

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ  
November 5, 2014**

**ROLL CALL:**

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

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Theresa Mazzarella, Acting 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.

**RESOLUTIONS:**

**PUBLIC HEARING:** Authorizing the submission of applications for funding for the Year 41 Community Development Block Grant Program

**Resolution 14-143**

**WHEREAS** the County of Union is accepting applications for funding for the Year 41 Community Development Block Grant Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and Business Administrator to submit the following projects to the County of Union for Year 41 of the Community Development Block Grant Program:

Senior Citizen Program

\$55,000

Discussion:

John Laezza: Public Hearing requires us for the CDBG Program for the coming year. It's a Social Service Program for Senior Citizens. We are seeking Fifty-Five Thousand Dollars.

Council President Toal: And the money (is) to be applied to what improvements?

John Laezza: Transportation and Social Services for senior citizens.

Council President Toal: Just again Councilman Barr has been so wonderful to fill in for me and Councilwoman Albanese going to these meetings. This is funding that we get back from the County, our tax dollars go to them, and the money comes back to do improvements for our community.

Council President Toal opened the Public Hearing on Year 41 Community Development Block Grant

Seeing no one coming forward Councilman O'Connor made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

Motion to adopt Resolution 14-143 made by Councilman Barr, seconded by Councilman Toal

Discussion: None

Council President Toal directed roll call:

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

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**Resolution 14-144**

**WHEREAS** on October 21, 2014 a sewer line break was discovered in the tunnel beneath the municipal building structure; and

**WHEREAS** such break caused an inordinate amount of waste material which could affect the public health and welfare of the inhabitants; and

**WHEREAS** the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem and requires the immediate delivery of services.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby authorize the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute; and

**BE IT FURTHER RESOLVED** that Insurance Restoration Specialist, Johnny on the Spot, and Accurate Sewer are the firms hired on an emergency basis to complete the services required to complete the project on a material and cost basis and that such costs shall not exceed \$31,000.00 without further authorization.

Moved by Councilman Mazzarella, seconded by Councilman O'Connor

Discussion:

John Laezza: October 21<sup>st</sup> we had a sewer trunk line break at the bottom of this building and it was necessary to get exigency services to getting it cleaned up and get it out. So we hired three firms and we need this resolution to affirm that authority that it happened.

Council President Toal directed roll call:

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

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**Resolution 14-145**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator of the Township to enter into a contract for the acquisition of the following public right-of-way:

(Lot 3, Block 71) 136 Central Avenue, Clark	Owner: Clark Parkway Plaza
Consideration for the transfer: \$40,000.00	71 Valley Street, Suite 204
	South Orange NJ 07079

The above consideration is per the formal appraisal conducted by Appraisal Associates, Inc. dated September 25, 2014. The Business Administrator is further authorized on behalf of the Township of Clark to acquire said properties and to expend the foregoing sums, all in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Discussion:

John Laezza: As the Governing Body knows we passed an ordinance authorizing the expenditure of Five Hundred Thousand Dollars as the municipal share for the road improvements related to the Clark Commons facilities. In going through that process it was necessary to obtain right-of-ways from four businesses. We have three in line and I'll

say by the end of this week we will get the fourth one in line. They all agreed to these numbers that you see in the resolution and we're ready to finalize the program.

Attorney Triarsi: Let me take it one step further. There is a right-of-way that John had indicated. We've not heard from the owner. We've made an offer to him at the appraised value. It is only for three hundred and sixty square feet which is really a minimal area. If I do not hear from him by the end of the week, Monday morning I'm going to file an action in condemnation in order to acquire that. In addition to that we are in the process of trying to acquire three or four temporary easements which would allow us to do the construction at that location. Locating the property owners has proven to be somewhat difficult but we are working on that as well.

Councilman Mazzarella: Joe when you do file for the condemnation, does it come to us immediately then...I mean we acquire that.

Attorney Triarsi: We are going to file a complaint. We are going to file a notice of taking. John is going to give me a check for the amount of the offer. We are going to deposit that with the court and then we are going to take the property.

Councilman Mazzarella: Then we take it like that. (Attorney Triarsi: yes)

Councilwoman Soyka: You don't have to wait for the process?

Attorney Triarsi: No, the only process Marie is the appointment of commissioners to oversee the condemnation proceeding. We can take it because this is a public use. The only question really is how much is it worth and that's what the condemnation commission is deciding after a hearing. But there's no question about our right to take the property.

Mayor Bonaccorso: Joe just as a question. We are doing it for street widening (Attorney Triarsi: correct) so it's a non-arguable public (tape inaudible). Let's say tomorrow we wanted to take a lot over here, would it work the same way or do you have to just (Attorney Triarsi: well it depends on what it's for) let's say hypothetically the the playground over here was the guy next door's and we wanted to take it for municipal parking (Attorney Triarsi: yes you can do that.) no, no I know you can but would you have to wait for the hearing to see if it was justified.

Attorney Triarsi: No, no what you have to do (Mayor Bonaccorso: I'm just asking to learn) is to notify them that you want it and what the public purpose is. We then bring in an appraiser to appraise the value and when the value has been appraised we meet at the site with the land owner and an offer is made to him. And he has two weeks usually within to accept that offer and if is not accepted within two weeks, then we have the right to file a complaint of condemnation and deposit the money.

Mayor Bonaccorso: Yeah no, no I understand.

Councilman O'Connor: Deposit the money is the key.

Mayor Bonaccorso: I just wanted to know if there's any difference in...

Attorney Triarsi: No, as long as it's a public purpose it works the same way.

Councilman Smith: But what we did here was basically just long strips just to widen the road.

Attorney Triarsi: But I still have to acquire.

Councilman Smith: I understand but it's not like we took someone's...

Attorney Triarsi: Some of these are a little larger but under the condemnation statute we are required to negotiate before we file proceedings. So I'm letting this fellow run the table here and then if I don't hear from him on Friday, by Monday I'm going to file the condemnation complaint.

Council President Toal directed roll call:

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

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**Resolution 14-146**

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby authorize the Business Administrator of the Township to enter into a contract for the acquisition of the following public right-of-way:

(Lot 4, Block 142) 142 Central Avenue, Clark  
Consideration for the transfer: \$145,000.00

Owner: Clark 1712, LLC  
c/o Kimco Realty  
3333 New Hyde Park Road  
Suite 100  
New Hyde Park NY 11042

The above consideration is per the formal appraisal conducted by Appraisal Associates, Inc. dated September 25, 2014. The Business Administrator is further authorized on behalf of the Township of Clark to acquire said properties and to expend the foregoing sums, all in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue.

Moved by Councilman O'Connor, seconded by Councilman Mazzarella

Council President Toal directed roll call:

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



probably will be more transfers before the end of the year.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Council President Toal directed roll call:

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

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**Resolution 14-149**

**WHEREAS** N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2014 pool budget appropriations in accordance with the following schedule of transfers.

<b>Swim Pool</b>	<b>To</b>	<b>From</b>
Other Expenses	17,347.31	-
Salaries and Wages	-	17,347.31
	<hr/>	<hr/>
	17,347.31	17,347.31
	=====	=====

Moved by Councilman Smith, seconded by Councilwoman Soyka

Discussion:

Councilwoman Soyka: Yes, you are moving the money from the pool committee to the general fund?.

John Laezza: We are moving it from salary and wages in the pool budget to other expenses in the pool budget. (Councilwoman Soyka: okay) What transpires with the pool is that all the salaries are paid; if the pool is closed, the managers are paid.

Councilwoman Soyka: So everybody is taken care of?

John Laezza: Everybody is taken care with regards to the salaries. What transpires near the end of November and October PSE&G decides to bill us for all the electricity for the entire summer. So we get a mass electric bill, so we are making sure that we have enough in the other expense account to accommodate it.

Council President Toal directed roll call:

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

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**Resolution 14-150**

Resolution Expressing the Importance of the future Recommendations of Governor Christie’s Pension & Health Benefit Study Commission

**WHEREAS** the media has continually brought forth to the public that the Pension System is 90 Billion Dollars Underfunded through 2030, subsequent to the reforms to the Pension System enacted in 2010 and 2011 by the Legislature and signed by the Governor; and

**WHEREAS** Local Governments consistently make and have made payments for both the Local PERS and PFRS pension systems leaving local contributions funded at 73.9% and 76.9% respectively, which is considered fully funded, and

**WHEREAS** the State funded portion of both PERS and PFRS for State employees is only funded at 48.1% for PERS and 50.8% for PFRS due to lack of State funding; and

**WHEREAS** the Officers of the League of Municipalities have submitted a statement to Governor Christie’s Pension and Health Benefit Study Commission urging that in their final report and recommendations that they do not weaken the vitality of the local pension plans by imposing mandates on local pension systems to fund the State plan over which local governments have no control.

**NOW THEREFORE BE IT RESOLVED** that the Township of Clark urges State Policy makers to recognize that the deficit issues are “State Funding Problems” and reject any recommendation that would threaten Municipal Budgets and have property taxpayers share the cost; and

**BE IT FURTHER RESOLVED** that the Township of Clark is aware of the State’s Budget problems, however, we cannot permit the shifting of the State burdens on the local property taxpayer; and

**BE IT FURTHER RESOLVED** that the Pension and Health Benefit Commission should address state mandated requirements which drive up the cost of funding Health Benefits; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution is to be forwarded to Governor Christie; State Treasurer Andrew Sidamon-Eristoff; State Senator Scutari; Assembly representatives Green and Stender and to the New Jersey League of Municipalities.

Discussion:

John Laezza: This is basically my response to the action of Governor Christie’s pension and health benefits study commission. Obviously we read in the newspaper that there is a Ninety Billion Dollar fund funded liability in our pension system. What it appears to me is if the people in Trenton, as commission, want to basically allay the mismanagement of state government over the last twenty years, and their failure to fund the state pension plan, and pass that on to the local property taxpayers. The Public Employees Retirement System for local people is about 75% percent funded. The police and fire retirement system is about 76% percent funded. Local governments and police have paid their full bill every year. The State of New Jersey pension plan is funded to the tune of 48% percent. The major liability is that the state plan. I think that this is just an expression to our Governor and those people that we want them to look at it and not penalize local property taxpayers. This is just an expression of where I think you should go as a council.

Moved and seconded by the Entire Council

Council President Toal directed roll call:

Aye: Albanese, Barr, Mazzarella, O’Connor, Smith, Soyka, 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 Toal opened the public portion of the meeting

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

Council President Toal directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

Mayor Bonaccorso: Yes Mr. President thank you. I just want to start off with the election. I would like to congratulate the winners of the election. I would like to congratulate the people who participated in the election. I would like to say I

think it was a good election, for the fact, that there wasn't any of that back fighting and mudslinging on either side, which is nice. I think each year it's gotten better. I think the people in this town would be tired of that and of course we in the country and the State of New Jersey are tired of it too. Tell us where you stand, let us choose and leave us alone, you know what I mean you don't have to (tape inaudible) somebody. There are questions in an election you ask of each other that's good clean hardball as they say but there wasn't any of that and I think we can see that yesterday at the polls because everybody that was running against each other were talking and having a pretty nice day. So that's a smart thing and a nice thing but anyway congratulations to all. To participate it's a tough process whether you win or lose so congratulations to everybody on that.

We are into November now and as John said there will be your normal budget transfers because he's beginning to build next year's budget.

Right now guys we are in the leaf mode to the end of the month, well it starts loosening up about the first week of the month and hopefully all the leaves fall off the street by December 10<sup>th</sup> if Mother Nature cooperates with us. We are waiting to use our roll-off truck to take thirty yards of leaves in one area in one shot. Unless there's an absolute DPW emergency whatever the problem is, it can wait till after leaves. It's going to have to wait. We want everybody on the street cleaning them up. Now of course if there's an utter emergency we will do that. Branch pick-up has stopped as you all know. We are not picking up branches. If you get calls and people say "they took the leaves but they didn't take the branches" exactly correct. We did it from mid-March to October. They are all ground up and we have nowhere to put branches. If the branches are in the leaves, the truck goes to the dumps; they will reload the truck and send it back to Clark, so people have to understand. If we have a major wind event we will have the branch clean-up. Then we have to worry about how we are going to handle it, we've done it before, we can do it again. So please have people understand. Remind people to get them out as soon as possible. It will make life a lot easier for everybody.

Councilwoman Albanese: Question about that...what about grass if people are still cutting grass.

Mayor Bonaccorso: They can throw them in the leaves, that's okay, it's all biodegradable it's not a problem.

Councilwoman Albanese: Okay

Councilwoman Soyka: I know with branches I've passed two places tonight on my way here with branches in the street. One on Broadway and one on Valley Road and they have been there for the last couple of weeks. I don't know who the owners are. The one is by the Polish Cultural Foundation and the other one is on near the corner of Emerson. Now they have been out there for...the one on Emerson has been out there for at least three weeks, the branches. I don't know how long I wasn't really watching but on our last meeting when we were talking about it I took notice. And I could knock on the person's door and tell them but then what do they do with them.

Mayor Bonaccorso: Marie we stopped picking them up the fourth week of September. So if they were out they shouldn't have been. Because I don't think we would have missed them.

Councilwoman Soyka: I don't think your guys missed them. I think what happened is that they put them out right after the cut-off.

Mayor Bonaccorso: Marie the only thing you can say to them if you want to be a nice soul is to say look put them in a heap on the side yard or something and when we start up again feel free to throw them out. And it's not even... do me a favor I would be glad to do that to send a truck to pick it up but we have nowhere to dump it, that's the problem right now. (Councilwoman Soyka: I know) It's not doing anybody a favor, that's easy for me to do, but the problem is we have nowhere to dump them. So you know you can just tell them that because they are not going to get picked up.

The other thing is, is that, as far as the rest of the services running forward, we will have everything moving on, everything is going to wait again till after the leaf season goes and hopefully we won't go right into snow season. But other than that that's all I have tonight.

Councilman Smith: On those branches that are out there, aren't they a little bit of a hazard because some of them quite big, sticking out. Is that something that Mr. Khoda or someone goes around...

John Laezza: Basically so we stop the conversation I will have somebody take care of it. I think we are going to give those people summons because they are kind of perpetual violators from day one. They are at same place every year and they always do it every year in the same place. So I will have a violation given to them tomorrow.

Councilman Smith: When my neighbors do it I tell them to take the branches and put them back in their backyard.

Mayor Bonaccorso: You know what it is Bill, it's like what I was saying, we go from mid-March to the end of September, how much more do you want? You want to rip shrubs out of your house we will take them. I do a landscaping job in Clark, I will take them and throw them out in the street and you know what that saves the homeowner money, every landscaper does it, so that's a nice thing. You know you send a truck load to the dumps it's two hundred bucks, it's expensive. But you know what, you give the people the ample opportunity and you are glad to do it for them, we have no problem doing it, but now it's like the same people the same thing. And I'm going to tell you right now you are going to drive through Clark December 15<sup>th</sup> through 18<sup>th</sup> I can show you houses that will have their leaves on their lawn and not cleaned, it happens every year.

Councilman Smith: Well then the next issue is when the snow starts falling and they are plowing now you are plowing the leaves and branches.

Mayor Bonaccorso: We don't want to have that problem.

Councilwoman Soyka: Can I ask you a question about the brine. Did Clark purchase a truck to start their program?

Mayor Bonaccorso: Yes we have that all...not a truck just a tank. The tank is picked up with a forklift, it's 975 gallon tank and you can move it from truck to truck to truck.

Councilwoman Soyka: Would we sit it on a dump truck?

Mayor Bonaccorso: Yes right on the back of our little mason dump truck not a pickup the next size up. So yeah that's coming in, I don't think we have it yet right John?

John Laezza: It's been on order for two months.

Mayor Bonaccorso: It's coming in any day now. And last time I spoke to Mike Smalling in Rahway the Director of DPW there they had their brine ordered, the station that makes it, and they were waiting for it to come in to be assembled, so that should be happening. It hasn't happened because I haven't talked to him about three weeks and I would say it's going to happen any day now. So we will be on line with that. That's it thanks guys.

Councilwoman Albanese: Congratulations to all of the winners.

Councilman Barr: Just a question...is it my imagination or have the leaves been staying on the trees a lot longer this time?

Mayor Bonaccorso: Yeah you are right Al. I thought after last Saturday's rain storm... so I was riding around yesterday going poll to poll and I'm going "oh God these things are still up there." So you never know, we need a good cold night.

Councilman Mazarella: I just want to say I was out around my Ward this morning and I have to tell you, DPW are doing a phenomenal job. They had it set up where they had the claw putting it (leaves) in the dump truck and right behind it they had the street sweeper and they were just going right down the street, the three pieces of equipment, it was fantastic. Everything was clean and that's the way it should be.

Councilman O'Connor: I'll hold my comments for the public meeting.

Councilman Smith: I will hold my as well.

Councilwoman Soyka: Likewise.

Council President Toal: The same here ditto.

**ADJOURNMENT**

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilwoman Soyka

Council President Toal directed roll call:

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

APPROVED

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BRIAN P. TOAL  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk