

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
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
October 7, 2019
Municipal Building, Room 30
7:30 pm**

ROLL CALL:

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

PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the 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 proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCE:

The Supplemental Debt Statement for the following Bond Ordinance has been properly filed with the New Jersey Department of Community Affairs by the Chief Financial Officer

- 1. 19-21 BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$2,000,000 FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Public Hearing October 21st

RESOLUTIONS:

- 2. Ratifying the action of the Business Administrator to acquire the services necessary to remediate the sewer main break emergency discovered in front of 70 Parkway Drive**
- 3. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$4,484.83 for the NJ Drunk Driving Enforcement Fund**

4. Appointing Joseph Cortapasso as a Member of the Clark Volunteer Fire Department
5. Appointing George Olear as a Class IV member and Michael Bonaccorso as the Alternate I member of the Planning Board to fill vacancies created by the resignation of Michael Kurzawski

PUBLIC COMMENTS:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

INTRO 1

TOWNSHIP OF CLARK

Ordinance No. 19-21

Adopted _____

Introduced: October 7, 2019 Public Hearing: October 21, 2019

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$2,000,000 FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Township Council of the Township of Clark has heretofore authorized the construction of a new Public Safety Building in, by and for said Township, and appropriated the sum of \$8,250,000 therefor pursuant to ordinance no. 19-16 adopted by the Township Council of said Township on June 3, 2019; and

WHEREAS, the Township Council now finds and determines that the additional sum of \$2,000,000 is required for such improvement, **NOW, THEREFORE**,

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

Section 1. The additional sum of \$2,000,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 19-16 adopted by the Township Council of the Township on June 3, 2019 (the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$10,250,000, including the sum of \$8,250,000 appropriated by the Prior Ordinance and the \$2,000,000 appropriated by this ordinance, and (4) \$493,000 of said sum is to be provided by the down payment, including the \$393,000 appropriated by the Prior Ordinance and the \$100,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$9,757,000, including the \$7,857,000 authorized by the Prior Ordinance and the \$1,900,000 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$1,100,000, including the sum of \$1,000,000 stated in the Prior Ordinance and the sum of \$100,000 hereby stated, 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 3. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,900,000 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 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,900,000 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 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said 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 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 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 9. 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 such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Township intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Township incurs such costs prior to the issuance of the 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 11. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 12. 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 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: November 14, 2019

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

BRIAN P. TOAL
 Council President

SALVATORE BONACCORSO
 Mayor

Ord19/10-7 19-21BondOrd2MPoliceHeadquarters

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

TOWNSHIP OF CLARK
Resolution 19-125
October 7, 2019

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WHEREAS on September 26, 2019 at 10:00 am, an 8” diameter sewer main break was discovered in front of 70 Parkway Drive; and

WHEREAS such break caused an inordinate amount of waste material which could affect the public health and welfare of the municipality; and

WHEREAS the Mayor of the Township of Clark declared an emergency to immediately clean up and to remediate the problem which required the immediate delivery of services.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/10-7ExigencySewerBreak-ParkwayDr

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

TOWNSHIP OF CLARK
Resolution 19-126
October 7, 2019

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WHEREAS N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$4,484.83 which is now available from the State of New Jersey Drunk Driving Enforcement Fund in the amount of \$4,484.83; and

BE IT FURTHER RESOLVED that the like sum of \$4,484.83 is hereby appropriated under the caption Drunk Driving Enforcement Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$4,484.83.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/10-7Ch159DrunkDrivingEnforcementFund

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

TOWNSHIP OF CLARK

Resolution 19-127

October 7, 2019

4

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Joseph R. Cortapasso is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 7th day of October 2019.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/10-7AppointFirefighterCortapasso

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

TOWNSHIP OF CLARK
Resolution 19-128
October 7, 2019

5

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to fill Planning Board vacancies created by the resignation of Michael Kurzawski effective this 7th day of October, 2019.

CLASS IV MEMBER

George Olear 10/07/19– 12/31/19
(filling the unexpired term
of Michael Kurzawski)

ALTERNATE I MEMBER

Michael Bonaccorso 10/07/19 – 12/31/19
(filling the unexpired term
of George Olear)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res19/10-7AppointPlanningBoard-FillVacancies

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