

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

ROLL CALL:

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

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

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

ORDINANCES, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCES:

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

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

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

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

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

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

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

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$305,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$305,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in

conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$305,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount. Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

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

Moved by Councilman Mazzaella, seconded by Councilman Barr

Discussion:

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

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

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

Council President Toal: Okay thank you.

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

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

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

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

Councilwoman Albanese: What addresses are in the district?

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

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

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

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

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

Council President Toal: You are cutting into Retro area.

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

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

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

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

No more discussion

Council President Toal directed roll call:

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

Public Hearing June 16th

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

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

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

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

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

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

Moved by Councilman Kazanowski, seconded by Councilwoman Albanese

Discussion: None

Council President Toal directed roll call:
Aye: Albanese, Barr, Kazanowski, Mazzarella, Smith, Toal

Public Hearing June 16th

RESOLUTIONS:

Resolution 14-80

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

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

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

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

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 14-05 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Reivax Contracting Corp.

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

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

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

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

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

Council President Toal directed roll call:

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

Resolution 14-81

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

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

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

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

WHEREAS Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the amount of \$444,485.19 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinances 12-08 and 13-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Black Rock Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Black Rock Enterprises, LLC in the amount of \$444,485.19; and

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

Moved by Councilman Barr, seconded by Councilwoman Albanese

Discussion:

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

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

John Laezza: As we see fit.

No further discussion

Council President Toal directed roll call:

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

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

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

Resolutin 14-82

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

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

Council President Toal directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

John Laezza: No comment.

Councilwoman Albanese: No comments.

Councilwoman Barr: No comments.

Councilman Kazanowski: No report.

Councilman Mazzarella: Nothing.

Councilman Smith: No comment.

Council President Toal: No comment.

ADJOURNMENT

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

Council President Toal directed roll call:

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

APPROVED

BRIAN P. TOAL
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk

