

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
February 5, 2018

ROLL CALL:

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

Also Present: Mayor Sal Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, and Mark Dugan Township Attorneys; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open public meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County, Local Source, and TAP into Clark, by posing such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCE:

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF POLICE SAFETY EQUIPMENT AND VEHICLE EQUIPMENT; FIRE DEPARTMENT TURNOUT GEAR AND HOSE REPLACEMENT AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$65,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS FUND OF THE TOWNSHIP OF CLARK

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

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire Police Safety Equipment; Vehicle Equipment; Fire Department Turnout Gear and Hose Replacement and any ancillary costs related thereto.

Section 2. The sum of \$40,000 is hereby appropriated for the acquisition of Police Department Equipment and \$25,000 is hereby appropriated for Fire Department Equipment for a total of \$65,000 and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus Fund of the Township of Clark for the payment of the cost of said "capital purpose".

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

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

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

Moved by Councilwoman Albanese, seconded by Councilman Barr

Discussion:

John Laezza: Gave an explanation of the Ordinance

Council President Smith directed roll call:

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

Public Hearing February 20th

RESOLUTIONS:

Resolution 18-35

AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOT 4 IN BLOCK 58 QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the parcels with frontage on Terminal Avenue, identified on the official tax map of the Township as Block 58, Lot 4 (the "Study Area") meet the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

WHEREAS, the Township Mayor and Council finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area, Block 58, Lot 4, as a Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, and State of New Jersey, as follows:

I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J. S.A.40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A.40A:12A-5, to be designated as a Redevelopment Area.

II. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained therein.

III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

IV. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township should designate the Study Area as a Redevelopment Area. Such recommendation shall be submitted to the Township Council by May 2018.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condemnation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.
Adopted by the Township Council on February 5, 2018.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Mayor Bonaccorso: Mentioned to Council that he, along with Mr. Laezza had many conversations with L'Oréal in regards to keeping them here and developing a research facility on the Tyco Property.

John Laezza: Gave an explanation of the Resolution.

Councilwoman Albanese: Asked if it's determined that it's an area in need of redevelopment, does the agreement become a PILOT.

John Laezza: Stated it would be similar to a pilot.

Attorney Triarsi: Stated that L'Oréal would be more than qualified because the property has been vacant for more than ten years.

No further discussion

Council President Smith directed roll call:

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

Resolution 18-36

WHEREAS D.L.S. Contracting, Inc. has completed work on the 2016 NJDOT Roadway Improvements to Broadway between Valley Road and Grand Street and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Two Thousand, Five Hundred Fifty-Three Dollars and Five Cents (\$2,553.05) including final quantities change order which decreases the adjusted contract amount by Ten Thousand, Nine Hundred Seventy-Three Dollars and Thirty-Seven Cents (\$10,973.37); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Bond Ordinance 16-07 as evidenced by the Certification of Availability of funds attached; 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 Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by D.L.S. Contracting, Inc. to be Twelve Thousand, Seven Hundred Sixty-Five Dollars and Twenty-Six Cents (\$12,765.26); and

WHEREAS D.L.S. Contracting, Inc. has submitted a Maintenance Bond in the amount of \$12,765.26.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to D.L.S. Contracting, Inc., 271 Highway 46, Suite D-205, Fairfield, New Jersey 07004 in the amount of \$2,553.05 including final quantities change order and release of the Performance Guarantee.

Moved by Councilman Barr, seconded by Councilman Toal

Council President Smith directed roll call:

Aye: Albanese, Barr, Hund, 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 Smith opened the public portion of the meeting

Delia Collins, 72 Georgia St.: Addressed Mr. Triarsi for an explanation of a PILOT that was discussed regarding the first resolution.

Attorney Triarsi: Explained that it's an opportunity for the municipality to enter into a negotiation with the property owner to take a payment, some amount of money in lieu of taxes.

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Appointed Marc Hayden as the Chairman of the Environmental Commission for 2018.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Toal: Mentioned what the duties and goals will be of the Environmental Commission.

Council President Smith: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
March 5, 2018**

ROLL CALL:

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

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

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

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INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 294
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "SMOKING"**

BE IT ORDAINED by the Governing Body of the Township of Clark that Chapter 294, of the Code of the Township of Clark is hereby amended and/or supplemented in the following particulars:

SECTION 1: **Section 294-1 entitled "Prohibition"** is amended to provide as follows:

The burning of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco is hereby prohibited in all school buildings, administration buildings, accessory buildings and other properties, improved or unimproved, owned or under the jurisdiction of the Board of Education of the Township of Clark and existing within the Township of Clark.

SECTION 2: **Section 294-6 entitled "Prohibited Areas"** is amended to provide as follows:

The smoking of cigars, cigarettes, pipes, electronic smoking devices, and other materials is not permitted in the areas designated herein as areas A through E, except in designated smoking areas.

SECTION 3: **Section 294-7 entitled “Definitions”** is deleted in its entirety and replaced as follows:

ELECTRONIC SMOKING DEVICE – as set forth in N.J.S.A. 26:3D-57, including any electronic device that can be used to deliver nicotine or other substances inhaled from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, are also prohibited under the terms of this ordinance.

SMOKING – as set forth in N.J.S.A. 26:3D-57 means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked. Smoking includes the inhaling or exhaling of smoke or vapor from electronic cigarettes, vaping devices, personal vaporizers, or any electronic nicotine delivery system, or any device which simulates tobacco smoking.

SECTION 4: **Section 294-9 entitled “Enforcement, Violations and Penalties”** is supplemented as follows:

Any person found guilty defacing or removing “No Smoking” signs which are required by this section shall be subject to a fine not less than \$200.00 nor more than \$500.00, plus the cost of replacing the sign. Any juvenile adjudicated to have violated the provisions of this section shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this section.

SECTION 5: **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 6: **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Moved by Councilman Mazzearella, seconded by Councilwoman Albanese

Discussion:

Township Clerk: Mentioned to Council that the ordinance had been introduced on February 20th, then more information with additional beneficial language was received from the Township Codifier, General Code. The additional language is incorporated in the revised ordinance.

John Laezza: Explained to Council the two changes that were made with additional verbiage.

Council President Smith directed roll call:

Aye: Albanese, Barr, Mazzearella, O’Connor, Toal, Smith

Public Hearing March 19th

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 195-134
OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"COH COMMERCIAL OFFICE, MULTISTORY DISTRICT"**

WHEREAS, The Planning Board of the Township of Clark has recommended that the Governing Body consider enacting revisions to the Land Use and Development Code and specifically the COH Commercial Office, Multistory District, Chapter 195-134; and

WHEREAS, the Planning Board at its regularly scheduled meeting on March 1, 2018 held public discussion and received advise from the Township Planner and Township Engineer regarding the changes proposed and reviewed a Report entitled "Planning Report on the COH Commercial Office, Multi Story District Land Use Ordinance Revisions," prepared by Kevin O'Brien, P.P., AICP, Shamrock Enterprises, Ltd., dated February 27, 2018; and

WHEREAS, the Planning Board in recognition of modern trends in land use, specifically mixed-use projects, and desiring to provide for the efficient use of land and limit impervious cover and sprawl, where possible, recommends the following changes to the COH district to permit shared parking for compatible uses and encourage appropriate mix of uses on properties that are already within the commercial district but may be underutilized with the current land use restrictions; and

WHEREAS, the Planning Board per NJSA 40:55D- 26 et seq., determined the proposed changes to be consistent with the Township's Master Plan and the Purposes of Zoning for the reasons specified in the February 27, 2018 Planning Report.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, and State of New Jersey that the following Land Use and Development Code changes are accepted as recommended to the Governing Body for action and are determined to be consistent with the Master Plan:

1. The following shall be inserted to the existing Chapter 195-134 of the Code of the Township of Clark:
 - A. The purpose of the COH - commercial office, multi-story district is to encourage business, administrative and professional offices, banks, business schools, funeral homes, hotels and theaters. Well-planned, large-scale commercial developments that are designed in a comprehensive manner that will contribute to the economic welfare of the Township are also encouraged. Such large-scale development shall provide an attractive and harmonious development within Clark and integrate the needs of pedestrians, employees and vehicles in site design.
 - B. Nothing in this section shall be construed to prohibit the construction of two (2) or more principal uses on one piece of property, or composite of lots under single ownership, where such development would form an integrated unit with shared access and parking.
2. The existing Section A shall be renamed Section C.

3. The existing Section B shall be renamed Section D.
4. The existing Section C shall be renamed Section E.
5. Section E (3) a shall be amended to read “Height: 52 feet, except that, for lots greater than three acres in area an additional 13 feet, shall be permitted for each additional acre of lot, up to a maximum of 78 feet.”
6. Section E (3) d shall be amended to permit a Floor Area Ratio of 0.8
7. Section F (5) shall be added as follows:

F. Parking. Notwithstanding the parking requirements set forth in §195-142, if there is more than one principal use on a lot or lots under single ownership, a shared parking arrangement shall be permitted if the uses are complimentary. A shared parking arrangement shall mean that parking spaces can serve both uses on the property provided they have opposite, or complimentary, peak parking demands as determined by nationally recognized standards and/or actual parking data and experience for the proposed uses.

In the event that an applicant requests approval for parking to be shared between two uses, the ordinance requirements for parking may be reduced where it can be demonstrated to the satisfaction of the Board that the reductions are supported by analyses consistent with nationally recognized standards and/or actual parking data and experience for the proposed uses showing that the peak parking demand of the two or more uses do not coincide and the accumulated parking demand at any one time of the two or more uses does not exceed the total capacity of the facility. The applicant shall also be required to provide a legal instrument assuring the continued existence and availability of the shared parking spaces in connection with the uses they serve.

- a. Parking shall be permitted within the setbacks.

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion:

John Laezza: Stated that this ordinance was sent to the Planning Board, they discussed it and it was approved and recommended that Council pass it. Explained business properties in the COH Zone can sublease their land if they have sufficient space to have more than one business on their property.

Council President Smith directed call:

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

Public Hearing March 19th

RESOLUTIONS:

Resolution 18-51

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

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2018 Budget, and adequate provision has not been made in the 2018 Temporary Budget for the appropriations specified on the attached page; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2018 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$6,634,192.00.

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

1. Emergency temporary appropriations be and the same are hereby made as specified on the attached page in the amount of \$6,634,192.00; and
2. That said emergency temporary appropriations will be provided in the 2018 budget under the headings as specified on the attached page.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Gave an explanation as to why the request for approval authorizing an emergency temporary appropriation is necessary.

Council President Smith directed roll call:

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

Resolution 18-52

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

WHEREAS an emergent condition has arisen due to the anticipated delay in the adoption of the 2018 Budget, and adequate provision has not been made in the 2018 Temporary Budget for the appropriations specified on the attached page; and

WHEREAS the total emergency temporary resolutions adopted in fiscal year 2018 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$2,697,106.00

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

1. Emergency temporary appropriations be and the same are hereby made:
Other Expenses \$1,997,106.00; Capital Outlay \$700,000.00; and
2. That said emergency temporary appropriations will be provided in the 2018 budget under the above headings.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Council President Smith directed roll call:

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

Resolution 18-53

WHEREAS N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS Jennifer Kobliska possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, in the County of Union, State of New Jersey hereby appoints Jennifer Kobliska as the Qualified Purchasing Agent effective January 1, 2018 to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

Moved by Councilman Mazzarella, seconded by Councilman Toal

Council President Smith directed roll call:

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

Resolution 18-54

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 5th day of March 2018.

Zachary Nitti
528 Boulevard
Westfield, NJ 07090

Moved by Councilman Barr, seconded by Councilwoman Albanese

Council President Smith directed roll call:

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

Resolution 18-55

BE IT RESOLVED by the Governing Body of the Township of Clark that a certain pending litigation entitled, "D.C., a minor by and through her parent and Guardian, R.C. v. Township of Clark and Clark Recreation Department," is hereby settled in consideration of a payment by the Township of Clark to the infant plaintiff in the amount of \$10,000.00.

The plaintiff, prior to receiving the settlement funds, shall appear for a Friendly hearing and execute a full Release of the Township of Clark, its servants, agents, and/or employees, releasing and extinguishing any liability of the defendants in connection with the events of July 22, 2015 and/or July 23, 2015.

Said Release shall contain a provision wherein the defendants shall not admit any wrongdoing or liability; shall contain a provision requiring the plaintiff to be responsible for any and all Federal and State taxes which may accrue as a consequence thereof; and shall contain a non-disclosure provision respecting the future publication by the plaintiff of the matters contained therein.

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion:

Attorney Triarsi: Explained to Council the details of the court settlement.

Council President Smith directed roll call:

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

Resolution 18-56

**AUTHORIZE EXECUTION OF RIGHT-OF-WAY AGREEMENT
BETWEEN THE TOWNSHIP OF CLARK AND ALTICE USA
TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF
TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY
FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES**

WHEREAS, Altice USA (“Altice”), a telecommunications service provider, with offices located at 494 Broad Street, 9th Floor, Newark, New Jersey 07102, is authorized by the New Jersey Board of Public Utilities to do business as a competitive local exchange company in the State of New Jersey; and

WHEREAS, Altice has requested the consent of the Municipality to occupy public rights-of-way within the Municipality in accordance with N.J.S.A. 48:17-10 et. seq. to install fiber optic cable on existing utility poles and within existing underground conduit located within the public right-of-way along Raritan Road, Westfield Avenue, Mildred Terrace, and Valley Road pursuant to the Routing Plan attached hereto; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, for the Municipality to grant municipal consent to Altice to occupy the public rights-of-way within the Municipality for this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon Altice’s continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby authorizes the Mayor or Business Administrator to enter into an agreement with Altice USA for the installation of fiber optic cable within the public right-of-way of the Township of Clark.

Moved by Councilman Barr, seconded by Councilman Toal

Discussion:

John Laezza: Explained the details of the Altice USA agreement

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Appointed Marc Hayden to fill the vacancy on the Environmental Commission created by the resignation of Anthony Pedro

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Toal: No comment.

Council President Smith: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

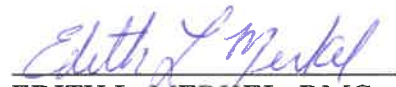
Aye: Albanese, Barr, Mazarella, O'Connor, Toal, Smith

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
April 2, 2018

ROLL CALL:

Present: Council Members Barr, Hund, Mazzarella, O'Connor, Toal, Smith
Albanese – arrived at 7:32

Also Present: Mayor Sal Bonaccorso; John Laezza, Business Administrator; Mark Sposato, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

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RESOLUTIONS:

Resolution 18-63

WHEREAS at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

WHEREAS an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to N.J.S.A. 40A:4-8; and

WHEREAS copies of the budget have been made available to each person requesting one at no charge.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

Township Clerk: Stated for the record that the Library has received a copy of the budget and no one has asked for a copy but it was available on our website and in the Clerk's Office.

Moved by Councilman O'Connor, seconded by Councilman Hund

Council President Smith directed roll call:

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

Public Hearing and Adoption of the Municipal Budget for Calendar Year 2018**Resolution 18-64****Adoption of the Municipal Budget of the Township of Clark for Calendar Year 2018**

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

<u>\$ 17,224,416.00</u>	(Item 2 below) for municipal purposes, and
<u>\$ 892,379.00</u>	Minimum Library Levy

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 775,000.00
Miscellaneous Revenues Anticipated	\$ 3,951,374.48
Receipts from Delinquent Taxes	\$ 430,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	<u>\$ 17,224,416.00</u>
AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	<u>\$ 892,379.00</u>
 Total Revenues	 \$ 23,273,169.48

SUMMARY OF APPROPRIATIONS

General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$ 15,351,100.00
Deferred Charges and Statutory Expenditures – Municipal	\$ 2,152,192.00
Excluded from "CAPS"	
Operations – Total Operations Excluded from "CAPS"	\$ 1,744,662.48
Capital Improvements	\$ 100,000.00
Municipal Debt Service	\$ 2,925,215.00
Reserve for Uncollected Taxes (Include Other Reserves, if Any)	\$ 1,000,000.00
 Total Appropriations	 \$ 23,273,169.48

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 2nd day of April, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Council President Smith opened the Public Hearing on the 2018 Budget

Seeing no one come forward Councilman Mazzarella made a motion to close the Public Hearing on the 2018 Budget, seconded by Councilwoman Albanese

Council President Smith directed roll call:

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

Discussion:

Councilman O'Connor's statement regarding Budget Resolution

Tonight, we are having a public hearing on our 2018 Municipal budget, and at the same time we have received a "User Friendly Budget", a term espoused by the State, in an attempt to better respond to the citizens' concerns regarding the development of their property tax bill by Local Government. If you are interested, the document is on our web page under "Administration" and then "Budget." I will attempt to summarize this document to assist you in your deliberations.

The first section is an analysis of last year's property tax for municipal purposes, with the comparison to this year's projected tax rate, for municipal purposes. It reflects that our tax increase is 1.48% for 2018, substantially less than the 2.00% levy cap allowed by the State of N.J. I want to congratulate our citizens for having paid 99.07% of their 2017 property taxes on time.

The second page is a summarization of our revenue stream utilized in developing our various budgets. The third page is a summarization of our anticipated 2018 appropriations for Current; Swim Pool Utility; and Sewer Utility operational needs.

The next page describes the Assessment Values of the various types of property in the Township, both taxable and tax exempt. The Assessed value of all of our taxable properties in the Township is \$ 762,033,097.00. The equalized value of all our taxable properties is \$2,695,557,470.82. What this is telling all of us, is that Clark Township is a \$2.695 billion corporation that we maintain for each of you. This also advises that we paid \$ 143,354.00 in property tax appeals. Substantially less than in the prior year.

The next page is an analysis of the Personnel costs for each category of our operations, as set forth by the State of N.J., including Fringe benefits, in compliance State Law.

The next page is an analysis of the cost of Health Benefits and their allocation. It is interesting to note that the cost of our retiree health benefits is in excess of our active employees, since they are not required to participate in cost sharing.

The next page indicates our liability as of December 31, 2017, if all of our employees retired as of this date. It should be noted that as of the adoption of our budget we will have funded 89.5% of this liability. This is an outstanding statistic as it relates to our financial stewardship of taxpayer dollars. Lastly, we have prepared an analysis of the outstanding debt of the Township and our Bond Rating by Moody's Investor Service. We are rated Aa2 an upgrade from our previous rating. This allows us to borrow money at a lesser interest rate, if required. It should be noted that our debt payments will substantially decrease in 2019 and forward. Once again, sound financial planning.

Once again, I want to Thank out Taxpayers, who pay their taxes on time. It is helpful in providing us sufficient cash to pay our schools, the County, and enough left over to pay our own bills.

Motion to adopt the 2018 Municipal Budget made by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Smith directed roll call:

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

Resolution 18-65

WHEREAS PNC Bank, N.A., has requested release of Performance Bond #19042268 in the amount of Two Hundred Ninety-Nine Thousand, Eight Hundred Eight Dollars (\$299,808.00) and the Cash Bond in the amount of Thirty-Three Thousand, Three Hundred Twelve Dollars (\$33,312.00) along with remaining Escrow Funds once all invoices have been satisfied for 987 Raritan Road, Clark, New Jersey; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the Performance Guarantees and all remaining Escrow Funds after all invoices have been satisfied.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Engineer and authorizes release of the Performance Guarantees and all remaining Escrow Funds as stated herein for the abovementioned project.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Council President Smith directed roll call:

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

Resolution 18-66

**Supporting the
2018 UDrive. UText. UPay.
Distracted Driving Crackdown
April 1 - 21, 2018**

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2015 alone distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in nearly 750,000 crashes between 2011-2015; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2018 Crackdown* from April 1 - 21, 2018 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is UDrive. UText. UPay; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

NOW, THEREFORE BE IS RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby declares it's support for the *Distracted Driving 2018 Crackdown* both locally and nationally from April 1 - 21, 2018 and pledges to increase awareness of the dangers of distracted driving.

Moved and Seconded by the Entire Council

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzearella: Thanked the Mayor and Business Administrator for putting together a very attractive Budget.

Councilman O'Connor: Thanked Mr. Laezza and the Mayor for their due diligence in providing to the community what it needs while at the same time staying financially prudent with their decisions.

Councilman Toal: No comment.

Council President Smith: Thanked Mr. Laezza, the Mayor, and the administration for putting together a fantastic budget.

John Laezza: Mentioned that the citizens haven't come to any budget hearings over the last ten years. He thinks the reason is that they have confidence that we are protecting their money as best as we can and he appreciates that. He also appreciates the staff that helped put together the budget and the department heads for watching the bottom line and keeping their pencils sharpened.

Mayor Bonaccorso: Thanked the Council for their support.

Police Chief Matos: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
June 4, 2018

ROLL CALL:

Present: Council Members Barr, Hund (arrived at 7:31), Mazzaella, O'Connor, Toal, Smith
Absent: Albanese

Also Present: John Laezza, Acting Mayor/Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open public meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 18-14

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF LAKE AVENUE 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 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.

John Laezza: explained the ordinance to Council.

Councilman Toal: questioned the time frame of completion.

John Laezza: responded completion would be sometime before December 31st.

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

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

Council President Smith directed roll call:

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

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

Councilman Mazzarella: thanked the Business Administrator and Mayor for pursuing the grant to repair Lake Avenue.

Council President Smith directed roll call:

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

Ordinance Adopted

RESOLUTIONS:

Resolution 18-84

AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOT 2 IN BLOCK 105; LOT 26.01 IN BLOCK 105 AND LOT 21 IN BLOCK 91 QUALIFIES AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the following parcels with frontage on Westfield Avenue, as identified on the official tax map of the Township as Block 105, Lot 2; Block 105 Lot 26.01 and Block 91, Lot 21 (the "Study Area") meet the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, "the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the Township Mayor and Council find it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area as a Condemnation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, and State of New Jersey, as follows:

I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J. S.A.40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A.40A:12A-5, to be designated as a Condemnation Redevelopment Area.

II. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

II. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Condemnation Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Condemnation Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

IV. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Condemnation Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township should designate the Study Area as a Condemnation Redevelopment Area. Such recommendation shall be submitted to the Township Council by September 2018.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Condemnation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately. Adopted by the Township Council on June 4, 2018.

Moved by Councilman Toal, seconded by Councilman Hund

Discussion:

Councilman Toal: asked Mr. Laezza regarding the demo of the house that was taken down in Block 91 was paid for by the homeowner or by the township.

John Laezza: replied it was paid by the homeowner.

Resolution 18-85

AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOT 7 IN BLOCK 155 QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the parcels with frontage on Walnut Avenue, identified on the official tax map of the Township as Block 155, Lot 7 (the "Study Area") meet the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a

redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, the Township Mayor and Council finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the study area, Block 155, Lot 7, as a Redevelopment Area; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, in the County of Union, and State of New Jersey, as follows:

III. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J. S.A.40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A.40A:12A-5, to be designated as a Redevelopment Area.

IV. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained therein.

III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Redevelopment Area. All objections to a determination that all or a portion of the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

IV. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township should designate the Study Area as a Redevelopment Area. Such recommendation shall be submitted to the Township Council by September 2018.

VII. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VIII. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condemnation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.
Adopted by the Township Council on June 4, 2018.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Councilman Hund: asked if the grass is going to be cut on a timely basis or do we need to call them each time to keep up with the property.

John Laezza: responded that the property has new owners, so they will keep up with it property.

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting.

Delia Collins, 72 Georgia St.: question regarding the Walnut Avenue property.

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

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Toal: No comment.

Council President Smith: No comment.

John Laezza: No comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman Mazzarella, seconded by Councilman Hund

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

INTRODUCTION OF PROPOSED ORDINANCES

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$700,000 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 undertake the following public improvements in, by and for the Township: (A) preliminary phase of the construction of a new Public Safety Building at the site of the existing Public Safety Building, including, but not limited to, preliminary architectural and engineering services and parking lot, roadway and traffic control improvements; and (B) various improvements to public buildings. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$700,000 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, and (3) the estimated cost of said purpose is \$700,000, and (4) \$35,000 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 \$665,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$150,000, 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 \$35,000, 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 \$35,000 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 \$665,000 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 \$665,000 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 fifteen 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 \$665,000 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 Councilwoman Albanese, seconded by Councilman Mazzarella

Discussion:

John Laezza: Council President and Members of Council, this is a document that has taken a long time to put together. The Mayor in the beginning of the year indicated to me that the Chief (Police Chief Matos) brought that there should be some improvements to the present police station that we have. The air conditioning was having problems, the heating system was in need of fixing; the windows; the wind came right through them. The bathrooms are in bad condition and they would like to get them fixed, so the Mayor gave me the opportunity to investigate. I did an investigation to put in a new HVAC system, it would have been about five hundred thousand dollars plus. To put in to repair and maintain and redo the bathrooms, and repairs in the locker room was about three hundred thousand dollars. To change the windows and redo the front was another five hundred thousand plus. The jail does not conform to state mandates. We had an investigation by the New Jersey State Department of Correction. They gave us a report that indicated that it needed a great deal of work to conform to present standards. Adding that up it came to anywhere between a million and half to two million dollars. We would have to get the police department put into trailers while we did all this work and the building that would be subsequently; spending two million dollars on a building that was built in 1958 would still be an old building that was built like topsy. So, I think what we have here now is the opportunity to do something for the future of Clark. My responsibility and the Mayor's responsibility is to maintain the infrastructure, and that's not only streets and roads, but it's the buildings where we do our business for the municipality. And this seven hundred thousand gives us the opportunity to seek the services of an architect to put in a new building behind the present police station. It gives us money to do some preliminary work in front of the police station with regard to parking facilities because we believe that the new police station should be behind the present police station and then after that's built they could just move in to the new one and knock that down and make the front to accommodate what we want our facility to look like. We believe a bigger police station for the future and so this is the preliminary. When we get an architect's plan and costs, we will be introducing an ordinance to construct a police station. It's a necessary project, it's a necessary next step in the evolution of Clark in becoming above the first-class town it presently is. So, we have that for your consideration.

Mayor Bonaccorso: What I would also want to add is that the building is outright deplorable. The other problem that John didn't mention is, as a lot of you know when you open the walls on an old building to start doing renovations, you usually run into extra costs in repairs. So, a ten-thousand-dollar job becomes a thirty-five-thousand-dollar job. We can't say well hold on we'll go out and get three names, three quotes, you can't do it at that point. To the Chief's credit his and his men's credit the bathrooms are deplorable. Not because they keep them bad, it's because of age and evolution of time.

The Chief and I were out in the back one day measuring out where our new building can fit before we really start getting hot on this. Captain Grady came outside and asked what we were doing, so we said to him "look what do you think?" and he said "you know it's funny those repairmen that were walking around here were saying why are they wasting their time with this place? Knock it down and build a new one. This place is beyond repair. The jails aren't in compliance, although the Department of Corrections won't say to us you have to fix them now because of the burden to the taxpayer. But when you begin repairs on the building, they are going to want that fixed. The new building will even include the sally port garage like we have, but under today's standards as the Chief was explaining to John and I that you no longer can pull a prisoner out into the parking lot and let him do the so called perp walk into the building. You

would then want it where you can pull into the garage, you close the door, you take the prisoner out and you walk him to the jail or into the booking room whatever the procedure is.

Police Chief Matos: That's the preferred method.

Mayor Bonaccorso: Yes, that's the preferred method right now. Some of the necessities to serve the public better would be; when you come into the front door we are going to have our dispatch center on one side and our records bureau on the other side. It used to be kind of like that in the old building until the old communications center went kaput and we had to put one in the middle, which now you have to press a button and talk to a microphone, I'd rather not do that. I mean that's not a reason to build a new building obviously but those are some of the upgrades that are going to be able to be made. Though of course we are looking right now as a conversion to a three-story building which being used on the first and second floor, the third floor would be equipment up there and one side would be for now storage and an expansion ten, twenty, thirty years down the road if they ever needed to move some people upstairs for whatever reason. We're accommodating the locker room which is not nice. Right now, if we had females on the job, which we don't, but we do have female dispatchers, there's no place for them to change, so that becomes a little awkward. The Chief has sat down and sketched out what he thinks would be very functionally useful to his department, I think he did a pretty nice job. And you know we have a forty-man department right now. We will build a locker room for fifty. Down the road someday if the department ever needs to expand, we might not be here, if there's no immediate need in the future for it but they will have that opportunity. You know if you really took a look down around there it's really in very, very bad shape. As John said then we're going to have to move people inside. The other thing we're also going to be looking to do is to fix the worst intersection in Clark which is Emerald Place and the driveway coming out between ALJ and the police department. We're going to take some land from the school which isn't a lot, it's not going to interfere with their parking lot and make an intersection there. We're going to talk about in the future maybe a light being put there, but we don't know that yet, we have to sit down and go through all that stuff. So, the police plaza in the front will be taken away, it will be stored (the monument) and then when we raze the old police; fire station, municipal building, court house and everything else that's been in Clark for all those years, we will then incorporate that monument (Waterson Monument; retired police monument) into the front of how the building looks.

The other thing is guys, you know silly season is coming up in September (Ward Election). I'm sure our opponents will run through Clark saying look what they are going to spend, they are going to kill you in taxes. They wouldn't understand because none of them have a background at all in service or government. But as John and I talk about the finances of this project we can bond this for a twenty to thirty-year life, depending on what he feels at the time would be appropriate. So, your taxes aren't going to go flying through the sky because we put a new police station up. John has been taking care of our bonding debt where we are the first Mayor and Council in many, many, many moons in Clark to pay both principal and interest. If you remember when we put the field in at the high school the lights, track and the turf back in 2007, our opponents were running around telling everybody that their taxes are going to go through the roof. Your taxes didn't move because of that field. It's a bonded debt, it's a mortgage payment and you know that we have what our debt services is...

John Laezza: We're paying off three million dollars a year.

Mayor Bonaccorso: We're paying off three million dollars a year in debt service. In the meantime, if you think about all of the miles of roads that we did, all the equipment we bought for this town, the new Library and the two-turf fields. Go back through your memory bank, you never heard us come to you at a meeting and say taxes went up this year because of debt service. Because John has paid principal and interest from the day we got here. Other administrations were just paying interests and letting it roll. You refinance bonds to get better rates, that you know you'll be able to pay more, he didn't even take that money that he saved and put it somewhere else, he used that to pay down more money. So, you know financially it's a good move and I think the police department will be more functional and better. Upstairs the way the Chief's drawings look at this point; you know there will be a Council Chamber, there will be a conference room so if we need to go into private we can use that room. In the meantime, the Chief can use it for his operations throughout the day. There will be a court office up there, a Prosecutor, a Public Defender's office and the Detective Bureau will be moving up to that floor. That's preliminary right now, that could all change as he changes or if an architect comes in. So that's basically the long and short of it and I think it's going to be a good move for the town. We are going to put a temporary lot in front so the police and the citizens have parking there, the police will stay where they are for now. But we are going to be losing where we park for Council meetings at night. And then eventually when we raze the building we'll continue the parking lot right to the front and that will be the public parking where the public enters the building. The police will always enter through the back area. There's enough area for them to park in the back and come in through those doors.

Police Chief Matos: I've been here in Clark almost twenty-three years and the conditions of our bathrooms have always been horrendous. There is no female locker room, like I said we are actually using one of the public ladies' room, we've put a lock on it so if one of our female employees go in there and we've put some lockers in there and they can lock the door and have some privacy. They are using basically what amounts to a public restroom. One of the biggest complaints which has always been for the twenty-three years that I've been in that building, is that the heating and air conditioning is just...it's hard to explain mainly because the outside walls of the building is just a small little panel with the single pane glass. So, you can be on this side of the building and you are freezing, you walk thirty feet over to the other side of the building but because of the way the heating baseboard goes around the building, you are burning up on that side. Most of the employees especially on the first floor who work at a desk like the records clerk, the Captain's office, the dispatchers room and most of the employees have little heaters that they have underneath their desks to provide some heat during the winter because it's pretty bad.

Mayor Bonaccorso: The day you took me over you can actually feel the wind coming through the cracks.

Police Chief Matos: The windows might as well just be screens. They are not double pane insulated glass, they are just a single pane. You can come over anytime and see it.

Councilwoman Albanese: We did. I was going to say that we had an opportunity, we actually took a tour of the facility to look at what the technology was, to review the operations to get an insight to it. But that was the rude awakening that I would say for all of us because it wasn't a particularly cold night but you could not sit there and work in those conditions as you said. It seemed like just a piece of plastic was just outside the building and really you couldn't...I'm not a construction expert but it appeared you couldn't put in new windows to solve the issue because the walls were so thin.

Police Chief Matos: And that picture that's on the wall behind Mr. Laezza is the actual original building of the police department. And then there's been over decades an addition here and an addition there. And all those additions for the different types of skills when I was speaking to the contractor who came in to look at whether it would be feasible, one of the first things he said do you plan on being in this building while we're doing this, and yes of course yes that's the plan. And he said that's almost going to be impossible because we are going to have to be removing steel, removing steel to get duct work from one part of the building to the other, that's not going to work with you guys being in the building, that was one of the first things that they alluded too.

Mayor Bonaccorso: The other thing is that in the eighteen years we've been here we really haven't spent much money on that building whatsoever. We put in a dispatch center that time because the other one basically blew up, so we had no choice. I'm sure if you look probably at the roof Chief, that's about ready because in eighteen years we haven't put a roof on there and that's a flat roof and they usually have problems, so God knows what else is going there.

John Laezza: The air conditioning people are putting in a new system because it broke down today in the server room...

Police Chief Matos: We were in the server room for the last two days with a fan.

Mayor Bonaccorso: Yeah, those servers if it gets too hot in there it could really give us a major, major headache with this, so that's the story, any questions?

Council President Smith: Thank you for all the information and details.

Public Hearing July 16th

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 195, SECTION 143 OF THE CODE OF THE TOWNSHIP OF CLARK

Moved by Councilman Hund, seconded by Councilman Barr

Discussion:

Mayor Bonaccorso: Explained residents' concerns expressed to himself and Councilman Hund regarding a safety hazard associated with a boat including a trailer parked in a driveway too close to the sidewalk up in the Third Ward. This ordinance will regulate the storage of any boat, trailer, RV, or camper; to be parked 15 feet away from our curb line to ensure safety and 6 feet off of the property line.

There was additional discussion between the Mayor and Council on this ordinance

Council President Smith directed roll call:

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

Abstain: Toal

Mr. DiAntonio, 90 Liberty St.: Thanked the Mayor for his attention on this matter, also thanked Councilman Hund and the rest of the Council for voting to approve the proposed ordinance.

Public Hearing July 16th

RESOLUTIONS:

Resolution 18-97**A Resolution Urging the Legislature to Amend S-716, S-477 and S-1766**

WHEREAS While it is commendable that legislation is being considered to provide additional compensation to Firefighters with cancer, S-716 as currently written, without responsible amendments will prove to be very expensive to municipalities and taxpayers; and

WHEREAS While it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written would eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old; and

WHEREAS Under current law family members can already collect substantial compensation for actual losses such as medical bills, lost income as well as loss of companionship; and

WHEREAS Without appropriate amendments, the combined impact of these bills would devastate local government insurance budgets at a time when the local taxpayers are being squeezed because of changes in the Federal Tax code.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark that:

S-716 be amended:

- To provide that the cancer presumption be limited to types of cancer that scientific evidence establishes that Firefighters develop at a higher rate than the general public
- To end the presumption at age 65 when the firefighter becomes eligible for Medicare
- To remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia
- So that the standard to rebut the presumption remains at the current “preponderance of the evidence”, and

S-477 be amended:

- To increase the statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester, and

S-1766 be amended:

- To remove public entities from “emotional distress” compensation for wrongful death claims subject to Title 59, and

A copy of this resolution be forwarded to the Governor, the Legislative Delegation in the 22nd district, the Senate President and the Speaker of the Assembly.

Moved by Councilman Barr, seconded by Councilman Hund

Discussion:

John Laezza: As the Chairman of the New Jersey JIF on behalf of Clark and the private communities explained the meaning of the resolution

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Delia Collins, 72 Georgia St.: Questions regarding the current condition of the Police Department and the cost of a new building.

John Laezza: stated in order to get a cost of a new building, an architect needs to be hired.

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Toal: No comment.

Council President Smith: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
August 6, 2018

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meeting Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCES:

The Supplemental Debt Statement for the following Bond Ordinance has been properly filed with the New Jersey Department of Community Affairs by the Chief Financial Officer

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and

(2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works.

Appropriation and Estimated Cost	
Down Payment Appropriated	\$328,000
Bonds and Notes Authorized	\$ 16,570
Period of Usefulness	\$311,430
	5 years

B. Upgrading of traffic signals and signage at various locations.

Appropriation and Estimated Cost	\$ 72,000
Down Payment Appropriated	\$ 3,430
Bonds and Notes Authorized	\$ 68,570
Period of Usefulness	10 years

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

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$10,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

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

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$380,000 are hereby authorized to be issued

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

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

Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 5.90 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$380,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of

any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

Effective Date: September 13, 2018

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Discussion:

Mayor Bonaccorso: stated this Ordinance is for DPW equipment and some of our traffic lights to be upgraded.

No further discussion

Council President Smith directed roll call:

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

RESOLUTIONS:

Resolution 18-107

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of three (3) 2018 Ford Police Utility Interceptor marked police vehicles for use by the Police Department; and

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

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

Dealer: Beyer Ford LLC, 170 Ridgedale Avenue, Morristown, New Jersey, 07962

Funded by: Police Accounts #8-01-25-240-237, #8-01-25-250-223, #8-01-25-250-232, and
c-04-18-001-001

Three (3) Vehicle at \$26,505.00 – Total purchase \$79,515.00

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$79,515.00 funded by Account Nos. 8-01-25-240-237, 8-01-25-250-223, 8-01-25-250-232, and c-04-18-001-001 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase three (3) 2018 Ford Police Utility Interceptor marked police vehicles from Beyer Ford LLC, of Morristown, New Jersey.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Councilman Toal: asked if they were 2018's or 2019's.

Mayor Bonaccorso: responded 2018's.

No further discussion

Council President Smith directed roll call:

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

Public Hearing August 20th

Resolution 18-108

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 18-26; and

WHEREAS the Clark Police Department wishes to purchase and install equipment for Police Utility Vehicles from authorized vendors as follows:

Triangle Communications · NJ State Contract: #81331 and 81343
2362 Waldheim Avenue
Scotch Plains, NJ 07076-2152

Equipment List:

Lighting, Sirens, Cages, Mobile Radios, Console Boxes, Computer Mounts, Push Bumpers, necessary to outfit three 2018 Ford Police Utility Interceptors

Total equipment and installation price not to exceed \$42,991.56 (\$14,330.52 per vehicle) payable upon completion; and

WHEREAS the Business Administrator recommends the utilization of these contracts on the grounds that they meet all industry standards; and

WHEREAS the Chief Financial Officer has certified the availability of funds for these contracts in Police O/E Account #8-01-25-240-237.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark that it hereby authorizes the purchase and installation of equipment for Police Utility Vehicles as described above.

Moved by Councilman Toal, seconded by Councilman O'Connor

Discussion: None

Council President Smith directed roll call:

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

Resolution 18-109

WHEREAS the Police Department has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of one (1) 2018 Ford Police Utility Interceptor unmarked police vehicle for use by the Construction Code Official; and

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

Pricing of the Vehicle through the Cranford Police Cooperative Pricing System;

System Identifier 47-CPCPS

Dealer: Beyer Ford LLC, 170 Ridgedale Avenue, Morristown, New Jersey, 07962

Funded by: O/E Account 8-01-22-195-237

One 2018 Ford Police Utility Interceptor unmarked police vehicle

Total equipment price \$31,066.00

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$31,066.00 funded by O/E Account 8-01-22-195-237 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase One (1) 2018 Ford Police Utility Interceptor unmarked police vehicle from Beyer Ford LLC of Morristown, New Jersey.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman O'Connor: thanked the Chief for keeping the vehicles updated, keeping our police officers safe and more importantly arriving to residents' homes in a timely fashion.

Councilman Toal: no comment.

Council President Smith: no comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH

Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
September 4, 2018

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meeting Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 18-119

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey, that pursuant to N.J.S.A. 39:4-8(e) the following described locations are deleted as bus stops:

1. Along Raritan Road, northbound, on the easterly side thereof at:

Central Avenue – Far Side

Beginning at the northerly curblin of Central Avenue and extending 100 feet northerly therefrom.

2. Along Raritan Road, southbound, on the westerly side thereof at:

Central Avenue – Near Side

Beginning at the northerly curblin of Central Avenue and extending 105 feet northerly therefrom.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 39:4-8(e) the following described locations are added as bus stops:

1. Along Raritan Road, northbound, on the easterly side thereof at:

Between Shop Rite Way and Central Avenue Mid-Block
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending
135 feet northerly therefrom. (Clark Commons, near the traffic light and pedestrian
crosswalk)

2. Along Raritan Road, southbound, on the westerly side thereof at:

Between Shop Rite Way and Central Avenue Mid-Block
Beginning 536 feet north of the northerly curbline of Shop Rite Way and extending
135 feet northerly therefrom. (Golf Club, near the traffic light and pedestrian crosswalk)

BE IT FURTHER RESOLVED that the Mayor and Council of Clark Township will
enforce the needed traffic regulations governing the aforementioned bus stop locations and
provide the necessary police security to ensure the safety of the traveling public.

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: Explained that the current locations disrupt the flow of traffic. The new location
will improve traffic flow and increase pedestrian safety.

Council President Smith directed roll call:

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

Resolution 18-120

WHEREAS S. Brothers, Inc. has completed work on the 2017 NJDOT Broadway Road
Improvements and has requested Final Payment; and

WHEREAS the Township Engineer recommends payment in the sum of Twenty-Eight
Thousand, Five Hundred Thirty-Seven Dollars and Forty-Seven Cents (\$28,537.47) including
final quantities change order which increases the adjusted contract amount by Eighteen
Thousand, Ninety Dollars and Seventy-Seven Cents (\$18,090.77); and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient
uncommitted appropriations in Capital Account C 04-16-002-001 as attached hereto as a
"Certification of Availability of Funds"; 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 Bond and Final Payment; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by S. Brothers, Inc. to be Forty Thousand, Seventy-One Dollars and Fifty Cents (\$40,071.50); and

WHEREAS S. Brothers, Inc. has submitted a Maintenance Bond in the amount of \$40,071.50.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers, Inc., P.O. Box 317, South River, New Jersey 08882 in the amount of \$28,537.47 including final quantities change order and release of the Performance Guarantee.

Moved by Councilman Toal, seconded Councilman Barr

Discussion:

Councilman Mazzarella: wanted to know since the final payment goes off performance onto maintenance, is maintenance is for a year.

John Laezza: replied yes.

No further discussion

Council President Smith directed roll call:

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

Resolution 18-121

WHEREAS the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12 and as authorized by Township Resolution 18-26; and

WHEREAS the township wishes to purchase a 2019 Ford F-450 Mason Dump Truck with standard equipment per the specifications and dump body, plow, and warning lights as follows:

Winner Ford NJ State Contract #A88215
2019 Ford F-450 Cab & Chassis (Crew Cab 4X4)
250 Haddonfield-Berlin Rd
Cherry Hill, New Jersey 08034

Total vehicle price \$54,544.00

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

WHEREAS the Chief Financial Officer has certified the availability of funds for this contract in Bond Ordinance #18-20.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Township of Clark, County of Union, State of New Jersey that it hereby authorizes the purchase of the Ford F-450 Mason Dump Truck as described above.

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

Council President Smith: questioned if this is separate or in addition to what was approved last month, approving \$400,000.00 for police vehicles and some DPW.

John Laezza: we approved \$400,000.00, this is \$54,000.00 of the \$400,000.00 that we are going to spend.

No further discussion

Council President Smith directed roll call:

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

Resolution 18-122

WHEREAS the Governing Body of the Township of Clark and the Board of Chosen Freeholders of the County of Union, on Friday, September 14, 2018, call on all Union County residents to gather in front of the Union County Courthouse in Elizabeth, New Jersey, to remember and honor the men and women who have given so much to make and keep us free and secure in this country; and

WHEREAS Friday, September 14, 2018, has been declared "POW/MIA Remembrance Day" in the County of Union, a recognition day to give thanks and to remember the sacrifices rendered to us by all of our POW/MIA Veterans; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark in conjunction with the Board of Chosen Freeholders of the County of Union that Friday, September 14, 2018 be declared "**POW/MIA REMEMBRANCE DAY**" in the Township of Clark, County of Union, New Jersey; and

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

Moved and Seconded by the Entire Council

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Hund: No comments.

Councilman Mazzaella: No comments.

Councilman O'Connor: No comments.

Councilman Toal: No comments.

Council President Smith: No comments.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
October 1, 2018

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meeting Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 18-131

WHEREAS there exists a need for Professional Architectural Services for the design and construction of a new Police Headquarters Building to be constructed behind the existing Police Headquarters at 315 Westfield Ave. in the Township of Clark; and

WHEREAS in accordance with the provisions of NJSA 40A:11-5 and NJSA 19:44A-20.5 proposals for professional architectural services have been solicited through a fair and open process and advertised on the Official Website of the Township of Clark; and

WHEREAS fourteen (14) Requests for Proposals (RFP) were received for the project and were publicly opened at 10:00 am on August 15, 2018 at the Township Hall, Clark, New Jersey; and

WHEREAS a Criteria Board comprised of the Mayor, Police Chief, Township Professional Engineer, Chief Financial Officer and the Business Administrator reviewed all documents required by the Request for Proposals (RFP) and conducted interviews with the firms which demonstrated the capability of completing the architectural plans and project in a timely manner and within the prescribed budget, and recommend the award of a professional services contract to the firm of Settembrino Architects for the design and construction supervision of the Clark Police Headquarters Building to the Governing Body of the Township Clark.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby awards a contract for professional architectural services in connection with the design and construction of a Police Headquarters Building in Clark Township, New Jersey to Settembrino Architects, 25 Bridge Avenue, Suite 201, Red Bank, New Jersey 07701 in accord with the provisions of NJSA 40A:11-5 and NJSA 19:44A-20.5.

BE IT FURTHER RESOLVED that the said Settembrino shall be paid in accord with the terms of the proposal dated August 15, 2018, a fee equal to 5.5% of the total construction cost not to exceed the sum of \$300,000.00 without further authorization by the Governing Body. Said sums to be paid upon the submission by the architect of regularly scheduled vouchers on Township forms, evidencing completion of the work referenced therein. The performance of said services to be approved by the Business Administrator of the Township of Clark, Township Police Chief, and the Township Engineer.

Moved by Councilman Hund, seconded by Councilman Mazzarella

Discussion:

Councilman Toal: gave a history of the Police Department building

Mayor Bonaccorso:

- mentioned fourteen Architectural Firms submitted proposals
- four firms were interviewed, then narrowed it down to two, then to one
- stated firm to be awarded the project came in with what we talked about and now we can get some other ideas to try to control the costs
- we were originally looking at a two-story building, we may be looking at a one story to control the cost and we think there's enough room for it, so we'll see what that looks like
- looking very shortly down the road to meet with a construction manager to run the day to day operations
- stated as we get more information, it will be explained more
- feels very comfortable recommending the architect (Settembrino) for the project

No further discussions

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

Daniel Silberstein, 148 Stonehenge Terr.:

- had questions regarding the COAH fees authorized by Ordinance 17-15 adopted on September 18, 2017
- did research on how many people in the neighborhood are affected

Council President Smith: asked the Mayor and Business Administrator if this is a legislative matter to be discussed with the Council or should he really come in and sit down with Mr. Laezza?

Mayor Bonaccorso:

- stated that technically the governing body has nothing to do with this, it's not a legislative matter, it's an administrative matter
- mentioned he's been on the phone with Mr. Triarsi regarding this along with discussing it with Mr. Laezza
- discussed the lengthy COAH process regarding the fees

John Laezza: stated he spoke with the township attorney who is working with Mr. Hehl (Mr. Silberstein's Attorney), briefs will be prepared by both attorneys and sent to the Judge for a decision.

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Toal: No comment.

Council President Smith: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
November 7, 2018

ROLL CALL:

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

Also Present: John Laezza, Acting Mayor/Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Captain Concina, Representing the Chief

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 pm by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meeting Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

DISCUSSION:

CY 2018 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 2018-26 dated October 15, 2018. The discussion will be incorporated into the minutes of this meeting.

John Laezza: Council President and Members of Council, you have what is set forth by the Department of Community Affairs. We have completed Best Practices, and answered questions as set forth by the State. I'd just like to remind you of certain categories that are broken down into court competency in additional Best Practices. However, they say if you think you can't make the role you can call the State and we'll help you make the call, don't call us after, call us before you finish it and submit it, so they'll help you make a number. However, we went through the questions. I went through the questions individually and both with my CFO and my Municipal Clerk. I've had the ability to put these answers in, we came up with an 89% good report card. However, if any one of you want to go over each of the questions or if there are any questions that you have question about, I would be happy to answer them for you.

Councilman Mazzarella: Last year it was about the same percentage, right?

John Laezza: Yes. Each of the questions you have the ability to say yes, no or prospectively. On some, my CFO and I had some differences on them but we resolved them and we agreed this was the way. We answered them truthfully to the best of our knowledge.

Councilwoman Albanese: Last year there were thirty questions, this year sixty-one.

John Laezza: There were another eighty-nine for urban communities, but we didn't have to answer those. The minutes will reflect that this discussion was held.

RESOLUTIONS:

PUBLIC HEARING: Authorizing the submission of an application for funding for the Year 45 Community Development Block Grant Program

Resolution 18-140

WHEREAS the County of Union is accepting applications for funding for the Year 45 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/or Business Administrator to submit the following projects to the County of Union for Year 45 of the Community Development Block Grant Program:

Senior Citizen Program	\$55,000.00
ADA Curb and Ramp Improvements	\$30,000.00

Council President Smith opened the Public Hearing on Year 45 Community Development Block Grant

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

Discussion:

John Laezza: I would like to say that this is for Year 45, for me it's year 19, and we've asked for the same \$55,000.00 and \$30,000.00 for 19 years and we get \$13,000.00 and \$20,000.00. And that's what we will get again this year.

Councilwoman Albanese: Which just so you know, I mean the money keeps going down each year, we do get a very small amount because of the nature of our request.

No further discussion

Council President Smith directed roll call:

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

Motion to adopt Resolution 18-140 made by Councilman Mazzarella, seconded by Councilman Barr

Council President Smith directed roll call:

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

Resolution 18-141

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 2018 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP
BUDGET TRANSFERS
NOVEMBER 7, 2018**

		<u>From</u>	<u>To</u>
Police	Other Expenses	-	45,000
Police	Salaries and Wages	20,000	
911	Other Expenses	-	10,000
Clean-Up Expense	Other Expenses	-	2,000
Bureau of Roads	Salaries and Wages	102,000	-
Buildings & Grounds	Other Expenses	-	25,000
Senior Citizens	Salaries and Wages	10,000	-
Recreation	Salaries and Wages	-	40,000
Celebration of Events	Other Expenses	-	10,000
		<u>\$ 132,000</u>	<u>\$ 132,000</u>

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

John Laezza: gave an explanation of the transfers.

Council President Smith directed roll call:

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

Resolution 18-142

WHEREAS the Governing Body of the Township of Clark advertised on October 4, 2018 and received two (2) bids for the Police Department Expansion – (Phase 1) New Parking Lot on October 17, 2018 at 10:00 a.m.; and

WHEREAS the two (2) lowest responsible bidders were

<u>Bidder</u>	<u>Total Bid Amount</u>
K & D Contractors, LLC	\$216,551.50
S. Brothers Inc.	\$244,886.00

WHEREAS the lowest responsible bidder was K & D Contractors, LLC, 351 Monroe Avenue, Kenilworth, NJ 07033 in the amount of \$216,551.50; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to K & D Contractors, LLC; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2018 Municipal Budget, Account Number C-04-18-004-001, not to exceed \$216,551.50.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to K & D Contractors, LLC, in an amount not to exceed of \$216,551.50 subject to review of the bid by the Township Attorney who will draw up the contract.

Moved by Councilman Hund, seconded by Councilman Toal

Discussion:

Councilman Toal: for the public's notification asked Mr. Laezza if the original Waterson Memorial that was in front of the building along with the benches have been secured and moved off location.

John Laezza: explained he talked to the people involved in both memorials, the Waterson Memorial and the memorial of notification of any police officers that ever worked in town are placed in a secured location. Also mentioned that the conclusion of the exterior of the building will be at the behest of the Mayor as to how it will be landscaped and making it a park like atmosphere.

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazzarella: no comment.

Councilman O'Connor: no comment.

Councilman Toal: no comment.

Council President Smith: no comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH

Council President

ATTEST:



EDITH L. MERKEL, RMC

Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
December 3, 2018**

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Acting Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Smith. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meeting Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 18-150

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

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$5,500.00 which is now available from the State of New Jersey Drive Sober Grant in the amount of \$5,500.00; and

BE IT FURTHER RESOLVED that the like sum of \$5,500.00 is hereby appropriated under the caption Drive Sober Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$5,500.00.

Moved by Councilwoman Albanese, seconded by Councilman Hund

Discussion: None

Council President Smith directed roll call:

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

Resolution 18-151

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

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

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

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

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

1. The Clark Township Council does hereby authorize submission of a strategic plan for the Clark Municipal Alliance grant for fiscal year July 1, 2019 – June 30, 2020 in the amount of:

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

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

Moved by Councilman Barr, seconded by Councilman Mazzarella

Discussion: None

Council President Smith directed roll call:

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

Resolution 18-152

WHEREAS the Department of Public Works has requested that the Township Council authorize the appropriate Township Officials to approve the purchase of one (1) 18" Capacity Hand-Fed Chipper; and

WHEREAS the Business Administrator has recommended that the Township use nationally approved cooperative pricing through Sourcewell, formerly National Joint Powers Alliance (NJPA) as authorized by resolutions 17-149 and 18-83 for the purchase of Capital Equipment from organizations that have generated quality control and quantity price reductions:

Pricing of the Chipper through Sourcewell Cooperative Pricing System:

Vendor: Modern Equipment Sales and Rental Company, 630 Freedom Business Center Drive, 3rd Floor, King of Prussia, PA 19406

Funded by: Account No. C-04-18-005-001

One (1) 18" Capacity Hand-Fed Chipper, Model: Intimidator 18XP Brush Bandit
Total equipment price \$55,488.60

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$55,488.60 funded by Account No. C-04-18-005-001 as attached hereto as a "Certification of Availability of Funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase One (1) 18" Capacity Hand-Fed Chipper from Modern Equipment Sales and Rental Company.

Moved by Councilman Toal, seconded by Councilman Mazzarella

Discussion: None

Council President Smith directed roll call:

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

Resolution 18-153

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

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$30,000.00 which is now available from the County of Union 2018 Kids Recreation Grant in the amount of \$30,000.00; and

BE IT FURTHER RESOLVED that the like sum of \$30,000.00 is hereby appropriated under the caption 2018 Kids Recreation Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$30,000.00.

Moved by Council President Smith, seconded by Councilwoman Albanese

Discussion: None

Council President Smith directed roll call:

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

PUBLIC COMMENTS:

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

Council President Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comment.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Hund: No comment.

Councilman Mazzarella: No comment.

Councilman Toal: No comment.

Council President Smith: No comment.

ADJOURNMENT:

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

Council President Smith directed roll call:

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

APPROVED



WILLIAM F. SMITH
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

