

This Notice is being sent to you, for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

AGENDA
SPECIAL COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
June 6, 2016
7:00 PM

ROLL CALL:

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

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 Star Ledger, Union County Local Source, and TAP into Clark, 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

(No objections have been received in connection with the proposed Ordinance)

- 1. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2016 CAPITAL ROAD IMPROVEMENT PROGRAM (PHASE II) IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,470,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, 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.**

RESOLUTION:

- 2. Authorizing the Mayor to Execute an Interlocal Services Agreement with the City of Linden for the Resurfacing of Westover Road**

PUBLIC COMMENTS:

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK

Ordinance No. 16-07

Adopted _____

Introduced: May 16, 2016 Public Hearing: June 6, 2016

Motion: Mazzarella Motion: _____

Seconded: Barr Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2016 CAPITAL ROAD IMPROVEMENT PROGRAM (PHASE II) IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,470,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE GRANTS, 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, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the 2016 Capital Road Improvement Program (Phase II) (including roadway reconstruction and resurfacing and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township:

- Lexington Boulevard (Sections 1 and 2 - from Raritan Road to Garden State Parkway)
- Colonial Drive (entire length)

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there

may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$1,470,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and the State grants 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 benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,470,000, and (4) \$360,000 of said sum is to be provided by the State grants hereinafter appropriated, and (5) \$53,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,057,000, and (7) the cost of such purpose, as hereinbefore stated, includes

the aggregate amount of \$150,000, which is estimated to be necessary to finance the cost of such purpose, 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.

Section 4. It is hereby determined and stated that the aggregate sum of \$360,000 received or to be received as grants from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the improvement of Lexington Boulevard set forth in Section 1 hereof.

Section 5. It is hereby determined and stated that moneys exceeding \$53,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$53,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,057,000 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 7. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,057,000 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 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, 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 the 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 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 10. 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 the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,057,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 11. 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 said purpose (other than the State grants hereinbefore appropriated, which shall be applied to the cost of said purpose but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 12. The Township intends to issue bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such 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 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and 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 14. 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 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: June 30, 2016

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

SALVATORE BONACCORSO
Mayor

Ord16/5-16 2016CapRoadPhaseIIBondOrd

	Aye	Nay	Abstain	Absent
Albanese	___	___	___	___
Barr	___	___	___	___
Mazzarella	___	___	___	___
O' Connor	___	___	___	___
Smith	___	___	___	___
Toal	___	___	___	___
Hund	___	___	___	___

Motion _____ Second _____

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF LINDEN FOR THE RESURFACING OF WESTOVER ROAD

WHEREAS Westover Road is situated on the border of the Township of Clark and the City of Linden and is in need of resurfacing and other necessary improvements; and

WHEREAS the Township of Clark and the City of Linden have agreed to share the costs associated with said resurfacing and improvements; and

WHEREAS the Chief Financial Officer or his designee has certified as to the availability of funds for this purpose to be charged to Bond Ordinance 16-07; and

WHEREAS the City of Linden will act as the lead agency with respect to the bidding and award of a contract for the above purposes.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the Township hereby agrees to reimburse the City of Linden for the actual unit cost of construction for Clark's portion of the resurfacing and improvements not to exceed \$50,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute said agreement with the City of Linden to effectuate the foregoing.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

STEVEN M. HUND
Council President

Res16/6-6AuthInterlocalServLinden - WestoverRd
Aye Nay Abstain Absent

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