

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
November 5, 2014
Municipal Building, Room 30
7:30 PM

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Barr _____	Councilman Smith _____
Councilman Mazzarella _____	Councilwoman Soyka _____
	Council President Toal _____

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:

1. **Public Hearing:**
Authorizing the submission of applications for funding for the Year 41 Community Development Block Grant Program
2. Authorizing the Business Administrator to acquire the services necessary to remediate the sewer line break emergency, discovered in the tunnel beneath the municipal building structure
3. Authorizing the Business Administrator to enter into contracts for the acquisition of public rights-of-way in connection with the reconstruction and improvement of the intersection at Raritan Road and Central Avenue
 - A. 136 Central Avenue
 - B. 142 Central Avenue
 - C. 162 Central Avenue
4. Authorizing the transfer of funds within the 2014 Municipal Budget
5. Authorizing the transfer of funds within the 2014 Pool Budget
6. Expressing the Importance of the future Recommendations of Governor Christie's Pension & Health Benefit Study Commission

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.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

1

Motion _____ Second _____

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
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ATTEST:

APPROVED:

 THERESA MAZZARELLA
 Acting Township Clerk

 BRIAN P. TOAL
 Council President

Res14/11-5CDBGAppl-yr41

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK
Resolution _____
November 5, 2014

2

Motion _____ Second _____

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.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5SewerLineBreakexigency

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

3A

Motion _____ Second _____

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
Consideration for the transfer: \$40,000.00

Owner: Clark Parkway Plaza
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.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5AcquisitionPublicRightofWay B71 L3

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

3 B

Motion _____ Second _____

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.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5AcquisitionPublicRightofWay B142 L4

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

30

Motion _____ Second _____

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 1, Block 71) 162 Central Avenue, Clark
Consideration for the transfer: \$119,000.00

Owner: Raritan & Central Ltd
2 Victoria Court
Cranford, NJ 07016

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.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5AcquisitionPublicRightofWay B71 L1

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

4

Motion _____ Second _____

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 budget appropriations in accordance with the attached schedule of transfers.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5BudgetTransfers

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK
BUDGET TRANSFERS

		<u>To</u>	<u>From</u>
Mayor's Office:	Salaries and Wages	7,000.00	-
Finance:	Salaries and Wages	-	48,000.00
Revenue:	Other Expenses	-	1,000.00
Assessments:	Other Expenses	-	10,000.00
Code Enforcement:	Other Expenses	2,000.00	-
Police:	Other Expenses	11,000.00	-
Roads:	Other Expenses	20,000.00	-
Leaves:	Other Expenses	-	11,000.00
Recreation:	Salaries and Wages	30,000.00	-
		<u>70,000.00</u>	<u>70,000.00</u>

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

5

Motion _____ Second _____

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.

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

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5BudgetTransfers(pool)

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Smith	_____	_____	_____	_____
Soyka	_____	_____	_____	_____
Toal	_____	_____	_____	_____

TOWNSHIP OF CLARK
BUDGET TRANSFERS

SWIM POOL

	<u>To</u>	<u>From</u>
Other Expenses	17,347.31	-
Salaries and Wages	-	17,347.31
	<u>17,347.31</u>	<u>17,347.31</u>

TOWNSHIP OF CLARK

Resolution _____

November 5, 2014

6

Motion _____ Second _____

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.

ATTEST:

APPROVED:

THERESA MAZZARELLA
Acting Township Clerk

BRIAN P. TOAL
Council President

Res14/11-5Pension&BenefitsStudyCommission
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Soyka	_____
Toal	_____