

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
March 3, 2014**

ROLL CALL:

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

Also Present: 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 Toal. 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, NJTODAY.NET 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.

Boy Scout Troup 330 in attendance to earn the Community Merit Badge:

Thomas Meade	shadowed Councilwoman Albanese
Ryan Kluse	shadowed Councilman Barr
Matthew Figueroa	shadowed Councilman Kazanowski
Zach Brown	shadowed Councilman Mazzaella
Nick Brown	shadowed Councilman O'Connor
Gerard Rokosz	shadowed Councilman Smith
Kevin Micheludis	shadowed Council President Toal

Councilman Kazanowski gave an explanation to the Boy Scout regarding the Special Meeting as well as the Workshop Meeting.

INTRODUCTION OF PROPOSED ORDINANCES:

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

WHEREAS the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and

the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Governing Body of the Township of Clark in the County of Union finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Governing Body hereby determines that a 3.0% increase in the budget for said year, amounting to \$465,910.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2014 budget year, the final appropriations of the Township of Clark shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 4%, amounting to \$543,561.90 and that the CY 2014 municipal budget for the Township of Clark be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon be filed with said Director within 5 days after such adoption.

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion:

John Laezza: Basically this is an ordinance being introduced to increase the allowable Cap in case we need it. As an example...this year the Cap was half of one percent which would have allowed us to increase our appropriations by seventy-seven thousand six hundred and fifty-one dollars. If we had to use a hundred and sixteen thousand to increase our appropriations that are within the half of percent Cap. So we have a Cap Bank and we will be able to use this and basically it keeps us available to provide the services within the Cap Bank for appropriations but we are still restricted by the Cap Levy but we can stay within the levy also.

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"PROHIBITED ACTS"
ADOPTED FEBRUARY 18, 2014**

BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance No. 14-03, adopted on February 18, 2014 is hereby amended in the following particulars:

SECTION 1: Notwithstanding anything contained in the Ordinance to which this is an amendment to the contrary, canvassing, solicitation, calling from house to house, and other activities of similar nature whether commercial or noncommercial purposes is strictly prohibited on Sundays.

SECTION 2: **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 3: **Effective Date:** This Ordinance shall take effect upon final adoption and publication, according to law.

Moved and seconded by the Entire Council

Discussion:

John Laezza: So we have an understanding of yes we've introduced the ordinance and adopted last month. Basically we inadvertently removed that there is no hours for soliciting on Sundays. So we basically said those hours in the prior ordinance restricted to Monday through Saturday.

Attorney Triarsi: You should be aware that this prohibits commercial and non-commercials solicitation on Sundays.

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

RESOLUTIONS:

Resolution 14-40

Municipal Budget of the Township of Clark County of Union for Calendar Year 2014

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014:

**EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2014**

General Appropriation For:

1. Appropriations within "CAPS":
 - (a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2) 15,836,501.00
2. Appropriations excluded from "CAPS"
 - (a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended) 4,719,758.80
 - (b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)
-
 - Total General Appropriations excluded from "CAP" (Item O, Sheet 29) 4,719,758.80
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated 98.49 862,000.00
Percent of Tax Collections
4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2014 \$ _____
for Schools –State Aid 2013 \$ _____ 21,418,259.80
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11)
(i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes) 5,923,833.80
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) 14,710,879.92
 - (b) Addition to Local District School Tax (Item 6(b), Sheet 11)
-
 - (c) Minimum Library Tax 783,546.08

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 3, 2014; and

BE IT FURTHER RESOLVED that said Budget be published in summary in the Union County LocalSource in the issue of April 3, 2014; 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 21, 2014 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by the taxpayers or other interested persons.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Resolution 14-41

WHEREAS the Governing Body of the Township of Clark advertised and received ten (10) bids for the Building Addition at Fire Station No. 2 (865 Raritan Road) on February 26, 2014 at 10:00 a.m.; and

WHEREAS as a result of the review of all bids submitted, the Township Engineer found that the two (2) low bidders had substantial material deviations in their bid proposals; and

WHEREAS the Business Administrator recommends that the bids be rejected in the best interest of the Township and seeks authorization to re-bid the project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby rejects the bids for the Building Addition at Fire Station No. 2 (865 Raritan Road) and grants authorization to re-bid said project.

Moved by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion:

John Laezza: Council President, Members of Council...basically you know we went out to bid. We received nine bids on this project. The first low bidder did not include in his bid the requisite information necessary with regard to use of subcontractors. The second low bidder did not include a security bond of security information so that he was not qualified and the third bidder was about ten thousand in excess over and above the other two bidders, so in the best interest of the community to throw out all bids and submit new bids within the next two weeks.

Council President Toal directed roll call

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

PUBLIC COMMENTS:

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

Council President opened the public portion of the meeting

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza: No comments at this time.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Smith: No comments.

Council President Toal: I'll pass to the next meeting.

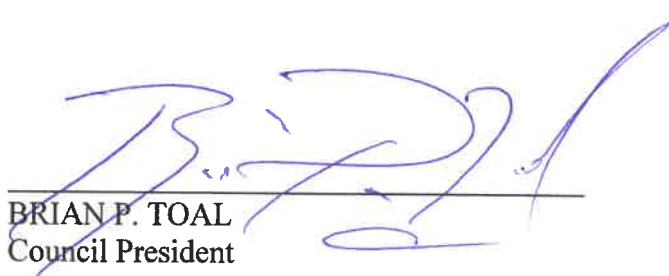
ADJOURNMENT

Motion to adjourn meeting was made by Councilman Smith, seconded by Councilman Kazanowski

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
April 7, 2014

ROLL CALL:

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

Also Present: Howard Lesnik, (filling in for Mr. Joseph Triarsi), Township Attorney; Edith Merkel, Township Clerk

Absent: John Laezza, Business Administrator; Richard O'Connor, Township Engineer

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Toal. 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, NJTODAY.NET 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: The Chief, I and John have been interviewing a lot of people. We got hit by the retirement bug again. We have had some real good candidates that we are very excited about. Brandon Pitts, you may know his cousin Danny Pitts who is a sergeant, he worked over at the Union County Police Department and he wanted to transfer over. From our moles in that department they said that the kid is just outstanding. The Union County Chief Danny Vaniska is very nice, he doesn't care if you want to go, go. I swore him in the other day in my office so that he could start work. This is the ceremonial part of that. He is out now with other patrolmen. He has already trained and he knows what to do. Now it is just a matter of maybe a month, Al, of learning our procedures, the internal computer in the car and things of that nature, and of course learning the town. Al has put him with some good training officers, guys that were the bright stars of the department. We expect him to do very well.

We have another guy coming on board from Union County, Sergio D'Andrea. A big guy, a very nice guy, again, we got great reports on him.

Township Clerk: Are we swearing him in too that night?

Mayor Bonaccorso: No. I am just giving them an overview because they have not heard this. Then we had interviewed two people from the Irvington Police Department, one is a Clark resident and one is from Phillipsburg. I will tell you guys, you want to talk about an unreal resume? One is a female, she lives in Clark, her resume isand she was sharp. This other guy Frank is a sergeant in charge of major crime scenes. They call him out in the middle of the night. Unfortunately the Mayor there has an election coming up on May 15th, and he said no for now, but he will let us know after the election. Those two hurt. When you come from those cities in a year you see a lifetime, and to bring that expertise would have been great. We are going to hold

that for now and hopefully get them over (here). If we can't then we will go back to the drawing board and find a couple of other people. Then we are going to need some more at the end of the year.

Councilman O'Connor: Sal, when they come from other towns after ten years do they come back to Clark at base (pay)?

Mayor Bonaccorso: No, they take a hit in their pay.

Councilman O'Connor: They take a hit but not base?

Mayor Bonaccorso: Not base no. What we do Pat is...we have got to complement them for their years of experience. The one girl was making like \$93,000.00, or something?

Chief Scherb: \$94,000.00.

Mayor Bonaccorso: We were going to start her at \$73,000.00. The one guy was making more than her and he would have taken a thirty something thousand dollar hit. They are probably burnt out. When DeVecchio and Loprete came from Irvington they both said that they would literally go to work and don't know if we are going home at night. Thank God that is not the case here. The other two Union County officers are very excited about this, they are very good. We are going to have some more retirements at the end of the year. The face of the department is changing one more time.

Councilman Smith: Are there four openings now?

Mayor Bonaccorso: Yeah. So like I said we found that most people that come, and not to knock anybody that we hired through the academy, but you have a whole different hire, and they are worth the extra money. But we have to accept them and their department has to release them. On the other hand we just had one officer leave us, or is leaving us, Joe Mirabile. I had negotiations with the P.B.A. a couple of weeks ago, and Al grabbed me earlier and said that Joe wanted to transfer to Scotch Plains. This is the first time ever that anyone has left here. I asked Al what was wrong and he said nothing. We brought him in and he said, "Mayor, nothing against the Chief, the Department, anybody" He said, "I live in Scotch Plains, my kids are getting older now." He wants to do what our guys are afforded. If a daughter is playing softball they drive in back, watch an inning or two, answer the radio. Al, Danco and Connell always allowed our guys to do that, and we do too. We think that it is a good thing that you see a little presence and you get to know everybody, even though they live in town, it is a nice thing. So when he said that, I said, "Joe, I will sign your papers, I am not going to hold you back from that." That is what I would probably want. So we will probably lose him around May or June.

Chief Scherb: May 1st.

Mayor Bonaccorso: So that is the Police wrap up for tonight.

Township Clerk: Council President, can I please make sure that everyone is on the Special Council Meeting, and not the Workshop Meeting.

INTRODUCTION OF PROPOSED ORDINANCES:

Township Clerk: Just for the record the Supplemental Debt Statement was properly filed by the CFO, and we have confirmation from the State that they received it.

BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW ENTRANCE ROAD AND THE MAKING OF PARKING IMPROVEMENTS AT VALLEY ROAD SCHOOL FOR JOINT SCHOOL AND MUNICIPAL USE AND PUBLIC SAFETY PURPOSES 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, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to construct a new entrance road and make parking improvements at Valley Road School for joint school and municipal use and public safety purposes in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$400,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment 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 benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost

of said purpose is \$400,000, and (4) \$20,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$380,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$20,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$20,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the 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 6. To finance said purpose, bond anticipation notes of the 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 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 the Township, and that such statement so filed shows that the gross debt of the 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 the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

Moved by the Entire Council

Discussion:

Mayor Bonaccorso: Valley Road School, you guys all know, Rich you know, and I know, and I am sure that some of the At-Large people know, that it is a mess. No fault to everybody, the building was built in the 50's, they had one car and three bicycles back in those days. Some years ago when Brian Zykowski was the Superintendent we came up with this idea and he did not want us to cut into the field. That is his problem. In the meantime things went on and we did a successful job at Hehnly. Kumpf is a mess and we are going to visit that next year, we already have a plan in place. Hehnly was a lot less work than this (Valley Road School) because there is not a lot that you can do there other than moving some islands, doing some painting, and things of that nature. The Mayor presented preliminary plans to improve traffic flow at Valley Road School (Site Plan available on line).

Councilman O'Connor: First off that is a good plan. The entrance to the school is that Nassau Street there?

Councilman Kazanowski: Fulton, Fulton is the first street.

Councilman O'Connor: That is Nassau. So when people come around...now suppose I drop my kid off and I am coming around the back and there are buses. Are we doing to allow people to go out Blake Street or no?

Mayor Bonaccorso: You are now going to go out that way, it is a one way.

Councilman O'Connor: It is a one way street?

Mayor Bonaccorso: Everybody will come in this way, and then this way everybody will go out here, no matter what (The Mayor was showing a display board with the design concept). There is a drainage problem right now on the sidewalk that people are complaining about. I told O'Connor (Richard) that when we are doing this we will address that with either a drain or we will rip it out. It is probably not even the length of the room; it is probably less, because it will be a lot cheaper that way. This is definitely a public safety measure because in here there is very big public safety. What I am noticing at this school and at Kumpf School is that if you need a fire truck or ambulance in there in the morning, you are not getting them in. Now, you guys, I don't want to be dramatic...how many house fire do we have a year? Thank God that we don't have many, but Police and First Aid that is a normal occurrence; somebody having a heart attack, somebody sick, whatever. If you live on Schmidt by the time the ambulance comes in, you would be dead. This will help take a lot of pressure off those streets and make the access safer. When you go by Valley it is a nut house in the morning during drop-off.

Councilman Mazzarella: Do you think that you will do it this summer?

Mayor Bonaccorso: It is going to be started and done by September 1st so that we could get ready for school.

We will put a new basketball court in because it is only blacktop, not a biggie. I told the Board of Education that the softball field is never used anyway and that they have a bunch of options

(Mayor gives different options to the fields). That is their choice and their problem and we are not going to get involved in that.

The bond estimate is about \$400,000.00. Rich will make some parking lot repairs throughout that he needs, maybe a seal coat, maybe new line stripping. It will be a very good thing.

The school district is very thankful to us for doing this because they can never get the money to do it because they have to pay cash for everything and we are able to bond. Because of the public safety factor involved in it, we are able to do it with that.

Councilman Kazanowski: It is like what we did with the parking lot over here (High School).

Mayor Bonaccorso: Exactly Rich. We are not charging them guys; you know it comes out of one tax payers pocket anyhow. So either they pay or we pay and we would rather have control of the job anyway because it will get done better. They don't know anything about this stuff, believe me they don't, they are educators, book smart and street weak.

Councilman Kazanowski: The additional parking, will we have sufficient parking for all of the teachers in there? I know that on Schmidt and Blake they complain about teachers parking out there during the daytime.

Mayor Bonaccorso: We are figuring about 46 spots. They have about 48 to 50 teachers. A couple of the extras, Beltramba said, will be able to park here or over here (illustrates where there is parking) and walk into the building. The key card as I explained to them is that if they go out to lunch and they want to come back they could swipe the key card. They know the hours of recess of their school, it is up to them to be an adult and to drive safely and make sure they don't run anyone over. They did not feel that was a problem, obviously.

Councilman Kazanowski: I have another question.

Mayor Bonaccorso: Sure.

Councilman Kazanowski: Valley Road, if you are coming down from the Holiday Inn and you are making a left turn is there going to be somebody there?

Mayor Bonaccorso: A crossing guard?

Councilman Kazanowski: Will a crossing guard be there?

Mayor Bonaccorso: I don't know. We will talk to Al and Lieutenant Pollock to see. Obviously if there is a major problem we would then obviously have a crossing guard because that is easy to do, we can have him there in 24 hours. So we will see how that works out, what we need and what we don't need.

Councilman Smith: Do you still have two crossing guards down the other end by the main entrance?

Mayor Bonaccorso: There will be one across where the kids come in.

Councilman Kazanowski: We have two there now.

Councilman Smith: You can move one down.

Mayor Bonaccorso: If we have too we could always move one down. I really leave that up to the Police Department, let them decide. Mike Pollock is all over it, he is our lieutenant and he is all over this stuff. Whatever Mike tells me we need or what we don't need, his word is good enough because he had always been right. So between him and Al, they can sit down and talk about that and bring their recommendation back. If we had to hire an extra crossing guard, so what.

Chief Scherb: Just a side note on that, the County is going to paint the street on Valley Road, the crossway, like they did in front of the high school. They were going to do it when they did the high school but they decided not to do it because we did not know how much was going to be ripped up. You have to be so many feet from an entrance, and with that going in, they didn't want to put it in and have to rip it up and then re-do it. So when that is all done too we could get that done at Valley Road School too.

Councilwoman Albanese: That is great, that is really awesome. The yellow line on the top is that were the County property line is?

Mayor Bonaccorso: I would think so but I am not sure about that. We don't need a lot of space in

~~this area if we could not have a 50 foot buffer that they decided to have~~
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Mayor Bonaccorso: The only problem Edie is that this is going to be filled with cars. So there won't be any place for them to park.

Township Clerk: We couldn't just cone it off for that one occasion in June?

Mayor Bonaccorso: We might be able to.

Township Clerk: Just because we have handicap people now that when they come in the handicap entrance that entrance is all the way down by the front office. Now they are coming up hill, because the hallway is a hill coming all the way, and coming around, and going all the way into the gym. So if you have a wheelchair then no problem but if you have a walker that is so bad. They can vote by mail but they don't want to.

Mayor Bonaccorso: Maybe what we can do is we can ask Joe when it comes that maybe we let the handicap people in this way. Do you know what I mean?

Township Clerk: Yes, and let the others just stay where they are.

Mayor Bonaccorso: And let the others just come around.

Township Clerk: Better yet give the kids that day off.

Mayor Bonaccorso: We tried to do that.

Township Clerk: November we do but in June we don't and it is a big problem, a big problem.

Mayor Bonaccorso: Do you know what Edie, look, we can talk to Joe and I am sure for one day, even if he gave us a half of a parking lot, we could probably do that.

Councilman Kazanowski: Presently you have all the poll workers parking over there where the people are supposed to park.

Township Clerk: No matter how many times you tell them.

Councilman Kazanowski: No matter how many times you tell them they park in those slots and the voters can't park.

Township Clerk: Truthfully most of our poll workers have some sort of handicap because they are elderly. They are mostly in their 80's.

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE IMPROVEMENTS AND ACQUISITION OF EQUIPMENT TO CLARK SWIM POOL FACILITIES, INCLUDING IN GROUND VOLLEYBALL COMPLEX; ELECTRICAL REPLACEMENTS; UMBRELLAS AND TABLES AND GAME TABLES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$21,969.55 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL OUTLAY OF THE TOWNSHIP OF CLARK SWIM POOL UTILITY

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 make improvements and acquisition of equipment to the Clark Swim Pool facility, including in ground volleyball complex; electrical replacements; umbrellas and tables and game tables and any ancillary costs related thereto.

Section 2. The sum of \$21,969.55 is hereby appropriated for the improvements and acquisition of equipment as mentioned heretofore to the Clark swim pool facility and ancillary costs related thereto, as described in section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from Capital Outlay of the Township of Clark Swim Pool Facility 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 Smith, Councilman Kazanowski

Discussion:

Councilwoman Albanese: How did you come up with that amount?

Councilman Smith: Ralph put together a list which I can share with you, but I was in work today and I meant to do it and I didn't get a chance. I don't know if you are familiar with the pool where the concession was, those hideous looking wooden coverings, we took them down. We are just doing tables and umbrellas over there.... Then the holders for the umbrellas, the removal of the old concession was like \$1,500.00, we had to disconnect some electric, run some new electric, we are putting a new volleyball net in. I believe the Ralph spoke with Mayor Sal about having DPW remove the blacktop and have a small basketball court there.

Mayor Bonaccorso: Yes, we can do that.

Councilman Smith: They were going to do that for nothing. There are some chairs that we are buying and some other ancillary items. It was actually about \$16/\$17 thousand but there were some other things added to it for the year, such as the 40th Anniversary. We are trying to get it all finished and complete before we open.

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

RESOLUTIONS:

Resolution 14-54

WHEREAS Resolution 14-41 rejected all bids for the Building Addition at Fire Station No. 2 (865 Raritan Road) which were opened on March 5, 2014 and also granted authorization to re-bid the project; and

WHEREAS the Governing Body re-advertised for bids and received five (5) bid proposals on March 19, 2014 in accordance with specifications prepared by the Township Engineer; and

WHEREAS as a result of further review of the facility a determination has been made to forgo the alternate bid, as the specifications of the work required to be included in the base bid is sufficient to meet the needs of the Township; and

WHEREAS the three (3) lowest responsible bidders were Hull-Vicci Construction Corp. with a base bid in the amount of \$85,900.00, Fine Wall Corporation with a base bid in the amount of \$87,000.00, and K & D Contractors, LLC with a base bid in the amount of \$92,100.00; and

WHEREAS Hull-Vicci Construction Corp., 107 Walnut Avenue, Cranford, NJ 07016 submitted the lowest responsible base bid in the amount of \$85,900.00 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 14-01 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 Hull-Vicci Construction Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Hull-Vicci Construction Corp. in the amount of \$85,900.00; and

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

Moved by Councilman Barr, seconded by Councilman Mazzarella

Discussion:

Mayor Bonaccorso: This was a public bid and they were the low bidder.

Council President Toal directed roll call:

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

Resolution 14-55

WHEREAS Quick Chek has requested the release of Performance Guarantees posted for site work at 186 Westfield Avenue in Clark in the amount of Seventy Five Thousand, Seven Hundred Sixty Four Dollars and Thirty Eight Cents (\$75,764.38); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

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 Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Quick Chek to be Eight Thousand, Four Hundred Twenty Nine Dollars and Thirty Eight Cents (\$8,429.38) to be held for one year; and

WHEREAS Quick Chek may direct the Township, in writing, to retain the cash portion \$8,429.38 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of Performance Guarantees in the amount of \$75,764.38 to Quick Chek upon receipt or conversion of a Maintenance Guarantee in the amount of \$8,429.38 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

Moved by Councilman O'Connor, seconded by Councilman Kazanowski

Discussion: None

Council President Toal directed roll call

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

Resolution 14-56

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 TB Reactor Services, effective retroactively from January 1, 2014 to December 31, 2014.

Moved by Councilman Mazzarella, seconded by Councilman Smith

Township Clerk: In the past we entered into these two contracts and now the City of Elizabeth is requiring Resolutions.

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-57

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, 2014 to December 31, 2014.

Moved by Councilman Kazanowski, seconded by Councilman Barr

Discussion: None

Council President Toal directed roll call:

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

PUBLIC COMMENTS:

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

Council President opened the public portion of the meeting

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: We are up to speed on the Police.

The Department of Public Works is doing the Spring Clean-up now and they will continue to do that right through April. The people are putting branches out now as part of the Spring Clean – up. They are doing a lot of Bulky Pick-up. They are still out filling potholes, they did some today again. Some we have filled and they just keep popping with the rain and everything else. Basically that is it.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Kazanowski: I have a question for Sal. Maybe we could get that picture on the website.

Mayor Bonaccorso: Yes we are going to do that too Rich. I asked Donna if she could do that. I will bring this to the meeting on the 21st, so this way we could show them.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Smith: No comments.

Township Clerk: No comments.

Howard Lesnik: No comment.

Chief Scherb: No comment.

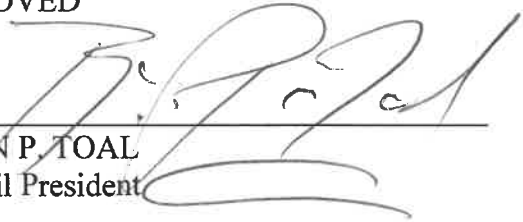
ADJOURNMENT

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

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
June 2, 2014

ROLL CALL:

Present: Council Members Albanese, Barr, Kazanowski, Mazzarella, Toal
Smith arrived at 7:36 O'Connor – absent

Also Present: 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 Toal. 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, NJTODAY.NET 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCES:

Township Clerk: Just for the record the Supplemental Debt Statement has been properly and timely filed in accordance with the state law.

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF IMPROVEMENTS TO THE INTERSECTION OF WESTFIELD AVENUE AND TERMINAL AVENUE IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of

Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake improvements to the intersection of Westfield Avenue and Terminal Avenue in, by and for the Township, including signalization improvements and roadway realignment. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) the making of such improvements (hereinafter referred to as "purpose") is not a current expense of the Township, and (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$500,000, and (4) \$195,000 of said sum is to be provided by a State grant hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$305,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$70,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$195,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$305,000 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 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$305,000 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 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$305,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose (other than the State grant hereinbefore appropriated, which shall be applied to the cost of said purpose but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs

such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount. Section 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. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Basically the intersection of Westfield Avenue and Terminal Avenue running into the senior complex and running along the industrial park.

Council President Toal: Terminal and Rahway Avenue are connected, right?

John Laezza: Terminal Avenue and Westfield Avenue is ours, it gets to be Rahway Avenue on the other side of the railroad tracks. Rahway Avenue is in Westfield.

Council President Toal: Okay thank you.

John Laezza: We intend to straighten out that intersection, if you notice it's on an obtuse. When we allowed Retro Fitness, the Planning Board said to the Feil Organization that they would give us sufficient property from the Retro Fit property to make a continuous right hand turn there so that it would not backup as far as Raritan Road. Because if there's a train and a light you can't get by that traffic, so we will have a right hand lane to take the traffic off of Westfield Avenue. The ones that are going straight will go straight directly. We will be taking some right-of-way from Kerry Industries near our pump station so that the intersection will be I guess ninety degrees all the way around. So that it will be an intersection that will be safe for all parties involved coming out of the senior housing complex (and) coming from the Terminal Avenue properties.

I will be presenting to you I think in July an ordinance for a transportation district. A transportation district gives us the opportunity to charge all those industries and facilities that are benefiting from this intersection to pay the cost of the differential between what we get from state aid. It also gives the township the right to coordinate the closing of the factories so that we can control traffic as we see fit. We are going through that process now investigating it completely so that we know where we are going in the future. And that's what this five hundred thousand dollars is for. We have one hundred ninety-five thousand from the State of New Jersey to offset the five hundred thousand, so the differential is three hundred and five from the township property owners.

Council President Toal: Is there a time table for this project and when.

John Laezza: Well we've gotten the state aid and after we adopt this we will be designing the details of it and then we will be going out for bid, hopefully it will be sometime in the early fall.

Councilwoman Albanese: What addresses are in the district?

John Laezza: What addresses would be in the district? Your industry will be part of this. We are looking to generate the allocation in regard to the area of the property. So the housing district will be paying a substantial area, L'Oreal will be paying a substantial amount, Retro Fit will be minimal, major industries will be minimal and two buildings of Kerry will be the area that they (tape inaudible) entire district. That's the discussion whether it will be frontage or area; right now we are doing area.

Councilman Mazzearella: So this is in the primary area of the intersection or does it go up Terminal.

John Laezza: Primary area all the way up to Terminal.

Councilwoman Albanese: So as far as getting across the road and the right hand turn, is that two different lanes or is it like one of those where you have a double arrow to go straight or right.

John Laezza: No it's going to be a straight and a right hand turn.

Council President Toal: You are cutting into Retro area.

John Laezza: We are cutting a substantial piece of property off of Retro.

Councilwoman Albanese: So we are going to have a left, a straight and a right (John Laezza: yes) okay because it is bad now.

Councilman Kazanowski: Anything about putting a traffic light where Jehovah Witness is in that corner up there.

John Laezza: (No) That's why we are trying to get the traffic to move away from it. That would be a death now. It's not an easy spot to make a traffic light.

No more discussion

Council President Toal directed roll call:

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

Public Hearing June 16th

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20"
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "PROHIBITED ACTS"
ADOPTED FEBRUARY 18, 2014**

BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance No. 14-07 adopted on April 21, 2014 is hereby supplemented in the following particulars:

SECTION 1: Section 1 of the Ordinance entitled "Prohibited Acts" is supplemented so as to prohibit the activities referenced therein on all Federal holidays, in addition to existing prohibition on Sundays.

SECTION 2: **Inconsistent Ordinances:** Any ordinances of the Township of Clark are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

John Laezza: This is excluding federal holidays including Sundays that you can't walk around our streets to solicit.

Moved by Councilman Kazanowski, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:

Aye: Albanese, Barr, Kazanowski, Mazarella, Smith, Toal

Public Hearing June 16th

RESOLUTIONS:

Resolution 14-80

WHEREAS the Governing Body of the Township of Clark has advertised for bids on May 15, 2014 for the Valley Road School Parking Lot Improvements; and

WHEREAS five (5) bid proposals were received on May 28, 2014 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Reivax Contracting Corp. of Newark, NJ in the amount of \$413,133.56, Black Rock Enterprises, LLC of Old Bridge, NJ in the amount of \$468,713.50 and Stilo Excavation Inc. of South Plainfield, NJ in the amount of \$527,232.15; and

WHEREAS Reivax Contracting Corp., 356 Thomas Street, Newark, NJ 07114 submitted the lowest responsible bid in the amount of \$413,133.56 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 14-05 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 Reivax Contracting Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Reivax Contracting Corp. in the amount of \$413,133.56; 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.

Council President Toal: As it was said at the last meeting through the Mayor giving a presentation on this issue, any updates from Mr. Laezza on this issue that it's all set to go.

John Laezza: We had five bidders. It was a good bidding process. We've checked out the references of Reivax, they have the ability to perform the services. They were within the ordinance that we developed to accommodate this, so I'm recommending that we approve the \$413,133.56 to Reivax Contracting Corporation.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-81

WHEREAS the Governing Body of the Township of Clark has advertised for bids on May 15, 2014 for the 2014 Capital Road Improvement Program; Ayers Lane, Dawn Drive, Sheffield Way, Wilshire Way; and

WHEREAS five (5) bid proposals were received on May 28, 2014 in accordance with specifications prepared by the Township Engineer; and

WHEREAS Reivax Contracting Corp., the apparent low bidder, whose written statement is attached hereto and made a part hereof withdrew their bid due to a significant mathematical error which would have had a detrimental financial impact; and

WHEREAS the three (3) lowest responsible bidders were Black Rock Enterprises, LLC of Old Bridge, NJ with a base in the amount of \$444,485.19, Cifelli & Son General Construction, Inc. of Nutley, NJ with a base bid in the amount of \$490,616.50, and Top Line Construction Corp. of Somerville, NJ with a base bid in the amount of \$498,179.30; and

WHEREAS Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the amount of \$444,485.19 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 12-08 and 13-08 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 \$444,485.19; 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 Barr, seconded by Councilwoman Albanese

Discussion:

John Laezza: Let me explain this. We've received five bids, however, one of the bidders which was Reivax backed out. They backed out the same day that they bid, they checked their numbers, their numbers were mathematically incorrect and they figured they would lose their shirt, so they withdrew. Officially they withdrew within their time period allotted which is better for us because we would have been concerned that Reivax got both contracts and would not be able to accommodate both projects simultaneously. Black Rock was the second low bidder within the perimeters that we were looking for, so we are recommending that Black Rock Enterprises LLC from Old Bridge be awarded the contract for \$444,485.19.

Councilman Mazzarella: Is this curb to curb including Belgium block if needed.

John Laezza: As we see fit.

No further discussion

Council President Toal directed roll call:

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

John Laezza: Let me just explain further...we are just awarding the Dawn Drive, the three streets within Dawn Drive, Ayers Lane and another street. We have two other alternates; we have sufficient funds in the balance of our road program. We have the ability when we contract to continue the projects on the other roads that were available in the alternate bid.

Council President Toal: Thank you Mr. Laezza. The roads are Ayers Lane, Dawn Drive, Sheffield and Wilshire.

Resolutin 14-82

BE IT RESOLVED by the Township Council as the Municipal Pool Utility that the following individual is hereby appointed as the Alternate I Member of the Clark Community Pool Advisory Board effective June 2, 2014.

Alternate I Member:

Jennifer Freese
(Filling the unexpired
term of Robin Nazar)

63 Cornell Drive

06/02/14 – 12/31/15 (2 year)

Moved by Councilman Smith, seconded by Councilman Kazanowski

Councilman Smith: Someone retired. She is a younger lady in her 30's who has been a member of the pool for many years. And the people who run the pool over there know her well and highly recommend her.

Discussion:

Township Clerk: I just want to add something if I could. Ordinarily what we would do just the regular order of things, is that we would move the Alternate II up to the Alternate I position and then the new person would become Alternate II. However, you just put in the Alternate II in April, so she has no more experience than this new Alternate. So we are just replacing Robin Nazar person for person rather than going through the moving up, in case if anyone was wondering.

No further discussion

Council President Toal directed roll call:

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

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 Toal opened the meeting to the public

Mike Altmann, 8 Winters Court: I just have a question regarding the Bond Ordinance. You said it also becomes transportation district, (John Laezza: it may) closing of businesses and factories. I just don't understand if it's to coordinate the closing of businesses and factories specific closing permanently or closing day to daily.

John Laezza: Basically we don't really know that. We have the opportunity to do that, so that if we think that what transpires in these districts; like if we think everybody is coming out at 4:00, we would like to go and say "can you come out at 5:00 or 3:30 or change your hours" so that we can mill the traffic in to make it a better traffic flow. It's a working arrangement to try to alleviate the traffic problem.

Mike Altmann: Okay I just wanted it clarified because I wasn't sure, thank you.

Councilwoman Albanese: No comments.

Councilwoman Barr: No comments.

Councilman Kazanowski: No report.

Councilman Mazzarella: Nothing.

Councilman Smith: No comment.

Council President Toal: No comment.

ADJOURNMENT

A motion to adjourn was made by Councilman Kazanowski, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

ADJOURNMENT

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
June 26, 2014**

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Theresa Mazzarella, Acting 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 Toal. 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, NJTODAY.NET 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 14-94

BE IT RESOLVED by the Governing Body of the Township of Clark that Theresa Mazzarella is hereby appointed as Acting Township Clerk in the absence of Township Clerk Edith Merkel this 26th day of June 2014 as the need may arise from time to time until December 31, 2014.

Moved and seconded by Entire Council

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

Resolution 14-95

EXECUTIVE RESOLUTION

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

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

WHEREAS the Mayor and Council wish to interview the nominees to fill the Council seat of Councilman Richard Kazanowski for the Third Ward, in private session pursuant to NJS 10:4-12(b)(8).

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from the meeting; and

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

Michele Miller	7:00 pm
Marie Soyka	7:15 pm
Robert Weber	7:30 pm

Council President Toal: Ladies and gentlemen we are going to be in private session speaking to those wishing to fill Richard Kazanowski's remaining term of his unexpired term which is now classified. And we will talk to each one of them for a duration of fifteen minutes. We as a consensus as a municipal council has decided that the Mayor will question and any additional questions will be brought forward by the council.

Motion to go into private session was made at 7:05 pm by Councilwoman Albanese, seconded by Councilman Barr

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzaella, O'Connor, Toal

Motion to Resume the Public Meeting was made at 7:31 pm by Councilman Mazzaella, seconded by Councilman O'Connor

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzaella, O'Connor, Toal

CITIZEN HEARING ON THE AGENDA:

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

Council President Toal opened the meeting to the public

Nancy Sheridan, 26 Sandalwood Dr.: I just wanted to say that this has been a really difficult situation for us all. And I really from the bottom of my heart want to thank these three people here, I think the world of all of them; because I don't think you could go wrong, I'm telling you right now. And they have made this not easier, I wouldn't say easier, (Mayor Bonaccorso: bearable) I'm not even going to say that but this part of it because the first shock was like oh my God and then the next thought this part on how you even contemplate this. And they stepped up, they were very professional about it and they didn't hesitate and just want to thank them for that. And I just want to tell you that whoever you pick you are not going to be sorry and I will vouch for all of them, thank you.

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

Council President Toal directed roll call:

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

Mayor Bonaccorso: First off as Mayor of the town I would like to thank the three candidates; Michele, Marie and Rob for stepping and looking to fill Richard's seat. You know it's no secret that Rich was a real good guy, he worked very well with us and we appreciated his professionalism up here. In an instance like this Nancy you have three nice candidates and we want to thank you for that. You know we have to make a decision council; I really know out of the group is Marie personally because I've spent a lot of time with her. I'm sorry I spoke out of turn. But anyway again we thank three who seem to be very nice people. You guys are going to ultimately vote, guys you know with that being said I think the Chairlady had said it that you probably can't go wrong with either one. I'm a homer and I've worked with her, my opinion is for Marie Soyka. She has experience that the others don't have at this time. I think it's a definite a homerun for the Third Ward.

Councilwoman Albanese made a motion to have Marie Soyka fill the unexpired term of Richard Kazanowski, seconded by Councilman Barr

Discussion:

Councilman Mazzarella: I just want to make a comment. I was siding with Robert Weber because to my understanding on what his resume shows and how he projected himself is that he really wants to get involved and getting involved in the ground floor. However, I do appreciate the comments of Mayor Bonaccorso. I've worked well with Marie for

many, many years with her commitment in the community, she was committed. And I would intend to agree with Mayor.

Councilman O'Connor: So with me actually with Michele Miller I like the breath of fresh air. I like the commitment to volunteering, I like the commitment to helping and I think throughout the years that's what you've done. You stood behind on what you believed in, you helped in any capacity needed and what I liked was you worked with every different sector of people that we've talked about. And you had the ability to deal with them and still come to resolution, so I like that. You know but looking at the situation we are in needing someone to hit the ground running and the history that Ms. Soyka has, I think you know for me I think that out ways for right now but honestly very nice.

Councilman Barr: I just have to say that we have three good people here. We took everything that was said and it's hard. But the only reason again which (tape inaudible) is that I'm kind of looking at Marie's Clark experience and it sits well. So this is why I kind of tend to go...and not getting (tape inaudible) other than I'm going for experience.

Council President Toal: I have my final comments...something Rich had said to me back around just before the Memorial Day holiday, he said act now, meaning to us act now on an issue. Rich was always like that. His constituents served as record and his constituent's service action was second to none, incredible. He went to the people's homes and he (tape inaudible) and was great at it. I always respected him for that because I do the same thing. But that kind of experience and that legacy will forever be a part of Clark. He will never be forgotten. But that kind of experience and act now must be carried on for the Third Ward residents because they deserve that. And to two wonderful people and Councilwoman Soyka as I've always called you and respected you, my support is behind because of act now for the experience for the Third Ward, they need it and they need it now to continue Rich's legacy and to create your own to do for tomorrow.

Resolution 14-96

WHEREAS a vacancy has occurred due to the passing of Third Ward Councilman Richard Kazanowski on June 3, 2014; and

WHEREAS N.J.S.A. 40A:16-11 requires the Governing Body to fill the vacancy for the unexpired term within 30 days of the date of the occurrence; and

WHEREAS the Democratic Committee has submitted the names of three prospective candidates for the office within 15 days as required by State Statute; and

WHEREAS the Governing Body has interviewed each of the candidates and discussed their qualifications.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints Marie Soyka to fill the Third Ward Council vacancy effective this 26th day of June 2014 for the unexpired term of Councilman Richard Kazanowski ending December 31, 2014.

Council President Toal directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Conner, Toal

Mayor Bonaccorso administered the Oath of Office to Marie Soyka and took her seat on Council

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Councilwoman Soyka: Certainly I appreciate the confidence in the Council and thank you. And I will certainly try to do my best for the Third Ward people in Clark and let's begin.

Mayor Bonaccorso: Meetings are the 1st and 3rd Mondays of the month. And tomorrow or whenever you can Marie at your convenience stop by the Clerk's Office and Terri will give you the list of numbers and you know etc. and so on. If you want to stop and see John so maybe he can give you a little quick (summary) on how we try to do things here. What we do here is John would like you to always contact him if you have a problem anywhere with a department that you had a need. For example, I need a tree trimmed, there's too much speeding...so this way he can follow up to make sure the department heads are servicing your needs. Because let's say Marie you don't and you've been here before and you know how sometimes things get slipped through but if you say at a council meeting, "hey guys I asked for that tree to be trimmed and they told me you know it's going to be this week and it's going to be three months it's not happening," we don't want to look at each other and say like "what is she talking about?" And now we are going to say Marie shame on you because if you went to John...

Councilwoman Soyka: Well you have a chain of command.

Mayor Bonaccorso: Right, right. I mean don't get me wrong and I tease these guys. They will see the department heads in the hall and they stop by like we use to. And then they would say "oh by the way" and you know that's fine I'm not going to get mad at anybody, it's not about that. But we want to make sure that it gets done and if we don't know we can't follow it up. Because in fairness to everybody sometimes things get crazy, like if you look at all the building going on Mike goes running out of his mind. And you know Mike usually jumps on things when you need it but I can give him the great excuse to say why he forgot but at least John will remind him.

Councilwoman Soyka: I have a question for you. What committees was Rich on?

Mayor Bonaccorso: He was on the Pool. And the anniversary of the pool is this Saturday at 11:00 am. It's their 40th Anniversary.

Councilwoman Albanese: So Bill Smith is also on the pool.

Mayor Bonaccorso: Bill Smith is the Chair and Rich was the Vice Chair. And you know what in all honesty Marie, Ralph Bernardo is now basically running the operation at the pool and he is our Rec Director. You will love him because everybody does. I mean you know he is the most popular guy in Clark by far. And he's just on top of everything. So if you want to stop by for a formal meet let me know. (Councilwoman Soyka: I would like that) All right you want to do that next week? (Councilwoman Soyka: next week would be fine) You know what day would be better for you off the top of your head. (Councilwoman Soyka: Monday) Monday yes I will be around, Tuesday and Thursday I'm going to be a little tied up. Okay then we will see you around 10:00 am. I'm half and half with the computer (Councilwoman Soyka: I'm ok) oh okay, Edie will send you...you know if you go into the Clerk's Office and see Edie, Terri and Dawn, they do the packet now online. So they will give you all that, cell phones, emails and this way you can jump right in. For anything you need I have, Marie, for you in the interim my cell and my email because if you need anything between now and Monday feel free to call at any time. (Councilwoman Soyka: okay thank you) You can always get me on my cell.

John Laezza: No thank you.

Councilwoman Albanese: Welcome aboard. I sat through a year of meetings when you were on Council and I saw you in action how you've worked and certainly your many years of experience I think can add a lot to the council. To the other folks that applied, Michele and Rob, it's really a great tribute to Rich. It's great to have so many people out here tonight for this meeting, thank you.

Councilman Barr: Thank you Mr. President...I just want to say I wish that the two of you weren't good and one was outstanding, it would be so much easier. But all of you were good and are really just good people. And like I said my thing was I kind of went with the council and the Clark experience otherwise you were good, thank you.

Councilman Mazzarella: Yes repeating what everybody said but Michele, Rob I thank you for coming before us giving a very good presentation. I'm sure your involvements will continue years down the road and Marie, happy to have you back on board.

Councilman O'Connor: Councilwoman Soyka you haven't heard that in while right? Congratulations. I also want to thank the other two candidates for coming and again like you said a tribute to Rich and you said it felt like a duty. So again thank you for coming and doing a nice job, we appreciate it, thank you.

Councilwoman Soyka: I would like to thank the Council for their vote of confidence and also my two partners over here that came with me. When you spoke of quality or qualifying, certainly they do. And it would have been nice if Michele or Rob were picked

too, however, I know it's only one. I also want to just remember Rich because he was a really good guy. He worked hard and many times he would stop over at my house to sign petitions and what have you and we certainly will miss him, thank you.

Council President Toal: I will finish up quickly...Rich Kazanowski will always be a part of this chamber and a part of this township. His spirit will live on for years and years and years. And we just must do what he did to try to make a better Clark. I welcome Marie to the council, it's a little unusual I'm on this side but we welcome you. It's a long time since that but again we welcome you. Thank you very much for putting the time back in to the community. Please come out to the 4th of July fireworks, please participate in Clark. Also Billy Waterson memorial July 4th at 10:00 or 11:00 am outside the memorial, Clark PBA 125 has a wreath laying ceremony in front of the monument in front of police headquarters for Billy Waterson. If you are able to stop out, I think it's at 11:00 on July 4th morning and then the fireworks later in the day.

ADJOURNMENT

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

Council President Toal directed roll call:

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

ADJOURNMENT

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



THERESA MAZZARELLA
Acting Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
July 7, 2014**

ROLL CALL:

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

Also Present: 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 Toal. 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, NJTODAY.NET 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.

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 14-17

AN ORDINANCE TO AMEND CHAPTER 279, ARTICLE VI, SECTION 279-25H OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "GREASE TRAPS"

Explanation:

John Laezza: This ordinance basically gives a grace period when filing of the quarterly reports. It's an amendment to the ordinance of grease traps; it gives them a ten day grace period at the end of each quarter to file their reports.

Council President Toal: Have we received any objections, any complaints or any response from the restaurants or restaurant owners or the proprietors of the facilities.

John Laezza: No.

Council President Toal opened the Public Hearing on Ordinance 14-17

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

Council President Toal directed roll call:

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

Motion to adopt the Ordinance was made by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

Councilman Mazzarella: Real quickly...this is really a good thing for the community because you know I've been involved for many years with sewerage problems emanating from restaurants and all that would not properly maintain their grease trap and we always had problems in the sewer line with grease buildup. This is certainly good for the community and we are doing diligence to our community to make sure those lines are free and clear.

Councilwoman Soyka: Can I just ask who is going to monitor this.

John Laezza: The Board of Health. This is an ordinance that has been in effect for a year already. Basically our prosecutor indicated that without an extended time period, they could have an objection that they didn't have sufficient time to bring in their quarterly report. So we are doing this at his request to extend it to 10 days.

Council President Toal: I'll just give this comment on this. I was over at one of our establishments on Westfield Avenue, I'm not a big pizza eater, but I do go to Pompeii Pizza and Lou gave me an ear full about this whole issue. I said if you just keep your place clean you won't have any issues. And if you do have a complaint the township and the Board of Health and the Health Officer will of course always listen to your concerns but also abide by the law. So I did stress to him that it's for the good of the community not just one entity, it's the good of the all.

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 14-18

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 161, ARTICLE 8, SUB-SECTIONS 35 THROUGH 41 OF THE CODE OF THE TOWNSHIP OF CLARK TO CREATE THE POSITION OF DIRECTOR OF THE DIVISION OF FIRE CODE ENFORCEMENT

Council President Toal opened the Public Hearing on Ordinance 14-18

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

Council President Toal directed roll call:

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

Motion to adopt ordinance made by Councilman Barr, seconded by Councilman Mazzarella

Discussion:

John Laezza: This basically sets the framework for the entire operation of the Fire Prevention Fire Code Official.

No further discussion

Council President Toal directed roll call:

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCE:

(The Supplemental Debt Statement has been properly and timely filed in accordance with State Law)

BOND ORDINANCE TO AUTHORIZE THE FUNDING OF THE MUNICIPAL CONTRIBUTION TO ROADWAY IMPROVEMENTS AT THE INTERSECTION OF RARITAN ROAD AND CENTRAL AVENUE IN CONNECTION WITH THE CLARK COMMONS PROJECT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 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, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to fund the municipal contribution to roadway improvements at the intersection of Raritan Road and Central Avenue in connection with

the Clark Commons Project in, by and for the Township. Said improvements shall include the acquisition of interests in real property and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment 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 benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$500,000, and (4) \$25,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$475,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$25,000, appropriated for down payments on capital improvements or for the capital improvement

fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$25,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$475,000 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 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$475,000 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 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation

notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$475,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose, shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Councilwoman Soyka: I understand that the property of Rite-Aid is going to...are we looking to get property by Rite-Aid to make a left hand turn lane. (John Laezza: make a right hand turn) right hand, I'm sorry. That's part of it. (John Laezza: yes) what are they going to do to Raritan Road, are they going to widen the road more?

John Laezza: Raritan Road is going to be widened; it's going to be a three lane road on the side of the development. The Central Avenue corner is the responsibility of the township.

Councilwoman Soyka: Isn't the County involved because I thought Central Avenue and Raritan Road...

John Laezza: The County gave us permission, the county doesn't do anything. The County gave us permission to spend our money. This is basically part of the settlement agreement with Shop Rite because we were getting it done for free but Shop Rite decided the developer should make the town pay for their portion and share. (Councilwoman Soyka: oh really) So they took us to court and this is the settlement. So Shop Rite is not our friend.

Councilwoman Soyka: No I guess not. So this is part of a settlement, a court case then is what you are telling me. (John Laezza: yes) Was there any traffic study or anything done?

John Laezza: There were a number of traffic studies. (tape inaudible) traffic studies do whatever you want them to do on either side whenever you want and then we have the Judge who makes the determination and now we have a juridical system that delays something for three years, so we settled it.

Councilwoman Soyka: Okay, and that's basically (John Laezza: that's our share of the settlement) okay, so I don't know too much about this development, I only know from what I've heard.

John Laezza: It's the development that's going to bring in an extra million dollars in taxes to the community, so five hundred thousand over a ten year period is minimal. We get a hundred and ninety-eight thousand now and we will be getting a million two.

Councilwoman Soyka: The last I spoke with you we talked about a traffic signal being installed for the Hyatt.

John Laezza: This includes all of that.

Councilwoman Soyka: And that includes that as well.

John Laezza: Includes all that good stuff.

Councilwoman Soyka: Okay, thank you.

John Laezza: It's about a two million dollar plus improvement, the developer will be paying the majority of it. (Councilwoman Soyka: okay) Our five hundred thousand includes legal fees, right-of-ways, working with moving the poles with PSE&G, working to get the traffic...

Councilwoman Soyka: Just for the record, the railroad tracks that exist now (John Laezza: they will be gone) they're going, good.

John Laezza: At least on that street and back to the development. What's behind Rite-Aid will stay until somebody decides to buy it.

Councilwoman Soyka: Okay because I think that they're gone when you turn into the street for Shop Rite but they are not from the roadway.

John Laezza: They will be gone when the roadway work is done.

Councilwoman Soyka: Okay thank you.

Councilwoman Albanese: Are there any open issues, I thought there were one or two issues with Shop Rite.

John Laezza: There are no open issues.

Council President Toal: We are completely settled. With regards to the proposed enlargement of Raritan Road from Central to Walnut, they've just begun taking the fence down. If you saw them starting to do that, that's because there's about eight trees along there, those are already marked red to be gone within the next coming weeks. And then they are going to start digging into the actual to create the third lane, so progress is occurring.

No further discussion

Council President Toal directed roll call:

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

Public Hearing July 21st

RESOLUTION:

Resolution 14-97

WHEREAS NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS the Director of the Division of Local Government Services has promulgated rules and regulation for pilot programs; and

WHEREAS the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS the Township of Clark wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Moved and seconded by Entire Council

Discussion:

John Laezza: Let me explain it to you. We are getting into the 21st Century. Every year you have a tax sale for those people who are delinquent in paying their taxes. For the last few years there are people that just do this for a living to buy properties that are up for delinquent taxes. This now gives the entire country the ability to buy our property by going online. And the record is showing that it has increased the participation tenfold. That it has given premiums on properties that are to our benefit and it also gives us extra money because the law allows us to charge an extra \$75.00 of administrative costs to the property taxpayers. Now you as councilmen think that might be penal but we believe that once we give it a \$75.00 charge on their bill they will not (use) our money for their bank. And so they will get the taxes paid on time better.

Councilwoman Soyka: Shouldn't that be \$100.00 instead of \$75.00.

John Laezza: Well presently it's \$15.00. There is a limit. So I would recommend that you give us this opportunity to perform this service. We have to be approved by the State, that's why this resolution is here now.

Councilwoman Albanese: So is it a state pilot program or that we are doing the pilot?

John Laezza: It's a state pilot program.

Councilwoman Albanese: Okay that's the way I took it.

No further discussion

Council President Toal directed roll call:

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

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 Toal opened the meeting to the public

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza: I would like to make some comments. Basically as you know we had a large water main break this weekend. The fire department worked diligently with the New Jersey American Water Company. The NJ American Water Company did get water service back by the end of the day. They will now be doing a major renovation to the water line in the reservoir, because the line that broke is underwater. And so one lane of Madison Hill will be closed by the bridge, the county will put in a diver to see if the break affected the bridge. We do not believe that it affected the bridge. The water company was with me this morning, they will be trying to fix it not in the river. If they can't fix it and they have to fix it in the river then it's going to be a major, major, major repair.

Councilman O'Connor: Are they going to close it if it's a major repair or will they close it like they did when it was damaged due to the storm?

John Laezza: Yes. But they will only close one lane, the pedestrian traffic will be on one side and there will be one lane. We already cleared that with the county.

Councilman O'Connor: So will there be the cones set up and a police officer directing two way traffic through one lane, (John Laezza: yes) okay thank you.

Council President Toal: And all cost of that will be by the water company for our special officers and stuff? (John Laezza: yes)

Councilman Mazzarella: So their first line is that they are going to try to repair in the water. (John Laezza: correct) And if they can't do it, then they are going to divert another line. (John Laezza: right)

Councilwoman Soyka: I was affected all the way on the other side of town.

John Laezza: The Third Ward was affected.

Councilwoman Soyka: And we were quite surprised when we found out. I called the water company.

Councilwoman Albanese: There's a way to get the alerts.

Councilwoman Soyka: I was going to ask that.

Councilwoman Albanese: If you sign up for Nixle.com you will get the alerts on your cell phone.

John Laezza: I also want to say that the fireworks were outstanding this year. We had one complaint about the fireworks. A citizen who thought that the music was disruptive, she couldn't enjoy the fireworks. She wanted to know what the Mayor was going to do about it. She was from Linden, so I said we are not doing anything about it because everybody else liked it.

Councilman O'Connor: I just wanted to follow up on your comment about Nixle. What I did was I texted my phone number to 888777 and then you will be in the system and that's the easiest way to do it. And then you will get it not only from Clark but from the surrounding towns as well. (Councilwoman Soyka: oh great)

Township Clerk: And when you get an alert it comes up 888777 so you know it's a Nixle.

Councilman Smith: Did they give you a time frame on that if it was the quick fix or the major fix.

John Laezza: They didn't know.

Councilwoman Albanese: Just a quick question. So with regard to the rain, were there any flooding issues Thursday?

John Laezza: The usual spots.

Councilman Mazzearella: They were all over.

Councilman Barr: I just want to real quickly give kudos to our fire chief because with this broken main there was not only houses without water but the fire hydrants were without water. And very quickly he had I think one from Mahwah and the other we had tanker trucks at the firehouse in case there was a fire when there were no hydrants. So they were right on it.

Councilman Mazzearella: Just real quickly regarding the fireworks, I was at St. Agnes and most of the residents in the First Ward go there and they loved it. They thought it was fantastic. Good job and I hope they are keepers and I hope this just wasn't a one year thing.

Councilman O'Connor: No comments at this time.

Councilman Smith: Yes I actually want to bring up two little things I guess to Mr. Laezza. On the corner of Gertrude and Charles by the sewer, I don't know if you are the proper person or if I should bring it up to Mr. Bonaccorso. (John Laezza: There's a big hole in the ground) yes there's a big hole in the ground by the sewer. And then the other issue is when we had the water main break right on the corner which sunk some of the road which is still sunken in they put a patch, the patch is falling apart completely, so there's all potholes all around it. So I don't know if that's to call the water company back or...

John Laezza: They now owe us one.

Councilman Smith: So they didn't do a very good job the water company.

Councilwoman Soyka: The only thing that I would have to say was the 40th anniversary of the pool, I was there when the Mayor cut the ribbon and it certainly looked like everybody was having good time. The weather was nice and activities went on.

Council President Toal: I was in Morristown and my phone went crazy. It added up to about seven phone calls and it was all about a water main break on Madison Hill Road. It just had happened and the American Water Company was just responding. And I get down there I finally got back into Clark and it was raining like all heck and Mike Nenortas was there and just left with Chief Brattole and I want to say publicly, guy's great job.

ADJOURNMENT

Motion to adjourn was made by Council President Toal, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

ADJOURNMENT

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
August 4, 2014

ROLL CALL:

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

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

RESOLUTION:

Resolution 14-113

WHEREAS the Township is required to hold an annual tax sale for delinquent municipal charges; and

WHEREAS in accordance with N.J.S.A. 54:5-38 the Township may charge a mailing fee not to exceed Seventy Five Dollars (\$75.00).

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector be authorized to charge a Tax Sale mailing fee not to exceed \$75.00 in accordance with State guidelines.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Council President, Members of Council as you recall at the last workshop meeting I talked about going into an electronic tax sale which would be national any time we go up for a tax sale. It gives us the opportunity here in Clark to be able to display their properties that have not paid their taxes in the entire country, so we can get a better

response so that we get our tax monies ahead of time. And you can charge seventy-five dollars mailing fee to the people that are on tax sale. We hopefully indicate that that seventy-five dollars additional fee on the tax sale will encourage people to pay their taxes on time rather than having the town be their bank. So this is the resolution that the State requires us to accommodate that purpose. And it's time sensitive that's why we are having this special meeting, so that we can have our tax sale in mid-September.

No further discussion

Council President Toal directed roll call:

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

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 Toal 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 Councilwoman Soyka

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

No Mayor, Council and Professional Comments

ADJOURNMENT:

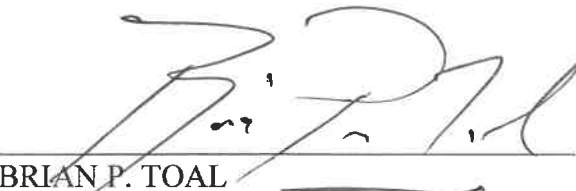
Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Mazzarella

Council President Toal directed roll call:

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

ADJOURNMENT

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
September 2, 2014

ROLL CALL:

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

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 Toal. 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, NJTODAY.NET 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 14-122

WHEREAS the Governing Body of the Township of Clark advertised and received one (1) bid for the Collection and Disposal of Leaves on August 20, 2014 at 10:00 a.m.; and

WHEREAS the Business Administrator recommends that the bid be rejected in the best interest of the Township and seeks authorization to re-bid the project; and

WHEREAS Resolution 14-22 authorizes the Administration/Township Clerk to advertise for Bids for all necessary government operations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby rejects the bid for the Collection and Disposal of Leaves and grants authorization to re-bid said project.

Moved by Councilman Mazzarella, seconded Councilwoman Soyka

Discussion:

John Laezza: I thought the bids were too high. There was only one bidder. Last year it was 2.78 and this year he wanted 3.48, that's a pretty big jump. We're giving them another shot.

Mayor Bonaccorso: John was it the same group that bid last year?

John Laezza: Yes.

Councilwoman Soyka: Where do they store the leaves when they pick them up? Because I remember years ago there was a problem by the high school. Do they still do that?

John Laezza: We store them in the DPW yard. We have huge containers that we put them in and then they haul them away.

Councilwoman Soyka: Oh you have containers, okay.

Councilman Smith: Are there many other companies who do this and they just elected not to bid on it or do you have any idea why?

John Laezza: Yes I think they have better deals than the garbage men.

No further discussion

Council President Toal directed roll call:

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

Resolution 14-123

WHEREAS William Krame, of Krame Development Company, Inc. (the Developer) has requested partial release of the Performance Guarantee originally posted for site work in the amount of Seven Million Five Hundred Seventy Five Thousand Dollars (\$7,575,000.00) to guarantee site work at the Clark Commons site on Raritan Road; and

WHEREAS through negotiations with the Developer, the Township Engineer and the Business Administrator are agreeable to reducing the Performance Guarantee to Four Million, Six Hundred Twenty Eight Thousand, Seven Hundred Fifty Dollars (\$4,628,750.00) based on inspections of all work completed to date and acknowledge that the work has been completed according to the approved plan; and

WHEREAS the reduced performance guarantee has been accepted as follows: \$4,250,000.00 in additional cash and \$378,750.00 as previously posted in cash; and

WHEREAS there has been no previous reduction of the Performance Guarantee for this project; and

WHEREAS the Township has determined this amount to be sufficient to guarantee full performance and installation of all requisite improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the acceptance of the reduced performance guarantee as set forth herein and said performance guarantee to be further reduced only upon reductions authorized by the Township Engineer.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Discussion:

John Laezza: As this project is progressing along the original estimate for doing this onsite work was seven million five hundred and seventy-five thousand dollars. Since the time period of that start until the present time the amount of work that has been done is adequate so that four million six twenty-eight seven hundred thousand would be adequate to complete the job should somebody fall down and not do it. So we'd rather have the man not give us seven million dollars when he already spent three million of his own money to get where he is on the project.

Council President Toal: So your recommendation is to release.

John Laezza: Reduce it.

No further discussion

Council President Toal directed roll call:

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

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 Toal opened the meeting to the public

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Nothing; I will wait till later.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzaella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment

Councilwoman Soyka: No comment.

Council President Toal: No comment.

ADJOURNMENT

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

Council President Toal directed roll call:

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

APPROVED


BRIAN P. TOAL
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
October 6, 2014

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Soyka, Toal
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 President Toal. 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, NJTODAY.NET 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 Councilman Mazzarella, seconded by Councilman O'Connor

Council President Toal directed roll call:

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

Mayor's Proclamation:

Proclaiming October 10, 2014 as Put the Brakes on Fatalities Day

WHEREAS, Across the nation, traffic crashes caused approximately 34,000 fatalities in 2012, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, In New Jersey, 542 individuals lost their lives in traffic crashes in 2013; and,

WHEREAS, Alcohol-related crashes accounted for 22.5 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and,

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 57 motorcyclists, 14 bicyclists and 132 pedestrians were killed in New Jersey in traffic-related crashes in 2013; and,

WHEREAS, Safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I Salvatore Bonaccorso, Mayor of the Township of Clark, County of Union, State of New Jersey, do hereby proclaim October 10, 2014, Put the Brakes on Fatalities Day®, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

Motion to Resume Regular Order of Business was made Councilman Mazzarella, seconded by Councilwoman Soyka

Council President Toal directed roll call:

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

ORDINANCES, APPROPRIATIONS AND CLAIMS:
PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 14-23

**AN ORDINANCE TO AMEND CHAPTER 347, SECTION 22
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "VEHICLES AND TRAFFIC"**

BE IT ORDAINED by the Governing Body of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended in the following particulars:

SECTION 1: Section 347-22 entitled "Parking Restrictions" is amended as follows:

Delete the restrictions set forth in the within ordinance as related to Acorn Drive and replace with the following:

Acorn Drive – both sides, 8:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. Monday through Friday from September to June
Location - from the northerly curb line in front of 626 Raritan Road to 20 Acorn Drive

SECTION 2: **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 3: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Council President Toal opened the Public Hearing on Ordinance 14-23

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

Council President Toal directed roll call:

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

Motion to adopt Ordinance 14-23 made by Councilman O'Connor, seconded by Councilwoman Soyka

Discussion: None

Council President Toal directed roll call:

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

DISCUSSION:

CY 2014 Best Practices Inventory

Prepared and certified by John Laezza, Chief Administrative Officer and Terance O'Neill, Chief Financial Officer – This discussion is held for the Governing Body's acknowledgement in compliance with the guidelines set forth by the New Jersey Division of Local Government Services in Local Finance Notice 2014-16 dated September 10, 2014

John Laezza: Well the State has given each community in the State of New Jersey a best practices questionnaire. There are fifty questions (detailed questions) as to how you operate the municipality. Predicated on your responses there's a certain percentage of State Aid that they will withhold if you do not answer sufficiently to satisfy that you are taking care of business in accordance with what the State considers best practice. This has been going on for the last three years, they change the questions every year, and it's usually after the fact. However, we have a score of 88 % which says there will be no State Aid withheld from us. Out of fifty questions we've answered forty-four to their satisfaction according to their online questionnaire. And we believe we've done a good

job. We've given it to you to look at and if you have any questions in relationship to each of these items I'll be happy to answer them.

Councilman Mazzarella: John we've done well with this in the previous years too.

John Laezza: We've never lost a nickel yet.

Mayor Bonaccorso: Yeah they like to cut it from towns like Clark and give it to the cities (tape inaudible).

Councilwoman Soyka: Just one question. Best practices, aren't they in accordance with accounting procedures as well.

John Laezza: No they are in accordance with accounting one that the consultant looks at and decides if he is going to ask. If you read the questions you'll see that they're kind of...

Councilwoman Soyka: Some of them are and some aren't.

John Laezza: Basically they're questions as to how they think it might best be run.

Councilwoman Soyka: Okay 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 Toal 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 Councilwoman Albanese

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments

Councilwoman Albanese: No comments

Councilman Barr: No comments

Councilman Mazzarella: No comments

Councilman O'Connor: No comments

Councilwoman Soyka: No comments
Council President Toal: No comments

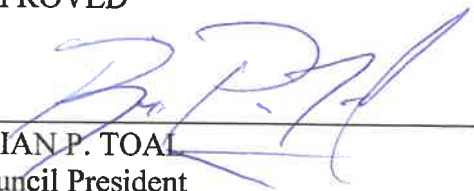
ADJOURNMENT

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

Council President Toal directed roll call:

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

APPROVED



BRIAN P. TOAL
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
November 5, 2014**

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Theresa Mazzarella, Acting 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 Toal. 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, NJTODAY.NET 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: Authorizing the submission of applications for funding for the Year 41 Community Development Block Grant Program

Resolution 14-143

WHEREAS the County of Union is accepting applications for funding for the Year 41 Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and Business Administrator to submit the following projects to the County of Union for Year 41 of the Community Development Block Grant Program:

Senior Citizen Program

\$55,000

Discussion:

John Laezza: Public Hearing requires us for the CDBG Program for the coming year. It's a Social Service Program for Senior Citizens. We are seeking Fifty-Five Thousand Dollars.

Council President Toal: And the money (is) to be applied to what improvements?

John Laezza: Transportation and Social Services for senior citizens.

Council President Toal: Just again Councilman Barr has been so wonderful to fill in for me and Councilwoman Albanese going to these meetings. This is funding that we get back from the County, our tax dollars go to them, and the money comes back to do improvements for our community.

Council President Toal opened the Public Hearing on Year 41 Community Development Block Grant

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

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Soyka, Toal

Motion to adopt Resolution 14-143 made by Councilman Barr, seconded by Councilman Toal

Discussion: None

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzearella, O'Connor, Smith, Soyka, Toal

Resolution 14-144

WHEREAS on October 21, 2014 a sewer line break was discovered in the tunnel beneath the municipal building structure; and

WHEREAS such break caused an inordinate amount of waste material which could affect the public health and welfare of the inhabitants; and

WHEREAS the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem 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 compliance with the requirements of the aforesaid statute; and

BE IT FURTHER RESOLVED that Insurance Restoration Specialist, Johnny on the Spot, and Accurate Sewer are the firms hired on an emergency basis to complete the services required to complete the project on a material and cost basis and that such costs shall not exceed \$31,000.00 without further authorization.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Discussion:

John Laezza: October 21st we had a sewer trunk line break at the bottom of this building and it was necessary to get exigency services to getting it cleaned up and get it out. So we hired three firms and we need this resolution to affirm that authority that it happened.

Council President Toal directed roll call:

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

Resolution 14-145

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator of the Township to enter into a contract for the acquisition of the following public right-of-way:

(Lot 3, Block 71) 136 Central Avenue, Clark
Consideration for the transfer: \$40,000.00

Owner: Clark Parkway Plaza
71 Valley Street, Suite 204
South Orange NJ 07079

The above consideration is per the formal appraisal conducted by Appraisal Associates, Inc. dated September 25, 2014. The Business Administrator is further authorized on behalf of the Township of Clark to acquire said properties and to expend the foregoing sums, all in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Discussion:

John Laezza: As the Governing Body knows we passed an ordinance authorizing the expenditure of Five Hundred Thousand Dollars as the municipal share for the road improvements related to the Clark Commons facilities. In going through that process it was necessary to obtain right-of-ways from four businesses. We have three in line and I'll

say by the end of this week we will get the fourth one in line. They all agreed to these numbers that you see in the resolution and we're ready to finalize the program.

Attorney Triarsi: Let me take it one step further. There is a right-of-way that John had indicated. We've not heard from the owner. We've made an offer to him at the appraised value. It is only for three hundred and sixty square feet which is really a minimal area. If I do not hear from him by the end of the week, Monday morning I'm going to file an action in condemnation in order to acquire that. In addition to that we are in the process of trying to acquire three or four temporary easements which would allow us to do the construction at that location. Locating the property owners has proven to be somewhat difficult but we are working on that as well.

Councilman Mazzearella: Joe when you do file for the condemnation, does it come to us immediately then...I mean we acquire that.

Attorney Triarsi: We are going to file a complaint. We are going to file a notice of taking. John is going to give me a check for the amount of the offer. We are going to deposit that with the court and then we are going to take the property.

Councilman Mazzearella: Then we take it like that. (Attorney Triarsi: yes)

Councilwoman Soyka: You don't have to wait for the process?

Attorney Triarsi: No, the only process Marie is the appointment of commissioners to oversee the condemnation proceeding. We can take it because this is a public use. The only question really is how much is it worth and that's what the condemnation commission is deciding after a hearing. But there's no question about our right to take the property.

Mayor Bonaccorso: Joe just as a question. We are doing it for street widening (Attorney Triarsi: correct) so it's a non-arguable public (tape inaudible). Let's say tomorrow we wanted to take a lot over here, would it work the same way or do you have to just (Attorney Triarsi: well it depends on what it's for) let's say hypothetically the playground over here was the guy next door's and we wanted to take it for municipal parking (Attorney Triarsi: yes you can do that.) no, no I know you can but would you have to wait for the hearing to see if it was justified.

Attorney Triarsi: No, no what you have to do (Mayor Bonaccorso: I'm just asking to learn) is to notify them that you want it and what the public purpose is. We then bring in an appraiser to appraise the value and when the value has been appraised we meet at the site with the land owner and an offer is made to him. And he has two weeks usually within to accept that offer and if is not accepted within two weeks, then we have the right to file a complaint of condemnation and deposit the money.

Mayor Bonaccorso: Yeah no, no I understand.

Councilman O'Connor: Deposit the money is the key.

Mayor Bonaccorso: I just wanted to know if there's any difference in...

Attorney Triarsi: No, as long as it's a public purpose it works the same way.

Councilman Smith: But what we did here was basically just long strips just to widen the road.

Attorney Triarsi: But I still have to acquire.

Councilman Smith: I understand but it's not like we took someone's...

Attorney Triarsi: Some of these are a little larger but under the condemnation statute we are required to negotiate before we file proceedings. So I'm letting this fellow run the table here and then if I don't hear from him on Friday, by Monday I'm going to file the condemnation complaint.

Council President Toal directed roll call:

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

Resolution 14-146

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator of the Township to enter into a contract for the acquisition of the following public right-of-way:

(Lot 4, Block 142) 142 Central Avenue, Clark
Consideration for the transfer: \$145,000.00

Owner: Clark 1712, LLC
c/o Kimco Realty
3333 New Hyde Park Road
Suite 100
New Hyde Park NY 11042

The above consideration is per the formal appraisal conducted by Appraisal Associates, Inc. dated September 25, 2014. The Business Administrator is further authorized on behalf of the Township of Clark to acquire said properties and to expend the foregoing sums, all in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue.

Moved by Councilman O'Connor, seconded by Councilman Mazzaella

Council President Toal directed roll call:

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

Resolution 14-147

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator of the Township to enter into a contract for the acquisition of the following public right-of-way:

(Lot 1, Block 71) 162 Central Avenue, Clark	Owner: Raritan & Central Ltd
Consideration for the transfer: \$119,000.00	2 Victoria Court
	Cranford, NJ 07016

The above consideration is per the formal appraisal conducted by Appraisal Associates, Inc. dated September 25, 2014. The Business Administrator is further authorized on behalf of the Township of Clark to acquire said properties and to expend the foregoing sums, all in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Council President Toal directed roll call:

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

Resolution 14-148

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2014 budget appropriations in accordance with the attached schedule of transfers.

Discussion:

John Laezza: This is that time of the year when we go through our budget documents so we know what we need through the balance of the year. We look at some accounts that we over planned and some accounts that we under planned. There are a number of programs that did more than we anticipated in the beginning of the year. These are transfers to accommodate the programs of the balance of the year at this point. There probably will be more transfers before the end of the year.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Resolution 14-149

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2014 pool budget appropriations in accordance with the following schedule of transfers.

Swim Pool	To	From
Other Expenses	17,347.31	-
Salaries and Wages	-	17,347.31
	<u>17,347.31</u>	<u>17,347.31</u>

Moved by Councilman Smith, seconded by Councilwoman Soyka

Discussion:

Councilwoman Soyka: Yes, you are moving the money from the pool committee to the general fund?.

John Laezza: We are moving it from salary and wages in the pool budget to other expenses in the pool budget. (Councilwoman Soyka: okay) What transpires with the pool is that all the salaries are paid; if the pool is closed, the managers are paid.

Councilwoman Soyka: So everybody is taken care of?

John Laezza: Everybody is taken care with regards to the salaries. What transpires near the end of November and October PSE&G decides to bill us for all the electricity for the

entire summer. So we get a mass electric bill, so we are making sure that we have enough in the other expense account to accommodate it.

Council President Toal directed roll call:

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

Resolution 14-150

Resolution Expressing the Importance of the future Recommendations of Governor Christie's Pension & Health Benefit Study Commission

WHEREAS the media has continually brought forth to the public that the Pension System is 90 Billion Dollars Underfunded through 2030, subsequent to the reforms to the Pension System enacted in 2010 and 2011 by the Legislature and signed by the Governor; and

WHEREAS Local Governments consistently make and have made payments for both the Local PERS and PFRS pension systems leaving local contributions funded at 73.9% and 76.9% respectively, which is considered fully funded, and

WHEREAS the State funded portion of both PERS and PFRS for State employees is only funded at 48.1% for PERS and 50.8% for PFRS due to lack of State funding; and

WHEREAS the Officers of the League of Municipalities have submitted a statement to Governor Christie's Pension and Health Benefit Study Commission urging that in their final report and recommendations that they do not weaken the vitality of the local pension plans by imposing mandates on local pension systems to fund the State plan over which local governments have no control.

NOW THEREFORE BE IT RESOLVED that the Township of Clark urges State Policy makers to recognize that the deficit issues are "State Funding Problems" and reject any recommendation that would threaten Municipal Budgets and have property taxpayers share the cost; and

BE IT FURTHER RESOLVED that the Township of Clark is aware of the State's Budget problems, however, we cannot permit the shifting of the State burdens on the local property taxpayer; and

BE IT FURTHER RESOLVED that the Pension and Health Benefit Commission should address state mandated requirements which drive up the cost of funding Health Benefits; and

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be forwarded to Governor Christie; State Treasurer Andrew Sidamon-Eristoff; State Senator

Scutari; Assembly representatives Green and Stender and to the New Jersey League of Municipalities.

Discussion:

John Laezza: This is basically my response to the action of Governor Christie's pension and health benefits study commission. Obviously we read in the newspaper that there is a Ninety Billion Dollar fund funded liability in our pension system. What it appears to me is if the people in Trenton, as commission, want to basically allay the mismanagement of state government over the last twenty years, and their failure to fund the state pension plan, and pass that on to the local property taxpayers. The Public Employees Retirement System for local people is about 75% percent funded. The police and fire retirement system is about 76% percent funded. Local governments and police have paid their full bill every year. The State of New Jersey pension plan is funded to the tune of 48% percent. The major liability is that the state plan. I think that this is just an expression to our Governor and those people that we want them to look at it and not penalize local property taxpayers. This is just an expression of where I think you should go as a council.

Moved and seconded by the Entire Council

Council President Toal directed roll call:

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

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 Toal 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 Smith

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Yes Mr. President thank you. I just want to start off with the election. I would like to congratulate the winners of the election. I would like to congratulate the people who participated in the election. I would like to say I think it was a good election, for the fact, that there wasn't any of that back fighting and mudslinging on either side, which is nice. I think each year it's gotten better. I think the people in this town would be tired of that and of course we in the country and the State of

New Jersey are tired of it too. Tell us where you stand, let us choose and leave us alone, you know what I mean you don't have to (tape inaudible) somebody. There are questions in an election you ask of each other that's good clean hardball as they say but there wasn't any of that and I think we can see that yesterday at the polls because everybody that was running against each other were talking and having a pretty nice day. So that's a smart thing and a nice thing but anyway congratulations to all. To participate it's a tough process whether you win or lose so congratulations to everybody on that.

We are into November now and as John said there will be your normal budget transfers because he's beginning to build next year's budget.

Right now guys we are in the leaf mode to the end of the month, well it starts loosening up about the first week of the month and hopefully all the leaves fall off the street by December 10th if Mother Nature cooperates with us. We are waiting to use our roll-off truck to take thirty yards of leaves in one area in one shot. Unless there's an absolute DPW emergency whatever the problem is, it can wait till after leaves. It's going to have to wait. We want everybody on the street cleaning them up. Now of course if there's an utter emergency we will do that. Branch pick-up has stopped as you all know. We are not picking up branches. If you get calls and people say "they took the leaves but they didn't take the branches" exactly correct. We did it from mid-March to October. They are all ground up and we have nowhere to put branches. If the branches are in the leaves, the truck goes to the dumps; they will reload the truck and send it back to Clark, so people have to understand. If we have a major wind event we will have the branch clean-up. Then we have to worry about how we are going to handle it, we've done it before, we can do it again. So please have people understand. Remind people to get them out as soon as possible. It will make life a lot easier for everybody.

Councilwoman Albanese: Question about that...what about grass if people are still cutting grass.

Mayor Bonaccorso: They can throw them in the leaves, that's okay, it's all biodegradable it's not a problem.

Councilwoman Albanese: Okay

Councilwoman Soyka: I know with branches I've passed two places tonight on my way here with branches in the street. One on Broadway and one on Valley Road and they have been there for the last couple of weeks. I don't know who the owners are. The one is by the Polish Cultural Foundation and the other one is on near the corner of Emerson. Now they have been out there for...the one on Emerson has been out there for at least three weeks, the branches. I don't know how long I wasn't really watching but on our last meeting when we were talking about it I took notice. And I could knock on the person's door and tell them but then what do they do with them.

Mayor Bonaccorso: Marie we stopped picking them up the fourth week of September. So

if they were out they shouldn't have been. Because I don't think we would have missed them.

Councilwoman Soyka: I don't think your guys missed them. I think what happened is that they put them out right after the cut-off.

Mayor Bonaccorso: Marie the only thing you can say to them if you want to be a nice soul is to say look put them in a heap on the side yard or something and when we start up again feel free to throw them out. And it's not even... do me a favor I would be glad to do that to send a truck to pick it up but we have nowhere to dump it, that's the problem right now. (Councilwoman Soyka: I know) It's not doing anybody a favor, that's easy for me to do, but the problem is we have nowhere to dump them. So you know you can just tell them that because they are not going to get picked up.

The other thing is, is that, as far as the rest of the services running forward, we will have everything moving on, everything is going to wait again till after the leaf season goes and hopefully we won't go right into snow season. But other than that that's all I have tonight.

Councilman Smith: On those branches that are out there, aren't they a little bit of a hazard because some of them quite big, sticking out. Is that something that Mr. Khoda or someone goes around...

John Laezza: Basically so we stop the conversation I will have somebody take care of it. I think we are going to give those people summons because they are kind of perpetual violators from day one. They are at same place every year and they always do it every year in the same place. So I will have a violation given to them tomorrow.

Councilman Smith: When my neighbors do it I tell them to take the branches and put them back in their backyard.

Mayor Bonaccorso: You know what it is Bill, it's like what I was saying, we go from mid-March to the end of September, how much more do you want? You want to rip shrubs out of your house we will take them. I do a landscaping job in Clark, I will take them and throw them out in the street and you know what that saves the homeowner money, every landscaper does it, so that's a nice thing. You know you send a truck load to the dumps it's two hundred bucks, it's expensive. But you know what, you give the people the ample opportunity and you are glad to do it for them, we have no problem doing it, but now it's like the same people the same thing. And I'm going to tell you right now you are going to drive through Clark December 15th through 18th I can show you houses that will have their leaves on their lawn and not cleaned, it happens every year.

Councilman Smith: Well then the next issue is when the snow starts falling and they are plowing now you are plowing the leaves and branches.

Mayor Bonaccorso: We don't want to have that problem.

Councilwoman Soyka: Can I ask you a question about the brine. Did Clark purchase a truck to start their program?

Mayor Bonaccorso: Yes we have that all...not a truck just a tank. The tank is picked up with a forklift, it's 975 gallon tank and you can move it from truck to truck to truck.

Councilwoman Soyka: Would we sit it on a dump truck?

Mayor Bonaccorso: Yes right on the back of our little mason dump truck not a pickup the next size up. So yeah that's coming in, I don't think we have it yet right John?

John Laezza: It's been on order for two months.

Mayor Bonaccorso: It's coming in any day now. And last time I spoke to Mike Smalling in Rahway the Director of DPW there they had their brine ordered, the station that makes it, and they were waiting for it to come in to be assembled, so that should be happening. It hasn't happened because I haven't talked to him about three weeks and I would say it's going to happen any day now. So we will be on line with that. That's it thanks guys.

Councilwoman Albanese: Congratulations to all of the winners.

Councilman Barr: Just a question...is it my imagination or have the leaves been staying on the trees a lot longer this time?

Mayor Bonaccorso: Yeah you are right Al. I thought after last Saturday's rain storm... so I was riding around yesterday going poll to poll and I'm going "oh God these things are still up there." So you never know, we need a good cold night.

Councilman Mazzarella: I just want to say I was out around my Ward this morning and I have to tell you, DPW are doing a phenomenal job. They had it set up where they had the claw putting it (leaves) in the dump truck and right behind it they had the street sweeper and they were just going right down the street, the three pieces of equipment, it was fantastic. Everything was clean and that's the way it should be.

Councilman O'Connor: I'll hold my comments for the public meeting.

Councilman Smith: I will hold my as well.

Councilwoman Soyka: Likewise.

Council President Toal: The same here ditto.

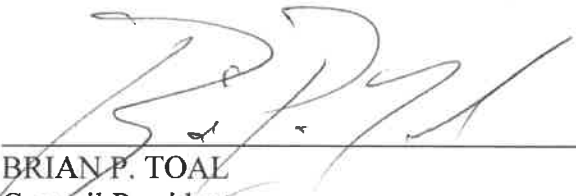
ADJOURNMENT

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilwoman Soyka

Council President Toal directed roll call:

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

APPROVED


BRIAN P. TOAL
Council President

ATTEST:


THERESA MAZZARELLA
Acting Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
December 1, 2014**

ROLL CALL:

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

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 Toal. 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, NJTODAY.NET 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 14-158

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Howard Spialter, Esq. is hereby authorized to represent the Zoning Board of Adjustment of the Township of Clark in the Civil Action filed by Iselin Realty, LLC.

Moved by Councilman Mazzarella, seconded by Councilwoman Soyka

Discussion:

John Laezza: Iselin Realty represents the Getty Station that was on the corner of Raritan and Central. They went before the Zoning Board to rebuild the station and the Zoning Board turned them down. They are going to court and they also have been sued by the owners of the Barnes and Noble shopping center. Since they don't want the gas station there they want that property, so it's a double dipper in Union County. So this is authorizing Mr. Spialter the Attorney for the Zoning Board to represent us in that civil action.

Council President Toal directed roll call:

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

Resolution 14-159

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2014 budget appropriations in accordance with the attached schedule of transfers.

TOWNSHIP OF CLARK
BUDGET TRANSFERS

		<u>To</u>	<u>From</u>
Engineering	Other Expense	15,000.00	-
Planning Board	Other Expense	1,000.00	-
Zoning	Other Expenses	5,000.00	-
Code Enforcement	Salaries & Wages	6,000.00	-
Life Insurance	Other Expenses	10,000.00	-
Disability Insurance	Other Expenses	2,000.00	-
Police	Salaries & Wages	10,000.00	-
911	Other Expenses	2,000.00	-
Fire	Other Expenses	12,000.00	-
Buildings & Grounds	Other Expenses	10,000.00	-
Senior Citizens	Other Expenses	5,000.00	-
Recreation	Other Expenses	1,000.00	-

Compensated Absences	Other Expenses	8,000.00	-
Celebration of Public Events	Other Expenses	5,000.00	-
PERS	Other Expenses	-	40,000.00
PFRS	Other Expenses	-	52,000.00
		<u>92,000.00</u>	<u>92,000.00</u>

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-160

Resolution to Cancel 2014 Appropriation Balances

WHEREAS there are available unexpended funds in the Health Benefits budget appropriation account in the amount of \$150,000.00 and;

WHEREAS the Chief Financial Officer recommends that these funds be cancelled to Fund balance.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that unexpended Health Benefit budget appropriations in the amount of \$150,000.00 be cancelled to Fund balance.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:

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

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 Toal opened the meeting to the public

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilwoman Soyka: No comment.

Council President Toal: No comment.

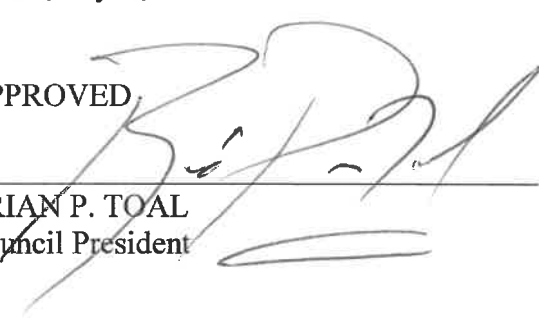
ADJOURNMENT

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

Council President Toal directed roll call:

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

APPROVED


BRIAN P. TOAL
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

