

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK NJ  
December 7, 2015**

**ROLL CALL:**

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

Also Present: Mayor Bonaccorso; 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 President Smith. 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:**

**REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$5,542,000 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$5,585,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,585,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID TOWNSHIP TO FINANCE SUCH APPROPRIATION.**

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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 refund \$5,542,000 aggregate principal amount of the Township's outstanding General Improvement Bonds, dated August 15, 2005 and maturing on or after August 15, 2016 (the "Outstanding Bonds").

The Outstanding Bonds bear interest from their date at the rates per annum, payable on February 15 and August 15 of each year until maturity or prior redemption, and mature in annual installments on August 15 in each year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	Principal
2016	\$1,570,000	3.875%	
2017	1,640,000	3.875	
2018	1,710,000	3.875	
2019	622,000	3.875	

The Outstanding Bonds are subject to optional redemption at a redemption price of 100%.

The Township Council may determine by subsequent resolution not to refund a portion of the Outstanding Bonds.

Section 2. The Township Council of the Township has ascertained and hereby determines that the Outstanding Bonds set forth in Section 1 of this ordinance have not been paid or discharged and that the Township is authorized by Section 51(a) of the Local Bond Law of New Jersey (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds as hereinafter provided to refund the Outstanding Bonds. The object of the refunding is to effect debt service savings for the Township.

Section 3. A sum not exceeding \$5,585,000 is hereby appropriated (a) to refund the Outstanding Bonds set forth in Section 1 of this ordinance in the aggregate principal amount of \$5,542,000 and (b) to pay an amount not exceeding \$22,000 for the cost of the issuance of the refunding bonds, including underwriter's compensation, printing, advertising, financial and legal

expenses therefor, as permitted by Section 51(b) of the Local Bond Law (collectively, the "Purpose").

Section 4. To finance the Purpose, refunding bonds of said Township in an aggregate principal amount not exceeding \$5,585,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall be sold at private sale and shall be in registered form and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to the Local Bond Law and shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates per annum, be payable at such time or times, be in such denominations, carry such registration privileges, be executed in such manner consistent with the provisions of the Local Bond Law for bonds of a municipality, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be hereafter determined by resolution of the Township Council within the limitations prescribed by law.

Section 5. The Refunding Bonds shall be direct, unlimited and general obligations of the Township and the Township shall be obligated to levy ad valorem taxes upon all taxable real property within the Township for the payment of the principal of and the interest on the Refunding Bonds without limitation as to rate or amount. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of the Refunding Bond exist, have happened and have been performed, and that the Refunding Bond,

together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

Section 6. All matters with respect to the Refunding Bonds not determined by this ordinance shall be determined by subsequent resolution or resolutions to be hereafter adopted by the Township Council of the Township, or the performance or determination thereof delegated by resolution or resolutions, to the Director of Revenue and Finance.

Section 7. 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 \$5,585,000 (the amount of the Refunding Bonds authorized), but \$5,542,000 (the amount of Outstanding Bonds being refunded) shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. It is hereby determined and stated that no sum need be appropriated hereby as a down payment.

Section 9. The Township is hereby authorized to enter into any agreements that may be necessary to effect the purchase of securities, as permitted by Sections 53(c) and 60 of the Local Bond Law, to accomplish the refunding.

Section 10. This refunding bond ordinance shall take effect twenty days after the first publication thereof after final passage as provided by the Local Bond Law.

Moved by Councilman O'Connor, seconded by Councilwoman Albanese

Discussion:

Mayor Bonaccorso: We will be saving two hundred and fifty thousand dollars for the next five years, fifty thousand a year on this refinancing on this bond.

Councilman O'Connor: So this is due to our better than average bond rating?

Mayor Bonaccorso: Way better than any bond rating, yes.

Council President Smith: That's a good thing, excellent.

Council President Smith directed roll call:

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

Public Hearing December 21<sup>st</sup>

**RESOLUTIONS:**

**Resolution 15-142**

**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 \$40,000.00 from the County of Union-Kids Recreation Trust Fund 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 \$40,000.00 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:

County of Union-Kids Recreation Trust Fund Grant

**BE IT FURTHER RESOLVED** that the like sum of \$40,000.00 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:

County of Union-Kids Recreation Trust Fund Grant

**BE IT FURTHER RESOLVED** that the sum of \$40,000.00 representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the Trust Account under the caption Donation – Clark Soccer Club; and

**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 by Councilman Hund, seconded by Councilman Mazzarella

Discussion:

Council President Smith: Sal this is for the soccer field at Bartell?

Mayor Bonaccorso: Yes this is for that. We have to re-adjust the Budget, amend the Budget is actually a better word to show this as an incoming revenue because we applied for this after the Budget was sent to Trenton. So it’s really budget housekeeping to stay in line with all of the laws in Trenton.

Councilman Hund: Do we have to match that money?

Mayor Bonaccorso: The Soccer League has to.

Council President Smith: What are they doing the turf over at Bartell?

Mayor Bonaccorso: We are having a meeting with them about a turf field.

Council President Smith: Okay.

Mayor Bonaccorso: That will be coming up soon that we’ll be talking to them about it.

Council President Smith: Excellent.

Council President Smith directed roll call:

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

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**Resolution 15-143**

**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 \$20,000.00 from the County of Union-2015 Preserve 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 \$20,000.00 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:

County of Union – 2015 Preserve Grant

**BE IT FURTHER RESOLVED** that the like sum of \$20,000.00 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:

County of Union – 2015 Preserve Grant

**BE IT FURTHER RESOLVED** that the sum of \$20,000.00 representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the Capital Account under the caption William Robinson Historic Trust; and

**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 by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

Mayor Bonaccorso: Same thing applies here for the Robinson House; a twenty thousand dollar grant is budgeted for housekeeping to stay in line with all the budgetary laws in Trenton.

Council President Smith: Excellent.

Council President Smith directed roll call:

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

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**Resolution 15-144**

**WHEREAS** Reivax Contracting Corporation has completed work on the Valley Road School Parking Lot Improvements and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Nineteen Thousand, Four Hundred Ten Dollars and Ninety-Nine Cents (\$19,410.99) including retainage held by the Township in the amount of Eight Thousand, Six Hundred Seventy One Dollars and Sixty Six Cents (\$8,671.66) and Change Order #2 which increases the adjusted contract amount by Five Thousand, Seven Hundred Thirty Two Dollars and Fifty Cents (\$5,732.50); and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Ordinance 14-05 as evidenced by the Certification of Availability of funds attached.

**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 Final Payment; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Reivax Contracting Corporation to be Sixty Six Thousand, Six Hundred Forty Eight Dollars and Thirty Three Cents (\$66,648.33).

**WHEREAS** Reivax Contracting Corporation has submitted a Consent of Surety to Final Payment and the One Year Maintenance Bond in the amount hereinabove stated.

**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 Reivax Contracting Corporation, 356 Thomas Street, Newark, New Jersey 07114 in the amount of \$19,410.99 including retainage and change order #2 and release of the Performance Guarantee. Moved by Councilman Hund, seconded by Councilman O'Connor

Discussion:

Mayor Bonaccorso: You guys know that that project was done last year. And we held money back because we weren't satisfied with certain aspects of it and they finally completed it and to the engineer's satisfaction we released the balance.

Council President Smith directed roll call:

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

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**Resolution 15-145**

**WHEREAS** Ron Ferrara served as the Student Assistance Coordinator/PTA representative on the Municipal Alliance Committee until he retired from service on August 1, 2015.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby appoints Steve Kaelblein as the Student Assistance Coordinator/PTA representative Member of the Municipal Alliance Committee to fill the unexpired term of Ron Ferrara effective August 1, 2015 to December 31, 2015 in accordance with NJSA 26:2BB-9

Moved by Councilman O'Connor, seconded by Councilman Barr

Discussion: None

Council President Smith directed roll call:

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

**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 Smith opened the public portion of the meeting

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

Council President Smith directed roll call:

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

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

**ADJOURNMENT:**

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

Council President Smith directed roll call:

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

APPROVED

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WILLIAM F. SMITH  
Council President

ATTEST:

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EDITH L. MERKEL, RMC  
Township Clerk