

SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
March 7, 2016

ROLL CALL:

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

Also Present: Mayor Bonaccorso; 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 Hund. 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, Star Ledger and TAP into Clark 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 ORDINANCE:

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

BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF SANITARY SEWER LINES AT VARIOUS LOCATIONS IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE MONEYS FROM SEWER CAPITAL OUTLAY, 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 replacement of sanitary sewer lines at Colonial Drive and Lexington Boulevard (and other locations to be determined) in order to minimize infiltration and inflow into the sanitary sewer system in, by and for the Sewer Utility of the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$800,000 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 and Sewer Capital Outlay moneys 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 (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 \$800,000, and (4) \$94,616 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) \$35,384 of said sum is to be provided by Sewer Capital Outlay moneys hereinafter appropriated to finance

said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$670,000, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000, 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 the sum of \$94,616 in the Township's Reserve for Sewer Flow Rights is now available to serve as the down payment on said purpose. The sum of \$94,616 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. The sum of \$35,384 is hereby appropriated from Sewer Capital Outlay to the payment of the cost of said purpose.

Section 6. It is hereby determined and stated that the Sewer Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2015, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to

finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Sewer Utility.

Section 7. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$670,000 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 purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$670,000 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, 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 10. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty 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 \$670,000, but said \$670,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the 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 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 13. 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 14. 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 15. 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Discussion:

John Laezza: This Ordinance is basically predetermined from our street paving ordinance; we are taking it out of the sewer funds. It's before we do the repairs of Lexington Blvd and Colonia Drive and Alice Lane. There are specific sanitary sewer problems that we want to fix first before we rip up the road. So this is the beginning of our capital infrastructure program. And it also

accommodates the Rahway Valley Sewerage Authority that has an inconsistent formula for over excess use flow. By those three little words to minimize infiltration and inflow.

Councilman Mazzarella: Just to continue on what John said. At the Sewer Authority John was there and very eloquently he made a case to support how much we're doing to eliminate I and I. This year we have a penalty of seventy thousand dollars. What I'm going to be arguing with is if that penalty could be minimized or eliminated through the years because this one year it's only seventy thousand dollars. We're encumbering eight hundred thousand dollars. So if you interrupt like that out, that could be conceivably what I'm going to argue is eleven years down the road if it's seventy thousand each year, because our excess flows we have a stay on that requirement to produce an ordinance. So we'll see what happens at the Sewerage Authority. John and I spoke and we don't think it's going to go anywhere but I want to go on record of what we're doing, how much we're investing and we are investing far more than any other community.

Council President Hund directed roll call:

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

Public Hearing March 21, 2016

RESOLUTIONS:

Attorney Triarsi: I'm going to ask to hold #2 (an amendment to the Hyatt Hills Operating Agreement with RACER Trust). We must resolve procedural issues related to the Hyatt Hills ordinance which will be completed before we act on this. I'm going to have a revised ordinance for you to introduce this month. I don't have it tonight but I will have it in the Clerk's hand by the end of the week so you'll get to see it. It revises the formation of the Hyatt Hills. And once that is adopted then it will be appropriate for you to entertain a resolution. So let's wait for that. So we are just going to mark this "not moved" Edie.

Resolution 16-39

BE IT RESOLVED by the Governing Body of the Township of Clark that John Laezza is hereby appointed as Acting Township Clerk in the absence of Township Clerk Edith Merkel as the need may arise from time to time until December 31, 2016.

Moved and seconded by Entire Council

Council President Hund directed roll call:

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

Resolution 16-40

WHEREAS the Polish American Sports Association (the Association), a Non-profit NJ Corporation, has requested permission to hold the Polonia 5K Run on Sunday, April 24, 2016 beginning at the Polish Cultural Foundation, 177 Broadway continuing on Lincoln Blvd., Lupine Way, Ascot Way, Liberty Street and Prospect Street; and

WHEREAS the goal of the event is to develop and grow the street race in order to raise funds to become a sponsor of the US Olympic Committee; and

WHEREAS the Traffic Bureau of the Police Department has established the requirements necessary to ensure the safety and well-being of the residents along the route as well as the runners participating in the event; and

WHEREAS the Association has agreed to the Township’s terms and conditions including financial responsibility for the police officers assigned to the event.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby approves the Polonia 5K Run to be held on April 24, 2016; and

BE IT FURTHER RESOLVED that a copy of this resolution will be provided to the Association President to serve as the permit to hold the event.

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

Councilwoman Albanese: It's like 3.3 miles.

Police Chief Matos: We're anticipating people being out in the road you know preparing for it and then getting off the road, so like all together like 2 ½ hours.

Councilman O'Connor: Is there going to be information given out to the homeowners so they can move their cars.

John Laezza: That's why we're putting this up now because they are going to do a lot of advertising and notifications.

No further discussion

Council President Hund directed roll call:

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

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 Hund 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 Hund directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait till later.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment.

Councilman Toal: No comment.

Council President Hund: No comment

John Laezza: No comment.

Attorney Triarsi: No report.

ADJOURNMENT:

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

Council President Hund directed roll call:

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

APPROVED

STEVEN M. HUND
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk