

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

**ROLL CALL:**

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

Also Present: John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk

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

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

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

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

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

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

**INTRODUCTION OF PROPOSED ORDINANCES:**

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

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

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

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

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

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

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

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

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

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

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

Moved by Councilwoman Albanese, seconded by Councilman Kazanowski

Discussion:

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

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

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

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

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

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

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

Moved and seconded by the Entire Council

Discussion:

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

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

No further discussion

Council President Toal directed roll call:

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

Public Hearing April 21st

**RESOLUTIONS:**

Resolution 14-40

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

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

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

General Appropriation For:

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

**BE IT RESOLVED** that notice is hereby given that the Budget and Tax Resolution was introduced by the Municipal Council of the Township of Clark, County of Union on March 3, 2014; and

**BE IT FURTHER RESOLVED** that said Budget be published in summary in the Union County LocalSource in the issue of April 3, 2014; and

**BE IT FURTHER RESOLVED** that a Regular Meeting for the hearing on the Budget and Tax Resolution will be held at the Municipal Council Chambers, 315 Westfield Avenue, on April 21, 2014 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by the taxpayers or other interested persons.

Moved by Councilman O’Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

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**Resolution 14-41**

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

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

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

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

Moved by Councilman Mazzarella, seconded by Councilman Kazanowski

Discussion:

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

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

**PUBLIC COMMENTS:**

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

Council President opened the public portion of the meeting

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

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

John Laezza: No comments at this time.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Mazzarella: No comments.

Councilman O'Connor: No comments.

Councilman Smith: No comments.

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

**ADJOURNMENT**

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

Council President Toal directed roll call:

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

APPROVED

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BRIAN P. TOAL  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk