

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ
November 2, 2015**

ROLL CALL:

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

Also Present: Mayor Bonaccorso; 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 Vice 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, 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 VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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 various public improvements and to acquire new additional or replacement equipment and machinery and new information technology 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. Installation of generators at the Municipal Building and Firehouse No. 1 (located on Broadway).

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|----------------------------------|------------|
| Appropriation and Estimated Cost | \$ 250,000 |
| Down Payment Appropriated | |
| Bonds and Notes Authorized | \$ 12,000 |
| Period of Usefulness | \$ 238,000 |
| | 15 years |

B. Acquisition of new information technology equipment consisting of computer equipment for the use of various Township departments, offices and agencies.

| | |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 50,000 |
| Down Payment Appropriated | \$ 3,200 |
| Bonds and Notes Authorized | \$ 46,800 |
| Period of Usefulness | 5 years |

C. Undertaking of various improvements to municipal facilities, including the acquisition of new additional or replacement equipment and machinery.

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| Appropriation and Estimated Cost | \$100,000 |
| Down Payment Appropriated | \$ 4,800 |
| Bonds and Notes Authorized | \$ 95,200 |
| Period of Usefulness | 15 years |

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| Aggregate Appropriation and Estimated Cost | \$400,000 |
| Aggregate Down Payment Appropriated | \$ 20,000 |
| Aggregate Amount of Bonds and Notes Authorized | \$380,000 |

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$10,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$20,000, 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 \$20,000 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 \$380,000 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 \$380,000 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 13.76 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 \$380,000 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 O’Connor, seconded by Councilman Barr

Discussion:

John Laezza: Council President and members of the board this is basically an ordinance to pay for a new emergency generator for the municipal building and for the firehouse. In case if there are storms we use the municipal building for a warming area or a cool area whichever it’s season. The activity may or may not happen, we hope it never happens. We are also going to replace all of our computers in our offices, they are now slowing down and we are getting new technology to bring them closer to what we need. And we are also going to be acquiring also some additional equipment for the police department. The police radios; now their bands are not coordinating with each other and so we will be replacing police radios.

No further discussion

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, O’Connor, Toal, Hund

Public Hearing on November 16th

RESOLUTIONS:

Resolution 15-129

WHEREAS the Governing Body of the Township of Clark has advertised for bids on October 15, 2015 for the 2014 NJDOT Terminal Avenue Road Improvements and 2015 Capital Improvements; Westfield Avenue & Terminal Avenue Signalization Improvements and Starlite Drive Improvements; and

WHEREAS seven (7) bid proposals were received on October 28, 2015 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were

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|---------------------------------|-------------------|
| Black Rock Enterprises, LLC | \$750,807.70 |
| S. Brothers General Contractors | \$772,747.00 |
| Top Line Construction Corp. | \$778,141.69; and |

WHEREAS Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the total amount of \$750, 807.70 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 14-15 and 15-03 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 \$750, 807.70; 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 Mazzarella, seconded by Councilman O’Connor

Discussion:

John Laezza: Once again this is a continuation and a re-configuration of our ordinance for the road work and we added Starlite Drive to it. And we will be doing a portion of Terminal Avenue at the intersection at the light.

Councilwoman Albanese: So on Terminal Avenue it’s the area where the road is going to be widened?

John Laezza: Yes. It’s the intersection where the road is going to be widened. It’s not all of Terminal Avenue. The balance of Terminal Avenue will be done when L’Oreal finishes their project. We don’t want to build a road if it’s going to be under construction.

Councilman Mazzarella: Okay the part that’s all messed up that’s not going to be done on Terminal Avenue?

Mayor Bonaccorso: It’s going to be right by the Senior Citizens’ Housing and we’re chopping off a piece of Retro to make a right hand turn by Retro, that’s it, the intersection. The rest of Terminal is not getting touched yet.

John Laezza: We’ll probably go up to Kerry, the first Kerry not the second Kerry.

Council Vice President: Will L’Oreal pay for paving of the road when they do their work?

John Laezza: We indicated to them that we expect that will be their responsibility.

No further discussion

Council Vice President Hund directed roll call:

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

Resolution 15-130

WHEREAS N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS the Township of Clark has received notice of an award of \$3,867.77 from the State of New Jersey, Body Armor Grant and wishes to amend its 2015 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Clark, in the County of Union, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$3,867.77 which is now available as a revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Body Armor Grant

BE IT FURTHER RESOLVED that the like sum of \$3,867.77 be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (a) Operations Excluded from CAPS
 - State and Federal Programs Off-set by Revenues:
 - Body Armor Grant

BE IT FURTHER RESOLVED that certified copies of this resolution will be electronically submitted in accordance with the directive of the Director of Local Government Services for approval.

Moved and seconded by the Entire Council

Discussion: None

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, 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 Vice 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 Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

- Mayor Bonaccorso: No comments.
- Councilwoman Albanese: No comments.
- Councilman Barr: No comments.
- Councilman Mazzarella: No comments.
- Councilman O'Connor: No comments.
- Councilman Toal: No comments.
- Council Vice President Hund: No comments.

ADJOURNMENT:

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

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Toal, Hund

APPROVED

WILLIAM F. SMITH
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk