

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

**ROLL CALL:**

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

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

Absent: Mayor Bonaccorso

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

**PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE**

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

**INTRODUCTION OF PROPOSED ORDINANCES:**

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

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2015 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Discussion:

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

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

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

No further discussion

Council President Smith directed roll call:

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

Public Hearing March 16<sup>th</sup>

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**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SU OF \$800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Discussion:

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

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

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

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

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

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

No further discussion

Council President Smith directed roll call:

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

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

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

Discussion:

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

No further discussion

Council President Smith directed roll call:

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

Public Hearing April 20<sup>th</sup>

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

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

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

Discussion:

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

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

Howard Lesnik: So this would supplant the tabled ordinance?

John Laezza: Yes.

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

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

No further discussion

Council President Smith directed roll call:

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

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

**RESOLUTIONS:**

**Resolution 15-38**

**Municipal Budget of the Township of Clark County of Union for Calendar Year 2015**

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

**EXPLANATORY STATEMENT**

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

General Appropriation For:

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

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

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

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

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

**Discussion:**

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

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

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

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

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

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

No further discussion

Council President Smith directed roll call:

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

Public Hearing April 20<sup>th</sup>

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**Resolution 15-39**

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

<u>Block/Lot</u>	<u>Address</u>	<u>Original</u>	<u>New</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>	<u>Year</u>
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60/63	1072 Raritan Road	216,000	208,100	7900	2010
60/63	1072 Raritan Road	216,000	187,600	28,400	2011
60/63	1072 Raritan Road	216,000	187,400	28,600	2012

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

Moved by Councilman O'Connor, seconded by Councilman Hund

Discussion:

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

No further discussion

Council President Smith directed roll call:

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

**PUBLIC COMMENTS:**

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

Council President Smith opened the public portion of the meeting

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

John Laezza: They have it.

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

John Laezza: It would go into another meeting yes.

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

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

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

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

Delia Collins: Alright thank you.

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

Council President Smith directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

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

Councilwoman Albanese: No comments

Councilman Barr: No comments

Councilman Hund: No comments

Councilman Mazzarella: No comments

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

Councilman Toal: No comments

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

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

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

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

Audience members were asked to wait in the hallway.

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

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

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

Audience members were invited back into the room.

**ADJOURNMENT**

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

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

APPROVED

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WILLIAM F. SMITH  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk