

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
December 7, 2015
Municipal Building, Room 30
7:30 PM

ROLL CALL:

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

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:

- 1. 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. Public Hearing December 21, 2015**

RESOLUTION:

2. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$40,000.00 for the Kids Recreation Trust Fund Grant
3. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$20,000.00 for the 2015 Preserve Grant
4. Authorizing final payment to Reivax Contracting Corporation for the Valley Road School Parking Lot Improvements in the amount of \$19,410.99
5. Appointing Steve Kaelblein to fill the unexpired term of Ron Ferrara as Student Assistance Coordinator, PTA representative on the Municipal Alliance Committee

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:

INTRO

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: December 7, 2015 Public Hearing: December 21, 2015

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

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.

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>Principal Amount</u>	<u>Interest Rate</u>
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.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

SALVATORE BONACCORSO
Mayor

Ord15/12-7RefundingBondOrd\$5,585,000

Aye Nay Abstain Absent

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

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TOWNSHIP OF CLARK
Resolution _____
December 7, 2015

Motion _____ Second _____

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.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/12-7 Ch159 KidsRecreationGrant

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 7, 2015

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Motion _____ Second _____

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.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/12-7 Ch159 2015PreserveGrant

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

December 7, 2015

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Motion _____ Second _____

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.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/12-7FinalPymtValleyRdSchParkingLotReivax
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK
Resolution _____
December 07, 2015

Motion _____ Second _____

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:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res15/12-7MunAllianceAppt8-1-15to12-31-15
Aye Nay Abstain Absent

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