

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

ROLL CALL:

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

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

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

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

Ordinance 14-17

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

Explanation:

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

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

John Laezza: No.

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

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

Council President Toal directed roll call:

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

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

Discussion:

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

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

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

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

Council President Toal directed roll call:

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

Ordinance Adopted

Ordinance 14-18

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

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

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

Council President Toal directed roll call:

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

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

Discussion:

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

No further discussion

Council President Toal directed roll call:

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

Ordinance Adopted

INTRODUCTION OF PROPOSED ORDINANCE:

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

BOND ORDINANCE TO AUTHORIZE THE FUNDING OF THE MUNICIPAL CONTRIBUTION TO ROADWAY IMPROVEMENTS AT THE INTERSECTION OF RARITAN ROAD AND CENTRAL AVENUE IN CONNECTION WITH THE CLARK COMMONS PROJECT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

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

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

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

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

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

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

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation

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

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$475,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

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

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

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

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

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

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

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

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

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

John Laezza: This includes all of that.

Councilwoman Soyka: And that includes that as well.

John Laezza: Includes all that good stuff.

Councilwoman Soyka: Okay, thank you.

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

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

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

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

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

Councilwoman Soyka: Okay thank you.

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

John Laezza: There are no open issues.

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

No further discussion

Council President Toal directed roll call:

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

Public Hearing July 21st

RESOLUTION:

Resolution 14-97

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

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

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

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

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

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

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

Moved and seconded by Entire Council

Discussion:

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

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

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

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

John Laezza: It's a state pilot program.

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

No further discussion

Council President Toal directed roll call:

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

PUBLIC COMMENTS:

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

Council President Toal opened the meeting to the public

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

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

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

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

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

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

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

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

John Laezza: The Third Ward was affected.

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

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

Councilwoman Soyka: I was going to ask that.

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

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

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

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

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

John Laezza: They didn't know.

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

John Laezza: The usual spots.

Councilman Mazarella: They were all over.

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

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

Councilman O'Connor: No comments at this time.

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

John Laezza: They now owe us one.

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

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

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

ADJOURNMENT

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

Council President Toal directed roll call:

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

ADJOURNMENT

APPROVED

BRIAN P. TOAL
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk

