

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
May 6, 2013**

ROLL CALL:

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

Absent: Albanese, Mazarella

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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.

INTRODUCTION OF PROPOSED ORDINANCE:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2013 CAPITAL ROAD IMPROVEMENT PROGRAM AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS 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 SUM OF \$1,145,000 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, State of New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to undertake the 2013 Capital Road Improvement Program and to acquire new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. 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 benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the

appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2013 Capital Road Improvement Program (including roadway reconstruction and resurfacing, and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township:

Poplar Terrace
 Plymouth Road
 Schmidt Lane
 Clauss Road

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 800,000
Down Payment Appropriated	\$ 40,000
Bonds and Notes Authorized	\$ 760,000
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of (i) a truck with roll on/roll off hoist for the use of the Department of Public Works and (ii) an SUV for the use of the Office of Emergency Management.

Appropriation and Estimated Cost	\$ 265,000
Down Payment Appropriated	\$ 15,000
Bonds and Notes Authorized	\$ 250,000

Period of Usefulness

5 years

C. Acquisition of new communication and signal systems equipment consisting of 9-1-1 communications equipment for the use of the Police Department.

Appropriation and Estimated Cost	\$ 80,000
Down Payment Appropriated	\$ 4,000
Bonds and Notes Authorized	\$ 76,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$1,145,000
Aggregate Down Payment Appropriated	\$ 59,000
Aggregate Amount of Bonds and Notes Authorized	\$1,086,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$55,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding \$59,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$59,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding

\$1,086,000 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 purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,086,000 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 and 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 said 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 average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.84 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 \$1,086,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

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. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Moved by Councilman Toal, seconded by Councilman Smith

Discussion:

Councilman Toal: With regards to Plymouth Road, the entire cul-de-sac which is actually the worst part of that street. Is curbing going to be redone or just surfacing the road?

Richard O’Connor, Township Engineer: The design hasn’t been done yet.

Councilman Toal: Okay, I will ask that questions at a later time then, thank you.

John Laezza: We will do what we think is necessary.

Councilman Toal: Good answer thank you.

John Laezza: This is our annual Bond Anticipation proposal, capital proposal where we are doing road jobs. We have not been granted any State Aid. So this is all township money, there’s two hundred thousand dollars of State Aid that has not been generated yet. First of all when that comes we can accommodate what we can do for two hundred thousand dollars. Item #B is the acquisition of a cab hoist and roll off trucks. Basically during Sandy and during our regular services to the citizens throughout the year with regard to leaf collection, branch pick-up and alike we believe that if we got our own hoist and roll off trucks we could do more work with the people that we have rather than

having five trucks going up to the tipping place, that way we can put it all in one truck to get it up there. It's more efficient and it's more effective and we can do that. Our emergency SUV vehicle is nineteen ninety-four vintage, my mind we really didn't need one but since Sandy occurred and they did a good job we are accommodating that concern and item #C even though our 911 communication equipment is working, it's working well, it's old, the parts are old and it's time to be replaced and we will be getting some new 911 equipment and we will be doing an Interlocal Service Agreement with Rahway with regard to maintenance and redundancy in case our equipment breaks down. Our 911 calls in Clark will be and responded to by Rahway and if that doesn't happen if they are both down, then by the County, so this is all part of the process of making Clark a better place to live.

Mayor Bonaccorso: On the roll-off you obviously know that we had to bring an outside vendor in during Sandy and we also know God forbid Sandy doesn't happen every other year; Our dump trucks can probably get about eight yards of material on the back of them at any one time, sometimes nine depending if the leaves were wet they pack down better. Our plan with this is also to use it for leaf clean-up in the heavy neighborhoods that have the room, we need room, we can't go on Blake Drive, and we can't go on Post Road with it because it's not going to be wide enough... Coldevin (Rd), we don't need the help there. In the heavily leaf areas we are going to be able to drop boxes along the street and with our trucks pick up, load the boxes, go back and forth and branch clean-up will help us a lot. The other thing it's going to do is save some work and comp claims. When we have a flood like Hurricane Irene, now flooding can happen and it has happened periodically. We have our own garbage truck of course, people put there wet stuff out on the streets (tape inaudible). You start picking up wet rugs, wet this, wet that and you know it's ten times the weight as a normal item. Now they can just put it out and we'll pick it up with the claw, throw it in back of the roll off and boom take it right directly to the dump site. So it's going to be used for more than just a Hurricane Sandy God forbid if it ever happens again. Even if we had to load it to take snow in heavy storms out of the downtown area which we started doing twelve years ago. You know you get twenty-five, thirty inch snowstorm which does happen, we can load our trucks, we can load the box take it and dump it like we usually do. So it's going get a lot of work and the truck will last a long time because it's not going to have that daily idle on it but it's going to be used enough to make it be worthwhile for the community.

Councilman Smith: How many boxes... is it just one box that comes with it.

Mayor Bonaccorso: We are buying three.

Councilman Toal: We have enough room in the area to keep all that stuff.

Mayor Bonaccorso: We have plenty Brian.

Councilman Smith: I have a question if I may... on the Bonds, has exactly does that work? We go out we issue the Bonds, we get the money?

Attorney Triarsi: You borrow the money. They are short term Bond Anticipation Notes and then as the Notes mature as they come due and they come to a quantity, he may go out for a Bond Sale but we are not going to do that right now, right John?

John Laezza: We are not doing it. We just went for ten million dollars and we just got less than a third of percentage off the whole thing.

Councilman Smith: Okay thank you.

Mayor Bonaccorso: We pay down a lot of debt every year in the budget so which helps John maintain our debt service for when we budget.

No further discussion

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

Public Hearing on May 20, 2013

RESOLUTIONS:

Resolution 13-81

WHEREAS GSP Construction, Inc. has completed work on the School Street Drainage Improvements; and

WHEREAS the Township is in receipt of a one year Maintenance Bond in the amount of \$8,737.80 (30% of \$29,126.00); and

WHEREAS the Township Engineer recommends payment in the sum of Three Thousand Seven Hundred Two Dollars and Fifty Two Cents (\$3,702.52); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in the Target Escrow Account as evidenced by the Certification of Availability of funds attached.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to GSP Construction, Inc., 3010 Bordentown Ave., Parlin, New Jersey 08859 in the amount of \$3,702.52

Moved by Councilman Barr, seconded by Councilman Kazanowski

Councilman O'Connor directed roll call:
Aye: Barr, Kazanowski, Smith, Toal, O'Connor

Resolution 13-82

WHEREAS Target Corporation has requested the release of the Performance Bond posted for site work at the Target building on Central Avenue in Clark in the amount of Ninety Six Thousand, Five Hundred Dollars and Zero Cents (\$96,500.00); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Bond; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Target Corporation to be Nine Thousand, Six Hundred Sixteen Dollars and Zero Cents (\$9,616.00); and

WHEREAS Target has submitted a Maintenance Bond in the proper amount for a one year period; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Maintenance Bond may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of the Performance Bond and will retain the Maintenance Bond for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

Moved by Councilman Smith, seconded by Councilman Barr

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

Resolution 13-83

WHEREAS US Pavement Services, Inc. has requested the release of the Performance Bond posted for paving work at the Target building on Central Avenue in Clark in the amount of Four Hundred Twenty Two Thousand, Five Hundred Fifty Four Dollars and Eighty Cents (\$422,554.80) and cash in the amount of Forty Seven Thousand, One Hundred Forty Nine Dollars and Twenty Cents (\$47,149.20); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Bond; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Bond; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by US Pavement Services, Inc. to be Forty Six Thousand, Nine Hundred Fifty Dollars and Sixty Cents (\$46,950.60); and

WHEREAS US Pavement Services, Inc. has submitted a Maintenance Bond in the proper amount for a one year period; and

WHEREAS at the end of the one year period, a re-inspection will be performed at which time the Maintenance Bond may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of the Performance Guarantees and will retain the Maintenance Bond for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

Moved by Councilman Kazanowski, seconded by Councilman Smith

Council President O’Connor directed call:
Aye: Barr, Kazanowski, Smith, Toal, O’Connor

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 O’Connor opened the meeting to the public

Doug Ritter, 40 Tudor Dr.: One of my neighbors asked me to ask you to check into the audio system over at the Municipal Court House. They said that they have trouble understanding what’s being said during meetings when they watch.

Did I just hear you say Mr. Laezza that we borrowed ten million dollars recently?

John Laezza: We rolled over ten million dollars in bond anticipation notes, yes.

Doug Ritter: Rolled it over.

John Laezza: Yes.

Attorney Triarsi: We bonded it. We went from bond anticipation...

John Laezza: No, no, no... every year we borrow bond anticipation notes, they're annual, and every year we pay them down. We either roll them over, when we roll them over we pay down and that portion of principle that we want to come down and add to it if we have any additional bond anticipation notes. So we maintain a balance of ten million dollars that we roll over to use, we get for less than a third of percent.

Attorney Triarsi: What's the time John that you can continue to roll over? How many years?

John Laezza: Ten years. We pay them off before the ten year time period.

Doug Ritter: I think you are saying that we basically have a loan of ten million dollars basically on the books almost every year and whatever we didn't use you roll over to next year and borrow some more so we basically always have ten million dollars.

John Laezza: We keep a mortgage on our budget on a consistent basis anywhere from 2.2 to 2.6 million to pay down the principle and interest.

Doug Ritter: What's the ten million, that's only 2.6...

John Laezza: Ten million is all the capital improvements that we put together that have accumulated to ten million dollars. We've paid down two million; we add a million/a million and a half a year. So we keep a running total of capital needs of improvements.

Doug Ritter: Roll-off truck...I didn't know what that was but I think through the discussion it's one of those trucks they use for garbage dumps and things like that.

Council President O'Connor: A container truck.

Doug Ritter: Okay, so you are going to use that for branch pick-ups, leaf pick-ups that kind of stuff and of course the heavy duty stuff. What do we do with all the refuse that we get from branch pick-up, I mean from the storms I've seen it all piled up over by the swimming pool. What happened to it from there?

John Laezza: What happened to it from there it was ground down, it was given away to our citizens as free mulch and you are getting some of that too.

Doug Ritter: All of that...I mean that was an awful lot of trees.

Mayor Bonaccorso: And the company that ground it also was contracted to take some out of there, so it worked out. And what we get in monthly Mr. Ritter we probably tub grind

two or three times a year and we dump it at our Public Works yard and we get rid of it that way.

Doug Ritter: Do we compost like Westfield does?

John Laezza: We don't have a compost facility.

Doug Ritter: Okay the firing range...I've been working at home for five or six years now and the first few years or maybe once or twice a week three or four months out of the year or something I would hear something going on, I hear something every day now. Is that our police department practicing every day?

John Laezza: They are at the range every six months.

Doug Ritter: Every six months.

John Laezza: There are other police departments that use our firing range.

Doug Ritter: Okay, so do we pretty much have that rented or is it just loaned out.

John Laezza: It's called shared services.

Doug Ritter: Shared services, okay, and we do pretty much have somebody there all the time then.

John Laezza: No...just these people that use it basically.

Mayor Bonaccorso: How many departments use it?

Police Chief Scherb: Including us there's five departments that use it. We will be using it the month of May for our qualifications and then we should be done the 1st of June. And it won't pick up until October or in that area.

Doug Ritter: But am I right, I think I hear it almost every day, it's not one month and then nothing for two or three months, it's pretty much all year through. I think I've been hearing something going on over there. Is it pretty much used all the time?

Police Chief Scherb: No...right now it's used April and May.

Doug Ritter questioned about roll off trucks

Mayor Bonaccorso: You know Mr. Ritter I'm going to just guess but I've owe trucks and I understand the use of trucks. And if they continue the maintenance program some day when we're gone they'll be set here for twelve/thirteen years. I think you can probably get twenty or twenty-five years out of it. Because again it's not taking the everyday beating like you would if you owned your own demolition company, then you might get

ten years out of it. But in this type of situation running a 4 ½ square mile of town and making out of town trips once in a while to a dump facility...I think that truck is going to be here probably for at least my 80th birthday.

Doug Ritter: Thank you very much.

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

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

John Laezza: No comments.

Councilman Barr: No comments.

Councilman Kazanowski: Nothing.

Councilman Smith: No comments.

Councilman Toal: Nothing

Township Clerk: No comments.

Attorney Triarsi: No report.

Rich O'Connor: Nothing

Council President O'Connor: No comments

ADJOURNMENT

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

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

APPROVED

PATRICK O'CONNOR
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk