inside you are going to be videotaping so you would want that on when you are inside looking for suspects.

Police Chief Matos: Also part of the Attorney General directive is that any video that where a victim is present in the video cannot also be released without a prosecutor's approval.

Councilman O'Connor: But the good news is that they will be training all the officers a hundred percent on everything, that's great.

Councilwoman Albanese: Well it's all new areas you know of law.

Township Clerk: Now the colleges are instructing their students to file OPRA requests. We just got one today for what the council gets paid and how much their benefits are.

No further discussion

Council President Smith directed roll call:

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

Public Hearing September 21, 2015

RESOLUTIONS:

Resolution 15-112

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby authorize the Mayor and/or Business Administrator to execute a Municipal Shared Services Defense Agreement in connection with the Township's obligation to determine affordable housing needs and authorize payment of Two Thousand Dollars (\$2,000.00) to participate as a member in accordance with the agreement.

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: Basically this is some sharp guy took advantage of the COAH shortfall and charging every town two thousand dollars to determine what you need to accommodate the COAH rulings. And it will be just be a part of our new COAH agreement but this will protect us from developers that want to put in affordable housing in our community. So they think it's a better deal if we do it this way.

No further discussion

Council President Smith directed roll call:

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

Resolution 15-113

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholder of the County of Union, on Friday, September 18, 2015, 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 18, 2015 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 18, 2015 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

Discussion: None

Council President Smith directed roll call:

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

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 Smith opened the public portion of the meeting

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

Council President directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait to the next meeting

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzaella: No comments.

Councilman O'Connor: I just want to say thank you Chief for doing the research to keep yourself safe as well as your police force and keeping the community safe as well, so thank you.

Councilman Toal: No comments.

Council President Smith: I have nothing.

John Laezza: No comments.

Howard Lesnik: No comments.

Township Clerk: No comments.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
October 5, 2015

ROLL CALL:

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

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 Smith. 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, and Star Ledger, 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 15-121

**RESOLUTION ESTABLISHING THE FISCAL POLICY FOR THE APPROPRIATE
LEVEL OF FUND BALANCE**

WHEREAS it is important that government entities create fiscal policies to provide guidance in the management of fiscal operations; and

WHEREAS in managing said fiscal operations it is essential that Clark Township maintain adequate levels of Fund Balance to minimize current and future financial risks; and

WHEREAS an adequate amount of Fund Balance will assist to ensure that the municipal tax rate is stabilized, that tax rates are managed over multiple fiscal years, cash flow is adequate to meet operating cost demands and funds are available for emergency response situations; and

WHEREAS credit rating agencies monitor levels of Fund Balance in order to evaluate the Township's creditworthiness and projected fiscal outlook; and

WHEREAS predictability and volatility of revenues and expenditures must be considered when establishing the amount of revenue to be anticipated for Fund Balance in each budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the Fund Balance remaining after determining an amount as anticipated budget revenue should be a minimum of one month's general revenues other than the current year anticipated amount to be raised by taxation; and

BE IT FURTHER RESOLVED that the minimum balance threshold be obtained at year-end.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Council President and Members of Council...down through the years I've had an unwritten rule of fiscal policy related to the maintenance of a fund balance for emergencies. This package of procedures that we are discussing tonight is the concept why they want it in writing, so I put together a resolution to acknowledge it in writing. We keep it better than this.

No further discussion

Council President Smith directed roll call:

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

Resolution 15-122

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 15-23; and

WHEREAS the township wishes to purchase and install 4RE In-Car HD Camera System (11 units) as follows:

Advanced Electronics Design NJ State Contract #A81300
dba Patrol PC
344 John Dietsch Blvd.
North Attleboro, MA 02763
Equipment List:

4RE In-Car HD Camera System (11 units) including an Evidence Library Server, Software, Video Storage, Charging Stations, Set Up and Installation and 3-year warranty
Total equipment and installation price \$81,092.00

WHEREAS the Business Administrator recommends the utilization of this contract on the grounds that it meets all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for this contract in Capital Ordinance #15-16.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark, County of Union, State of New Jersey that it hereby authorizes the purchase and installation of In-Car Cameras as described above.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

John Laezza: Basically if you recall we passed an ordinance regarding camera equipment. This is a resolution so that we can purchase them through the state contracts.

Councilman Toal: Mr. President...again last meeting the Chief gave a detailed explanation about how this was going to be acquired, how it was going to be used, and how it was going to be maintained. And from that explanation I will be fully supporting it for the safety of our men.

Council President Smith: I think we all agree on that.

No further discussion

Council President Smith directed roll call:

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

DISCUSSION:

CY 2015 Best Practices Inventory

Prepared and certified by John Laezza, Chief Administrative Office 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 2015-17 dated September 9, 2015. The discussion will be incorporated into the minutes of this meeting.

John Laezza: Basically the best practice is something that was put together by an attorney in the State of New Jersey. He put some words together as to what they believe is the best way to run a community. There are a number of communities that have to do it. Basically they probably use our community as their example to make it work the proper way. The township scored eighty-eight percent out of a hundred which just says there's no penalty and there will be no state aid removed.

Councilman O'Connor: So it entitles us to full state aid, no penalties.

John Laezza: Full state aid.

Councilman O'Connor: Great job thank you.

No further discussion

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 Smith 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 Hund

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait until the next meeting.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council President Smith: No comments.

John Laezza: No comments.

Attorney Triarsi: No comments.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
November 2, 2015

ROLL CALL:

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

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 Vice 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, and Star Ledger, 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:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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.

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

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to undertake various public improvements and to acquire new additional or replacement equipment and machinery and new information technology equipment in, by and for said Township, as more particularly described in Section 4 hereof. Said

improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment 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 the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Installation of generators at the Municipal Building and Firehouse No. 1 (located on Broadway).

Appropriation and Estimated Cost	\$ 250,000
Down Payment Appropriated	\$ 12,000
Bonds and Notes Authorized	\$ 238,000
Period of Usefulness	15 years

B. Acquisition of new information technology equipment consisting of computer equipment for the use of various Township departments, offices and agencies.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 3,200
Bonds and Notes Authorized	\$ 46,800
Period of Usefulness	5 years

C. Undertaking of various improvements to municipal facilities, including the acquisition of new additional or replacement equipment and machinery.

Appropriation and Estimated Cost	\$100,000
Down Payment Appropriated	\$ 4,800
Bonds and Notes Authorized	\$ 95,200
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$400,000
Aggregate Down Payment Appropriated	\$ 20,000
Aggregate Amount of Bonds and Notes Authorized	\$380,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$10,000 which is estimated to be necessary to finance the cost of such purposes, 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$20,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$20,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$380,000 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 purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$380,000 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 and 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 said 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 average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the

respective amounts of bonds or notes authorized for said purposes, is a period of 13.76 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 \$380,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. 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 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage .

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion:

John Laezza: Council President and members of the board this is basically an ordinance to pay for a new emergency generator for the municipal building and for the firehouse. In case if there are storms we use the municipal building for a warming area or a cool area whichever it's season. The activity may or may not happen, we hope it never happens. We are also going to replace all of our computers in our offices, they are now slowing down and we are getting new technology to bring them closer to what we need. And we are also going to be acquiring also some additional equipment for the police department. The police radios; now their bands are not coordinating with each other and so we will be replacing police radios.

No further discussion

Council Vice President Hund directed roll call:

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

Public Hearing on November 16th

RESOLUTIONS:

Resolution 15-129

WHEREAS the Governing Body of the Township of Clark has advertised for bids on October 15, 2015 for the 2014 NJDOT Terminal Avenue Road Improvements and 2015 Capital Improvements; Westfield Avenue & Terminal Avenue Signalization Improvements and Starlite Drive Improvements; and

WHEREAS seven (7) bid proposals were received on October 28, 2015 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were

Black Rock Enterprises, LLC	\$750,807.70
S. Brothers General Contractors	\$772,747.00
Top Line Construction Corp.	\$778,141.69; and

WHEREAS Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the total amount of \$750, 807.70 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 Ordinances 14-15 and 15-03 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 Black Rock Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Black Rock Enterprises, LLC in the amount of \$750, 807.70; 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 O'Connor

Discussion:

John Laezza: Once again this is a continuation and a re-configuration of our ordinance for the road work and we added Starlite Drive to it. And we will be doing a portion of Terminal Avenue at the intersection at the light.

Councilwoman Albanese: So on Terminal Avenue it's the area where the road is going to be widened?

John Laezza: Yes. It's the intersection where the road is going to be widened. It's not all of Terminal Avenue. The balance of Terminal Avenue will be done when L'Oreal finishes their project. We don't want to build a road if it's going to be under construction.

Councilman Mazzarella: Okay the part that's all messed up that's not going to be done on Terminal Avenue?

Mayor Bonaccorso: It's going to be right by the Senior Citizens' Housing and we're chopping off a piece of Retro to make a right hand turn by Retro, that's it, the intersection. The rest of Terminal is not getting touched yet.

John Laezza: We'll probably go up to Kerry, the first Kerry not the second Kerry.

Council Vice President: Will L'Oreal pay for paving of the road when they do their work?

John Laezza: We indicated to them that we expect that will be their responsibility.

No further discussion

Council Vice President Hund directed roll call:

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

Resolution 15-130

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$3,867.77 from the State of New Jersey, Body Armor Grant and wishes to amend its 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$3,867.77 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Body Armor Grant

BE IT FURTHER RESOLVED that the like sum of \$3,867.77 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-set by
Revenues:
Body Armor Grant

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

Moved and seconded by the Entire Council

Discussion: None

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzaella, O'Connor, 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 Vice 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 Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzaella, O'Connor, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Mazzaella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council Vice President Hund: No comments.

ADJOURNMENT:

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

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzaella, O'Connor, Toal, Hund

APPROVED



WILLIAM F. SMITH

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
December 7, 2015

ROLL CALL:

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

Also Present: Mayor Bonaccorso; 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 Smith. 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, and Star Ledger, 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:

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$5,542,000 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$5,585,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,585,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID TOWNSHIP TO FINANCE SUCH APPROPRIATION.

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 refund \$5,542,000 aggregate principal amount of the Township's outstanding General Improvement Bonds, dated August 15, 2005 and maturing on or after August 15, 2016 (the "Outstanding Bonds").

The Outstanding Bonds bear interest from their date at the rates per annum, payable on February 15 and August 15 of each year until maturity or prior redemption, and mature in annual installments on August 15 in each year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	Principal
2016	\$1,570,000	3.875%	
2017	1,640,000	3.875	
2018	1,710,000	3.875	
2019	622,000	3.875	

The Outstanding Bonds are subject to optional redemption at a redemption price of 100%.

The Township Council may determine by subsequent resolution not to refund a portion of the Outstanding Bonds.

Section 2. The Township Council of the Township has ascertained and hereby determines that the Outstanding Bonds set forth in Section 1 of this ordinance have not been paid or discharged and that the Township is authorized by Section 51(a) of the Local Bond Law of New Jersey (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds as hereinafter provided to refund the Outstanding Bonds. The object of the refunding is to effect debt service savings for the Township.

Section 3. A sum not exceeding \$5,585,000 is hereby appropriated (a) to refund the Outstanding Bonds set forth in Section 1 of this ordinance in the aggregate principal amount of \$5,542,000 and (b) to pay an amount not exceeding \$22,000 for the cost of the issuance of the refunding bonds, including underwriter's compensation, printing, advertising, financial and legal

expenses therefor, as permitted by Section 51(b) of the Local Bond Law (collectively, the "Purpose").

Section 4. To finance the Purpose, refunding bonds of said Township in an aggregate principal amount not exceeding \$5,585,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall be sold at private sale and shall be in registered form and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to the Local Bond Law and shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates per annum, be payable at such time or times, be in such denominations, carry such registration privileges, be executed in such manner consistent with the provisions of the Local Bond Law for bonds of a municipality, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be hereafter determined by resolution of the Township Council within the limitations prescribed by law.

Section 5. The Refunding Bonds shall be direct, unlimited and general obligations of the Township and the Township shall be obligated to levy ad valorem taxes upon all taxable real property within the Township for the payment of the principal of and the interest on the Refunding Bonds without limitation as to rate or amount. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of the Refunding Bond exist, have happened and have been performed, and that the Refunding Bond,

together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

Section 6. All matters with respect to the Refunding Bonds not determined by this ordinance shall be determined by subsequent resolution or resolutions to be hereafter adopted by the Township Council of the Township, or the performance or determination thereof delegated by resolution or resolutions, to the Director of Revenue and Finance.

Section 7. 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 \$5,585,000 (the amount of the Refunding Bonds authorized), but \$5,542,000 (the amount of Outstanding Bonds being refunded) shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. It is hereby determined and stated that no sum need be appropriated hereby as a down payment.

Section 9. The Township is hereby authorized to enter into any agreements that may be necessary to effect the purchase of securities, as permitted by Sections 53(c) and 60 of the Local Bond Law, to accomplish the refunding.

Section 10. This refunding bond ordinance shall take effect twenty days after the first publication thereof after final passage as provided by the Local Bond Law.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Mayor Bonaccorso: We will be saving two hundred and fifty thousand dollars for the next five years, fifty thousand a year on this refinancing on this bond.

Councilman O'Connor: So this is due to our better than average bond rating?

Mayor Bonaccorso: Way better than any bond rating, yes.

Council President Smith: That's a good thing, excellent.

Council President Smith directed roll call:

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

Public Hearing December 21st

RESOLUTIONS:

Resolution 15-142

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$40,000.00 from the County of Union-Kids Recreation Trust Fund Grant and wishes to amend its 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$40,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

County of Union-Kids Recreation Trust Fund Grant

BE IT FURTHER RESOLVED that the like sum of \$40,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-set by
Revenues:

County of Union-Kids Recreation Trust Fund Grant

BE IT FURTHER RESOLVED that the sum of \$40,000.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the Trust Account under the caption Donation – Clark Soccer Club; and

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

Moved by Councilman Hund, seconded by Councilman Mazzarella

Discussion:

Council President Smith: Sal this is for the soccer field at Bartell?

Mayor Bonaccorso: Yes this is for that. We have to re-adjust the Budget, amend the Budget is actually a better word to show this as an incoming revenue because we applied for this after the Budget was sent to Trenton. So it's really budget housekeeping to stay in line with all of the laws in Trenton.

Councilman Hund: Do we have to match that money?

Mayor Bonaccorso: The Soccer League has to.

Council President Smith: What are they doing the turf over at Bartell?

Mayor Bonaccorso: We are having a meeting with them about a turf field.

Council President Smith: Okay.

Mayor Bonaccorso: That will be coming up soon that we'll be talking to them about it.

Council President Smith: Excellent.

Council President Smith directed roll call:

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

Resolution 15-143

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$20,000.00 from the County of Union-2015 Preserve Grant and wishes to amend its 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$20,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

County of Union – 2015 Preserve Grant

BE IT FURTHER RESOLVED that the like sum of \$20,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-set by
Revenues:

County of Union – 2015 Preserve Grant

BE IT FURTHER RESOLVED that the sum of \$20,000.00 representing the amount required for the municipality's share of the aforementioned undertaking or improvement appears in the Capital Account under the caption William Robinson Historic Trust; and

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

Mayor Bonaccorso: Same thing applies here for the Robinson House; a twenty thousand dollar grant is budgeted for housekeeping to stay in line with all the budgetary laws in Trenton.

Council President Smith: Excellent.

Council President Smith directed roll call:

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

Resolution 15-144

WHEREAS Reivax Contracting Corporation has completed work on the Valley Road School Parking Lot Improvements and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Nineteen Thousand, Four Hundred Ten Dollars and Ninety-Nine Cents (\$19,410.99) including retainage held by the Township in the amount of Eight Thousand, Six Hundred Seventy One Dollars and Sixty Six Cents (\$8,671.66) and Change Order #2 which increases the adjusted contract amount by Five Thousand, Seven Hundred Thirty Two Dollars and Fifty Cents (\$5,732.50); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Ordinance 14-05 as evidenced by the Certification of Availability of funds attached.

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Reivax Contracting Corporation to be Sixty Six Thousand, Six Hundred Forty Eight Dollars and Thirty Three Cents (\$66,648.33).

WHEREAS Reivax Contracting Corporation has submitted a Consent of Surety to Final Payment and the One Year Maintenance Bond in the amount hereinabove stated.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to Reivax Contracting Corporation, 356 Thomas Street, Newark, New Jersey 07114 in the amount of \$19,410.99 including retainage and change order #2 and release of the Performance Guarantee.
Moved by Councilman Hund, seconded by Councilman O'Connor

Discussion:

Mayor Bonaccorso: You guys know that that project was done last year. And we held money back because we weren't satisfied with certain aspects of it and they finally completed it and to the engineer's satisfaction we released the balance.

Council President Smith directed roll call:

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

Resolution 15-145

WHEREAS Ron Ferrara served as the Student Assistance Coordinator/PTA representative on the Municipal Alliance Committee until he retired from service on August 1, 2015.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby appoints Steve Kaelblein as the Student Assistance Coordinator/PTA representative Member of the Municipal Alliance Committee to fill the unexpired term of Ron Ferrara effective August 1, 2015 to December 31, 2015 in accordance with NJSA 26:2BB-9

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion: None

Council President Smith directed roll call:

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

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 Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council President Smith: No comments.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk