

This Notice is 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  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
August 19, 2019  
7:30 pm**

**ROLL CALL:**

<b>Councilwoman Albanese</b> _____	<b>Councilman Mazzarella</b> _____
<b>Councilman Barr</b> _____	<b>Councilman O'Connor</b> _____
<b>Councilman Hund</b> _____	<b>Councilman Smith</b> _____
	<b>Council President Toal</b> _____

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Reports given this evening will be available in the Clerk's office and on the township website [www.ourclark.com](http://www.ourclark.com)

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCE:**

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

1. 19-17 AN ORDINANCE TO DESIGNATE A CERTAIN PORTION OF LOT 1.01 IN BLOCK 198 AS A PUBLIC STREET TO BE NAMED WATERSON DRIVE

**INTRODUCTION OF PROPOSED ORDINANCE:**

2. 19-18 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 84 ARTICLE IV OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VICIOUS DOGS"

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 13, 2019 in the amount of \$226,121.02

### **CITIZEN HEARING ON THE AGENDA:**

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.

### **RESOLUTIONS:**

3. Combining Several Authorizations of Bonds into a Single Issue and Prescribing the Details and Bond Form Thereof for \$11,200,000 General Improvement Bonds Dated October 1, 2019
4. Authorizing the Publication, Printing and Distribution of a Notice of Sale, the Form of Bond and Electronic Bidding for \$11,200,000 General Improvement Bonds Dated October 1, 2019
5. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2018 Annual Audit entitled General Comments and Recommendations
6. Approving the 2018 Annual Audit Corrective Action Plan and Authorizing the filing of said plan with the Division of Local Government Services
7. Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Wilson Drive and Waterson Drive Road and Traffic Signal Improvement Project
8. Authorizing a one-year Extension of the Contract for the Collection and Disposal of Leaves to Messercola Excavating in the amount of \$3.98 per cubic yard

### **CONSENT AGENDA RESOLUTIONS:**

9. Authorizing the Chief Financial Officer to refund overpayment of 2019 sewer fees in the amount of \$185.00
10. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$9,549.90
11. Authorizing the Tax Collector to refund overpayment of \$74,862.99 and transfer overpayment of \$29,314.06 of 2019 taxes

### **NEW BUSINESS ON THE CALENDAR:**

### **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

PH 1

Ordinance No. 19-17

Adopted: \_\_\_\_\_

Introduced: July 15, 2019 Public Hearing: August 19, 2019

**AN ORDINANCE TO DESIGNATE A CERTAIN PORTION OF  
LOT 1.01 IN BLOCK 198 AS A PUBLIC STREET  
TO BE NAMED WATERSON DRIVE**

**WHEREAS**, the Governing Body of the Township of Clark will shortly be embarking on the construction of a new Police Building in the Township of Clark on Lot 1.01 in Block 198; and

**WHEREAS**, Patrolman William J. Waterson gave his life in the service of the Township of Clark and all of its citizens on July 4, 1971; and

**WHEREAS**, the Governing Body of the Township of Clark desires to dedicate the access portion of Lot 1.01 in Block 198 as a public street to be designated as William J. Waterson Drive as a memorial in honor of Patrolman William J. Waterson who died in the service of this community on July 4, 1971; and

**WHEREAS**, the Governing Body of the Township of Clark hereby makes a public declaration of its gratitude and acknowledges the special place in which the Township holds the memory of Patrolman William J. Waterson for his unselfish and unswerving devotion to his duty and the sacrifice of his own life in the performance of his duty and in the protection of all of the people of the Township of Clark; and

**WHEREAS**, the Governing Body of the Township of Clark this day, publicly memorializes the service of Patrolman William J. Waterson to the Township and all the people thereof.

**NOW THEREFORE BE IT ORDAINED:**

**SECTION 1:** A portion of Lot 1.01 in Block 198 as the same is more particularly described on Exhibit A attached hereto is hereby accepted as a public street and dedicated by the Governing Body of the Township of Clark to the memory of Patrolman William J. Waterson. The same shall hereinafter and forever be known as **William J. Waterson Drive.**

**SECTION 2: Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3: Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 11, 2019

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**JOHN F. LAEZZA**  
 Acting Township Clerk

\_\_\_\_\_  
**BRIAN TOAL**  
 Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
 Mayor

Ord19/7-15 19-17 WatersonDrive-publicstreet

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Albanese		✓						
Barr								
Hund	✓							
Mazzarella								
O'Connor								
Smith								
Toal								
TOTAL								



**GROTTO ENGINEERING ASSOCIATES, LLC**

**Richard O'Connor, P.E., P.P., C.M.E**  
340 North Avenue  
Cranford, New Jersey 07016  
908-272-8901 908-272-8902 (fax)

**DESCRIPTION OF A PORTION OF LOT 1.01 (NEW LOT 1.0101) IN BLOCK 198  
TO BE DEDICATED TO THE TOWNSHIP OF CLARK FOR THE  
CREATION OF WATERSON DRIVE PUBLIC RIGHT-OF-WAY  
TOWNSHIP OF CLARK  
UNION COUNTY, NEW JERSEY**

Beginning at a point in the southwesterly line of Westfield Avenue (60' R.O.W.), said point being distant 205.03' southeastwardly from the intersection of the said southwesterly line of Westfield Avenue and the southeasterly line of Wilson Drive (R.O.W. varies) and running thence:

1. Along the said southwesterly line of Westfield Avenue, North 50°-55'-38" West a distance of 40.00' to a point, thence
2. Through Lot 1.01 (New Lot 1.0101), South 39°-04'-22" West a distance of 325.00' to a point, thence
3. Continuing through Lot 1.01 (New Lot 1.0101), North 50°-55'-38" West a distance of 40.00' to a point, thence
4. Still through Lot 1.01 (New Lot 1.0101), North 39°-04'-22" East a distance of 325.00' to a point in the aforementioned southwesterly line of Westfield Avenue, the point and place of beginning.

Contains: 13,000.00 square feet or 0.298 acre

Date: June 20, 2019

James E. Cleary, P.E., P.L.S., C.M.E.  
New Jersey Professional Engineer & Land Surveyor No. GB 21252  
For the Firm

6/20/19  
Date

**TOWNSHIP OF CLARK**  
**Ordinance No. 19-18**  
**Adopted \_\_\_\_\_**

INTRO 2

Introduced: August 19, 2019 Public Hearing: September 16, 2019

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 84 ARTICLE IV OF THE CODE OF  
THE TOWNSHIP OF CLARK  
ENTITLED "VICIOUS DOGS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Sections of Chapter 84, Article IV, of the Clark Code entitled "Vicious Dogs" be and the same is hereby amended as follows:

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Clark, as follows:

**SECTION 1:** **Repeal and Replace:**

Section 84-20 entitled "Dog declared vicious by Municipal Court; conditions is hereby deleted in its entirety and replaced as follows:

- a. The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
  - (1) killed a person or caused serious bodily injury to a person; or
  - (2) (deleted by amendment, P.L. 2019, c.82)
- b. A dog shall not be declared vicious for inflicting death or serious bodily injury upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.
- c. If the municipal court declares a dog to be vicious, and no appeal is made of this ruling pursuant to Section 9 of P.L. 1989, c.307 (C.4:19-25), the court may order:
  - (1) the dog's owner to comply with certain restrictions to protect the public that are at least as stringent as the requirements for potentially dangerous dogs pursuant to Section 8 of P.L. 1989, c.307 (C.4:19-24) and Section 12 of P.L. 1989, c.307 (C.4:19-28); or
  - (2) the dog to be euthanized in a humane and expeditious manner, except that no dog may be euthanized during the pendency of an appeal.
- d. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

**SECTION 2:**     **Repeal and Replace:**

Section 84-21 entitled “Dog declared potentially dangerous; condition” is hereby deleted in its entirety and replaced as follows:

- a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:
  - (1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person;
  - (2) caused serious bodily injury to another domestic animal or killed another domestic animal; and
    - (a) poses a serious threat of serious bodily injury or death to a person; or
    - (b) poses a serious threat of death to another domestic animal; or
  - (3) (Deleted by amendment, P.L. 2019, c.82)
- b. A dog shall not be declared potentially dangerous for:
  - (1) causing bodily injury to a person if the dog was provoked;
  - (2) causing serious bodily injury to, or killing a domestic animal if the domestic animal was the aggressor;
  - (3) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the property of the owner or person with custody or control of the dog;
  - (4) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or
  - (5) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting;

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. As used in this section, “bodily injury” means bodily injury as defined in subsection a of N.J.S.2C:11-1; and “serious bodily injury” means serious bodily injury as defined in subsection b of N.J.S.2C:11-1.

**SECTION 3:**     **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:**     **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjusted invalid, such adjudication shall apply on to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION 5:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date:

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
 Township Clerk

\_\_\_\_\_  
**BRIAN P. TOAL**  
 Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
 Mayor

Ord19/8-19 19-18Ch84ArtIV ViciousDogs

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Albanese								
Barr								
Hund								
Mazzarella								
O'Connor								
Smith								
Toal								
<b>TOTAL</b>								

TOWNSHIP OF CLARK  
Resolution 19-105  
August 19, 2019

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF  
BONDS INTO A SINGLE ISSUE AND PRESCRIBING  
THE DETAILS AND BOND FORM THEREOF FOR  
\$11,200,000 GENERAL IMPROVEMENT BONDS  
DATED OCTOBER 1, 2019

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WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances; NOW, THEREFORE,

BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, New Jersey (the "Township"), as follows:

Section 1. There shall be issued at this time \$950,000 of the bonds authorized pursuant to Bond Ordinance No. 18-07 adopted by the Township Council of said Township on March 19, 2018. The bonds are issued to finance the undertaking of the 2018 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$665,000 of the bonds authorized pursuant to Bond Ordinance No. 18-17 adopted by the Township Council of said Township on July 16, 2018. The bonds are issued to finance the undertaking of (i) the preliminary phase of the construction of a new Public Safety Building at the site of the existing Public Safety Building, including, but not limited to, preliminary architectural and engineering services and parking lot, roadway and traffic control improvements, and (ii) various improvements to public buildings in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$155,000 of the bonds authorized pursuant to Bond Ordinance No. 18-20 adopted by the Township Council of said Township on August 20, 2018. The bonds are issued to finance the acquisition of various equipment and machinery and vehicles for the use of the Department of Public Works, and the upgrading of traffic signals and signage at various locations, all in, by and for the Township. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 5.90 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$187,000 of the bonds authorized pursuant to Bond Ordinance No. 19-05 adopted by the Township Council of said Township on March 18, 2019. The bonds are issued to finance the undertaking of various improvements to parks and recreation areas, including, but not limited to, the installation of playground equipment at Fun-Time Junction, in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$1,235,000 of the bonds authorized pursuant to Bond Ordinance No. 19-11 adopted by the Township Council of said Township on April 1, 2019. The bonds are issued to finance the undertaking of the 2019 Capital Road Improvement Program in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$151,000 of the bonds authorized pursuant to Bond Ordinance No. 19-13 adopted by the Township Council of said Township on May 6, 2019. The bonds are issued to finance the undertaking of the improvement of Meadow Road in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 7. There shall be issued at this time \$7,857,000 of the bonds authorized pursuant to Bond Ordinance No. 19-16 adopted by the Township Council of said Township on June 3, 2019. The bonds are issued to finance the construction of a new Public Safety Building behind the existing Public Safety Building on Westfield Avenue (to be demolished) in, by and for the Township. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 30 years computed from the date of such bonds.

Section 8. The bonds authorized by said seven bond ordinances described in Sections 1 to 7, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$11,200,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said seven bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the

respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 24.35 years computed from the date of such bonds. Said issue shall be payable in annual installments on October 1 in each year as follows:

\$450,000 in each of the years 2020 to 2027, inclusive,  
\$800,000 in each of the years 2028 to 2032, inclusive, and  
\$900,000 in each of the years 2033 to 2036, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such seven bond ordinances.

Section 9. All of said bonds shall be dated October 1, 2019, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 1 and October 1, commencing April 1, 2020 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 10. The bonds maturing on or before October 1, 2026 are not subject to redemption prior to their stated maturities. The bonds maturing on or after October 1, 2027 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 1, 2026, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however,* that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 11. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such

mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 12. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 9 of this resolution, and principal of the bonds will be paid annually on October 1, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal

and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the fifteenth day of the month preceding the month in which such interest payment date occurs. The Township will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 13. The Director of Revenue and Finance, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and

award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Township Council to be hereafter adopted. The Director of Revenue and Finance shall report in writing to the Township Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 14. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Director of Revenue and Finance by manual or facsimile signature and the corporate seal of said Township shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Township Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 15. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF UNION  
TOWNSHIP OF CLARK  
GENERAL IMPROVEMENT BOND

INTEREST RATE PER <u>ANNUM</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
%	OCTOBER 1, 20__	OCTOBER 1, 2019	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Township of Clark, a municipal corporation of the State of New Jersey, located in the County of Union (hereinafter referred to as the "Township"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of

this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each April 1 and October 1, commencing April 1, 2020 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Director of Revenue and Finance, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to seven bond ordinances adopted by the Township Council of the Township on March 19, 2018 (Ord. No. 18-07), July 16, 2018 (Ord. No. 18-17), August 20, 2018 (Ord. No. 18-20), March 18, 2019 (Ord. No. 19-05), April 1, 2019 (Ord. No. 19-11), May 6, 2019 (Ord. No. 19-13) and

June 3, 2019 (Ord. No. 19-16) and resolutions adopted by the Township Council of the Township on August 19, 2019.

The Bonds maturing on or before October 1, 2026 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 1, 2027 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 1, 2026, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however,* that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond

Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Township for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount

of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this 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.

The full faith and credit of the Township are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Director of Revenue and Finance by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Township Clerk by manual or facsimile signature and this Bond to be dated October 1, 2019.

[SEAL]

(manual or facsimile signature)  
Mayor

ATTEST:

(manual or facsimile signature)  
Township Clerk

(manual or facsimile signature)  
Director of Revenue and Finance

AUTHENTICATION DATE: OCTOBER 3, 2019

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated October 1, 2019 of the Township of Clark, in the County of Union, State of New Jersey.

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Director of Revenue and Finance,  
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

the within Bond and irrevocably appoints \_\_\_\_\_

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

\_\_\_\_\_

[End of Form of Bond]

Section 16. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Township upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond

Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Township or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Township shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration

of transfer and exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Director of Revenue and Finance is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Township Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, the books of the Township for the registration, registration of transfer, exchange and payment of the bonds.

Section 17. The Mayor, the Director of Revenue and Finance and the Township Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 18. This resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN F. LAEZZA  
Acting Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

The foregoing resolution was adopted by the following roll call vote:

Res19/8-19BondSale-Details

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O' Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 19-106  
August 19, 2019

4

RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$11,200,000 GENERAL IMPROVEMENT BONDS, DATED OCTOBER 1, 2019, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the Township Council of the Township of Clark, in the County of Union, New Jersey (the "Township"), desires to make further provision for the issuance of \$11,200,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Township Council; NOW, THEREFORE,

BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and inserted in the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

TOWNSHIP OF CLARK,  
IN THE COUNTY OF UNION, NEW JERSEY  
\$11,200,000 GENERAL IMPROVEMENT BONDS  
(Book-Entry Only)  
(Callable) (Parity Bid)

dated  
October 1, 2019

The Township of Clark, in the County of Union, a municipal corporation of the State of New Jersey (the "Township"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$11,200,000 General Improvement Bonds, dated October 1, 2019 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Director of Revenue and Finance in the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, on September 24, 2019 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on October 1 in each year as follows:

\$450,000 in each of the years 2020 to 2027, inclusive,  
\$800,000 in each of the years 2028 to 2032, inclusive, and  
\$900,000 in each of the years 2033 to 2036, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond

certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each April 1 and October 1, commencing April 1, 2020 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Township will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Township determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Township will discontinue the book-entry system with DTC. If the Township fails to identify another qualified securities depository to replace DTC, the Township will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before October 1, 2026 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after October 1, 2027 are subject to redemption at the option of the Township prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after October 1, 2026, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Township determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Township, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bonds are general obligations of the Township and are secured by a pledge of the full faith and credit of the Township for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Township without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$11,200,000 nor more than \$11,312,000. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$112,000 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at

an interest cost higher than the lowest net interest cost to the Township under any legally acceptable proposal. The Township reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Township reserves the right to waive defects it deems non-material, in its sole discretion.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Director of Revenue and Finance, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Director of Revenue and Finance, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$224,000, payable to the order of the TOWNSHIP OF CLARK, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Township no later than 11:00 A.M. on September 24, 2019. If a cash wire is utilized, each bidder must notify the Township of its intent to use such cash wire prior to 11:00 A.M. on September 24, 2019, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on September 24, 2019 (with return wiring instructions). Wire instructions for the Township can be obtained by contacting the Township's Bond Counsel (Steven Rogut or Thomas Bace (908) 931-1150) or its municipal advisor (Sherry Tracey (609) 291-0130 at Phoenix Advisors, LLC, Bordentown, New Jersey (the "Municipal Advisor")). If a check is used, it must accompany the bid or be received by the undersigned Director of Revenue and Finance prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Township is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Township from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its

proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Township; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge therefor shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about October 3, 2019 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Township. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or may be obtained from the undersigned, Director of Revenue and Finance, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, Telephone No. (732) 388-3600, Ext. 3019. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Township by facsimile

transmission or overnight delivery received by Bond Counsel and the Township within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Township (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Township who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Township has agreed in its bond resolution adopted on August 19, 2019 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Township's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2019), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Township and (iii) timely notice of a failure by the Township to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably

satisfactory to the successful bidder, evidence that the Township has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Township has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

#### ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the Township in establishing the issue price of the Bonds and shall execute and deliver to the Township at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available

upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or [slr@rogutmccarthy.com](mailto:slr@rogutmccarthy.com).

(b) The Township intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Township shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Township may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Township anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the Township that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the Township shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:00 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the

initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the Township if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Township the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Township or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-

price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,

- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Township (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),
- (iv) "sale date" means the date that the Bonds are awarded by the Township to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and

(vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Township Council of the Township of Clark,  
in the County of Union, New Jersey.

Dated: August 29, 2019

/s/ Terance J. O'Neill  
Director of Revenue and Finance  
Township of Clark  
County of Union, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

TOWNSHIP OF CLARK,  
IN THE COUNTY OF UNION, NEW JERSEY

\$11,200,000 General Improvement Bonds  
(Book-Entry Only)  
(Callable) (Parity Bid)

dated  
October 1, 2019

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Director of Revenue and Finance of the Township of Clark, in the County of Union, New Jersey (the "Township"), in the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, on

September 24, 2019

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Township's \$11,200,000 General Improvement Bonds dated October 1, 2019 and payable on October 1 in each year as follows:

\$450,000 in each of the years 2020 to 2027, inclusive,  
\$800,000 in each of the years 2028 to 2032, inclusive, and  
\$900,000 in each of the years 2033 to 2036, inclusive.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Township in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity)

specified by the successful bidder payable on each April 1 and October 1, commencing April 1, 2020, in each year until maturity or prior redemption. The purchase price specified must not be less than \$11,200,000 nor more than \$11,312,000 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$224,000 to the order of the Township. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Township will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at [www.i-DealProspectus.com](http://www.i-DealProspectus.com) or by contacting the undersigned Director of Revenue and Finance at the Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066, Telephone No. (732) 388-3600, Ext. 3019.

By order of the Township Council of the Township of Clark, in the County of Union, New Jersey.

Dated: September 16, 2019

/s/ Terance J. O'Neill \_\_\_\_\_  
Director of Revenue and Finance  
Township of Clark  
County of Union, New Jersey

Section 3. The Township Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Union County Local Source, a newspaper of general circulation published in the County of Union and circulating in the Township. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about September 16, 2019 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about September 24, 2019 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Director of Revenue and Finance and the Township Clerk on behalf of the Township, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Township hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Township will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Township's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2019, provide or cause to be provided annual financial information with respect to the Township consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Township and (ii) certain financial information and operating data consisting of

information concerning the Township's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the Township:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township);
- (13) The consummation of a merger, consolidation, or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Township, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Township, any of which reflect financial difficulties. The Township intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Township to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Township fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds

or any liability by the Township for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Township reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Township no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Township from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Township, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Township hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof

for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. The Mayor, the Director of Revenue and Finance and the Township Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 14. The Director of Revenue and Finance, the Township Clerk, the Bond Counsel, the Auditor, the Financial Advisor and other Township officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 15. This resolution shall take effect immediately upon its adoption.

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN F. LAEZZA  
Acting Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

The foregoing resolution was adopted by the following  
roll call vote:

Res19/8-19BondSale-AuthNoticeofSale

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O' Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 19-107  
August 19, 2019

5

**WHEREAS** N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS** the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS** the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

**WHEREAS** the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS** all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

APPROVED:

\_\_\_\_\_  
 JOHN F. LAEZZA  
 Acting Township Clerk

\_\_\_\_\_  
 BRIAN P. TOAL  
 Council President

Res19/8-19GroupAuditAffidavit

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
 Resolution 19-108  
 August 19, 2019

6

**RESOLUTION APPROVING THE 2018 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS** the Township of Clark is required to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2018; and

**WHEREAS** the Township is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Township Clerk; and

**WHEREAS** the Governing Body has received the 2018 Annual Audit – Corrective Action Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the 2018 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

**BE IT FURTHER RESOLVED** that the proper Township officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy with the Township Clerk.

ATTEST:

APPROVED:

\_\_\_\_\_  
 JOHN F. LAEZZA  
 Acting Township Clerk

\_\_\_\_\_  
 BRIAN P. TOAL  
 Council President

Res19/8-19 CorrectiveActionPlan

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

**TOWNSHIP OF CLARK**

**UNION COUNTY**

**AUDIT REPORT YEAR: DECEMBER 31, 2018**

**FINDINGS/CONDITIONS#1:**

That the Recreation Department strengthen controls to ensure that a receipt log is maintained to ensure that deposits are made on a timely basis and that the correct fee is being charged and recorded.

**EXPLANATION AND CORRECTIVE ACTION:**

The Township uses Civic Rec, where all fees for Recreation and Swim Pool Utility are logged and tracked. Additional training has been given to Recreation Staff to equip them with the knowledge to navigate through the recreation portal efficiently, and charge fees accurately. The Recreation Department can easily obtain financial reports to assist with receipt logs. In addition, the recreation portal ensures deposits are made within the 48 hours of collection.

7

RESOLUTION No. 19-109

TOWNSHIP OF CLARK  
COUNTY OF UNION  
STATE OF NEW JERSEY

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILSON DRIVE AND WATERSON DRIVE  
ROAD AND TRAFFIC SIGNAL IMPROVEMENT PROJECT.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Clark formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Wilson Drive and Waterson Drive Road- 00011 to the New Jersey Department of Transportation on behalf of the Township of Clark; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Clark and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council

On this 19<sup>th</sup> day of August, 2019

\_\_\_\_\_  
Edith L. Merkel, Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
John F. Laezza, Acting Municipal Clerk

\_\_\_\_\_  
Brian P. Toal, Council President

Res19/8-19WilsonandWatersonDrNJDOT2020

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 19-110  
August 19, 2019

8

**WHEREAS** Messercola Excavating (the vendor) was awarded the contract for the Collection and Disposal of Leaves for the 2018 season through a formal bidding process; and

**WHEREAS** the Vendor has submitted a written request to be considered for a one (1) year extension of this contract; and

**WHEREAS** the contract may be extended in accordance with Part D-6 of the bid specifications entitled "Special Conditions" at the sole option of the Township for up to an additional one (1) year, in the event of such an extension, the bid price for the extension year shall be agreed upon by negotiations; and

**WHEREAS** due to rising fuel costs, the vendor has requested a Fifty Cent (.50) per cubic yard increase to the original contract price of Three Dollars and Forty Eight Cents (\$3.48) for a total price of Three Dollars and Ninety Eight Cents (\$3.98) per cubic yard for 2019 and has agreed to comply with all the applicable terms and conditions as set forth in the aforesaid specifications; and

**WHEREAS** the Business Administrator has agreed to the negotiated terms which meet the needs of the Township; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2019 Municipal Budget, Account Number 26-306-223, not to exceed \$38,000.00.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby awards an additional one-year contract to Messercola Excavating and authorizes and directs the Business Administrator to execute said contract.

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN F. LAEZZA  
Acting Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res19/8-19ExtendLeafContract-Messercola

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 19-111  
August 19, 2019

CA 9

**WHEREAS** in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2019 sewer fees; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Treasurer/CFO is hereby authorized and directed to make the following refund(s) as per the following schedule.

REF	#	Acct #	Name	#	Address	Reason	Refund
19	11R	4277-0	David, Joseph & Elizabeth	492	Raritan Rd	overpayment	\$ 185.00

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN F. LAEZZA  
Acting Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res19/8-19 SewerRefund(s)

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
<b>TOTAL</b>						

TOWNSHIP OF CLARK  
Resolution 19-112  
August 19, 2019

CA 10

**WHEREAS** the Treasurer/CFO has certified that sewer utility account(s) require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed and approved the sewer fee adjustment(s).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the following schedule:

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit
19	54	470-0	Joyce Morway	19	Acken Dr.	flood	\$9,229.90	\$280.00	\$8,949.90
19	55	1487-0	Eric Lopez-Calleja	65	Skyline Dr.	leaky toilet	\$ 880.00	\$280.00	\$ 600.00
							<b>Total Credit</b>		<b>\$9,549.90</b>

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN F. LAEZZA  
Acting Township Clerk

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res19/8-19SewerAdj

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

TOWNSHIP OF CLARK  
 Resolution 19-113  
 August 19, 2019

CA 11

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund/transfer overpayment of 2019 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Chief Financial Officer is hereby authorized and directed to make refund(s)/transfer(s) in accordance with the attached schedule:

ATTEST:

APPROVED:

\_\_\_\_\_  
 JOHN F. LAEZZA  
 Acting Township Clerk

\_\_\_\_\_  
 BRIAN P. TOAL  
 Council President

Res19/8-19TaxRefund(s))Transfers(s)

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Smith						
Toal						
TOTAL						

CLARK TOWNSHIP									
TAX REFUNDS- 2019									
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	AMT TRNS	TRANS FROM	TRANS TO
110	3		Farrington, John & Mary Ann	17	Malvern Dr	\$ 187.87			
30	30		Cutrona, Andrea & Marcella	480	Sylvan Street	\$ 1,098.51			
69	12.01		Dinic Properties Inc	1199	Raritan Road		\$ 4,148.21	2nd Quarter	3rd quarter
69	14		Dinic Properties Inc	1205	Raritan Road		\$ 24,867.85	2nd Quarter	3rd quarter
69	15		kcsm	1207	Raritan Road	\$ 7,090.44			
69	18		Penny Arcade LLC	1085	Central Avenue	\$ 17,961.30			
69	20		kcsm	1076	Central Avenue	\$ 2,523.14			
77	54		Jackson, Donna	12	Bartell Place		\$ 298.00	2nd Quarter	4th Quarter
127	22		Gonczlik,Sandor	91	John Street	\$ 381.04			
60	11		CCC 315 LLC	315	Central Avenue	\$ 14,334.83			
60	70		Vincenzo Associates LLC	1132	Westfield Avenue	\$ 4,533.09			
69	22		KCSM		School Street	\$ 5,944.34			
120	13		Feening, Martin & Darlene	135	Nassau Street	\$ 398.38			
144	2.01 C02		Walnut TIC LLC	100	Walnut Avenue	\$ 20,410.05			
					<b>Total amounts</b>	<b>\$ 74,862.99</b>	<b>\$ 29,314.06</b>		