

**SPECIAL COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, N.J.
January 3, 2011**

ROLL CALL:

Present: Council Members Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting,
Mazzarella

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Richard O'Connor, Township Engineer.

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President Mazzarella. He asked all present to participate in a moment of silence, following the salute to the Flag.

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCES:

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF \$2,396,000 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROPRIATING A SUM NOT EXCEEDING \$2,500,000 TO PAY THE COST THEREOF AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS OF SAID TOWNSHIP TO FINANCE SUCH APPROPRIATION.

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

Section 1. The Township of Clark, in the County of Union, New Jersey
(the "Township") is hereby authorized to refund \$2,396,000 aggregate principal amount

of the Township's outstanding General Improvement Bonds, dated September 15, 1997 and maturing on or after September 15, 2011 (the "Outstanding Bonds").

The Outstanding Bonds bear interest from their date at the rates per annum, payable on March 15 and September 15 of each year until maturity or prior redemption, and mature in annual installments on September 15 in each year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Principal Interest Rate</u>
2011	\$800,000	4.875%
2012	\$800,000	4.90 %
2013	\$796,000	4.90 %

The Outstanding Bonds are subject to optional redemption at a redemption price of 100%.

The Township Council may determine by subsequent resolution not to refund a portion of the Outstanding Bonds.

Section 2. The Township Council of the Township has ascertained and hereby determines that the Outstanding Bonds set forth in Section 1 of this ordinance have not been paid or discharged and that the Township is authorized by Section 51(a) of the Local Bond Law of New Jersey (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds as hereinafter provided to refund the Outstanding Bonds. The object of the refunding is to effect debt service savings for the Township.

Section 3. A sum not exceeding \$2,500,000 is hereby appropriated (a) to refund the Outstanding Bonds set forth in Section 1 of this ordinance in the aggregate principal amount of \$2,396,000 and (b) to pay an amount not exceeding \$40,000 for the

cost of the issuance of the refunding bonds, including printing, advertising, financial and legal expenses therefore, as permitted by Section 51(b) of the Local Bond Law (collectively, the "Purpose").

Section 4. To finance the Purpose, refunding bonds of said Township in an aggregate principal amount not exceeding \$2,500,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall be sold at public or private sale and shall be in registered form and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to the Local Bond Law and shall bear such date or dates, mature at such time or times not exceeding 40 years as may be approved by the Local Finance Board from their date, bear interest at such rate or rates per annum, be payable at such time or times, be in such denominations, carry such registration privileges, be executed in such manner consistent with the provisions of the Local Bond Law for bonds of a municipality, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be hereafter determined by resolution of the Township Council within the limitations prescribed by law.

Section 5. The Refunding Bonds shall be direct, unlimited and general obligations of the Township and the Township shall be obligated to levy ad valorem taxes upon all taxable real property within the Township for the payment of the principal of and the interest on the Refunding Bonds without limitation as to rate or amount. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that all conditions, acts and things required by the

Constitution or statutes of the State of New Jersey to exist, to have happened and to have been performed precedent to and in the issuance of the Refunding Bond exist, have happened and have been performed, and that the Refunding Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by the Constitution or statutes of said State.

Section 6. All matters with respect to the Refunding Bonds not determined by this ordinance shall be determined by subsequent resolution or resolutions to be hereafter adopted by the Township Council of the Township, or the performance or determination thereof delegated by resolution or resolutions, to the Director of Revenue and Finance.

Section 7. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,500,000 (the amount of the Refunding Bonds authorized), but \$2,396,000 (the amount of Outstanding Bonds being refunded) shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. It is hereby determined and stated that (a) a certified copy of this refunding bond ordinance as passed on first reading shall be filed with the Director of the Division of Local Government Services, in the Department of Community Affairs of the State of New Jersey, prior to the final adoption, together with a complete statement in

the form prescribed by the Director and signed by the Director of Revenue and Finance of the Township as to the principal amount of the Outstanding Bonds to be refunded by the issuance of the Refunding Bonds and (b) no sum need be appropriated hereby as a down payment.

Section 9. The Township is hereby authorized to enter into any agreements that may be necessary to affect the purchase of securities, as permitted by Sections 53(c) and 60 of the Local Bond Law, to accomplish the refunding.

Section 10. This refunding bond ordinance shall take effect twenty days after the first publication thereof after final passage as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Moved by Councilman Barr, seconded by Councilwoman Albanese

Discussion:

John Laezza: Council President so we can bring everyone up to date. This is when they talked about September, October, November...it's a refunding Bond Ordinance and it's being introduced. We will be borrowing not to exceed 2 ½ million dollars to pay off two million three hundred ninety-six thousand dollars. It seems like we are borrowing more than we need. The refunding will have to save us at least 3% otherwise the State of New Jersey will not allow us to do that. I will be going down before the State of New Jersey on January 12th to make our presentation in relationship to this activity. It's our intention to go to market sometime in March, if the market is good and we have a savings, we will implement this Bond Ordinance, if it's not good it's just been an exercise in futility but at least we have to try to save at least seventy-five thousand dollars in the paying off of our mortgage over the next three years.

Councilman Kazanowski: Mr. President...if it's to our advantage we will go ahead with the refunding of the bonding, if it's not we're just going to keep with what we have.

John Laezza: Correct. And we will be doing this in concert with paying down also at the same time we will be bonding the Bond Anticipation Notes that we've been paying down on when we think that the market is ready to do some of that. So it will be an overall eight million dollar plus bond issue.

Attorney Triarsi: You are talking about consolidating and refinancing the town’s debt.

John Laezza: Yes.

Councilman Kazanowski: And that will only (be done) if it’s to our advantage.

John Laezza: Correct.

Councilwoman Albanese: It’s called refunding not refinancing.

John Laezza: It’s called refunding, it’s refinancing when you do your mortgage.

John Laezza: What you use to call it...it is refinancing and consolidating the town debt, hopefully at a lesser rate. Just like refinancing a mortgage. I want to make sure everybody understands it’s very simple what we are doing. It’s very smart what we’re doing and it’s also a very simple exercise.

Councilman Kazanowski: Okay.

Township Clerk: Council President for the record I did receive from the CFO a Supplemental Debt Statement which will be sent to the State tomorrow.

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O’Connor, Toal, Whiting, Mazzarella

Public Hearing will be January 18, 2011

AN ORDINANCE TO FIX THE SALARIES OF THE WHITE COLLAR EMPLOYEES FOR THE PERIOD 2010 THROUGH 2014

WHEREAS the White collar Employees were without a contract during the year 2010; and

WHEREAS Union Council No. 8, I.F.P.T.E. AFL-CIO and the Township of Clark completed contract negotiations for the years 2010 through 2014.

NOW THEREFORE BE IT ORDAINED that the White Collar Employees are entitled to retroactive pay for 2011 and continuing pay based on the following:

There shall be general wage increases for employees covered hereunder as follows:

- Effective January 1, 2010-0%
- Effective January 1, 2011-2%

Effective January 1, 2012-2%
Effective January 1, 2013-2%
Effective January 1, 2014-2%

Increases of \$275.00 shall be paid to employees on their anniversary date of hire until they reach the maximum salary.

Any employee hired after January 1, 1991, shall not be eligible for the longevity program.

Each employee hired prior to January 1, 1991 who completes five (5) years of continuous uninterrupted service shall become eligible for longevity payment computed as follows:

For each five (5) year period of service as outlined above, each employee of the Township shall receive the following in addition to the current annual salary:

After 5 continuous years	\$ 500.00
After 10 continuous years	\$1,000.00
After 15 continuous years	\$1,500.00
After 20 continuous years	\$2,000.00
After 25 continuous years	\$2,500.00

The effective date as to eligibility for longevity shall be the anniversary date of the individual's employment by the Township of Clark and the amount shall be as set forth above.

Move by Councilwoman Whiting, seconded by Councilman O'Connor

Discussion:

John Laezza: We have completed the contracts for the White Collar Workers and you will see in Item #4 you will be ratifying that. This is the Salary Ordinance so that we can implement that contract for all the White Collar Employees.

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Public Hearing will be January 18, 2011

AN ORDINANCE ENTITLED AN ORDINANCE TO FIX THE SALARIES OF COMMUNICATIONS OPERATORS FOR THE YEARS 2010 THROUGH 2014

BE IT ORDAINED said ordinance reflects the changes in salaries paid to certain communications operators in accordance with Union Contracts adopted for the years 2010 through 2014;

BE IT FURTHER ORDAINED the new pay scale for all communications operators will be on the following wage scale:

	2010	2011	2012	2013	2014
Start	25,547	25,547	28,000	28,000	28,000
Step 2	27,679	27,679	30,000	30,000	30,000
Step 3	29,811	29,811	32,000	32,000	32,000
Step 4	35,131	35,131	37,500	37,500	37,500
Step 5	38,339	38,339	40,000	40,000	40,000
Step 6	41,125	41,125	43,000	43,000	43,000
Step 7	44,736	44,736	47,000	47,000	47,000
Step 8	52,355	52,355	54,000	54,000	54,000
Senior Com. Oper.	54,355	55,355	56,565	58,200	59,364

The salary ranges designated above shall be effective as of the 1st of January of each year, 2010-2014

The bi-weekly pay plan established for employees covered by this agreement which will normally produce 26 pays per year or 27 pays in the year in which 27 pay periods occur shall be maintained.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Moved by Councilwoman Whiting, seconded by Councilwoman Albanese

Discussion: None

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Public Hearing will be January 18, 2011

RESOLUTIONS:

WHEREAS the Governing Body of the Township of Clark is in receipt of the completed negotiated contracts which stipulate the Township and Council 8 have been engaged in good faith collective negotiations for the purpose of reaching agreement on terms and conditions of employment for successor contracts for both the White Collar Workers and the Communications Operators; and

WHEREAS the new contract term for Council No. 8 White Collar Workers and Communications Operators will be for a period of (5) five years from January 1, 2010 through December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Township of Clark does hereby ratify the new five year contracts as stated herein for Union Council No. 8, New Jersey Civil Service Association.

John Laezza: Council President before you entertain this motion each of you received copies of the contracts I believe we negotiated. So this is a ratification of those contracts.

Moved by Councilman Barr, seconded by Councilman O'Connor

Discussion: None

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

Mayor Bonaccorso: Maybe Mr. President after the meeting tonight we can go into a quick private to let you know what's going on with Police and DPW.

RESOLUTION RE: AUTHORIZATION FOR THE TOWNSHIP STAFF TO
PROCESS AN INVOLUNTARY DISABILITY RETIREMENT
APPLICATION

WHEREAS the Township of Clark has employed a Police Lieutenant for the Clark Police Department; and

WHEREAS the Police Lieutenant is an active member of PFRS; and

WHEREAS the Police Lieutenant has in excess of twenty years of PFRS Service Credit; and

WHEREAS the Township staff is of the opinion that the Police Lieutenant is totally and permanently disabled and no longer can perform his assigned duties based on the documentation supplied by professionals retained by the Township; and

WHEREAS the Township of Clark is unable to provide an alternative to the PFRS covered position with duties capable of being performed by said Police Lieutenant; and

WHEREAS the Police Chief has consented to the processing of the involuntary application for disability retirement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the Township Business Administrator process an involuntary application for involuntary disability retirement for the Police Lieutenant for the Township of Clark Police Department; and

BE IT FURTHER RESOLVED that certified copies of the Resolution shall be forwarded to the New Jersey Department of the Treasury, Division of Pensions and Benefits, Retirement Bureau; Township Business Administrator; Chief of Police; Township Counsel; Joseph Triarsi, Esq., Triarsi, Betancourt & Wukovits, LLC, 186 North Avenue East, Cranford, NJ 07016

Moved by Councilman Toal, seconded by Councilwoman Whiting

Council President Mazzarella directed roll call:

Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

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.

Council President Mazzarella opens the public portion of the meeting

Joseph Pubchara, 70 Sweetbriar Dr.: Because of the last meeting that we had the Reorganization; I didn't get a chance to congratulate all of the council members that we're re-elected, and wishing you all a Merry Christmas and a Happy New Year. I didn't get a chance to do that. I just want to...are we speaking on these issues now or anything.

Council President Mazzarella: Yes.

Joseph Pubchara: Wished everyone a Merry Christmas and Happy New Year.

Spoke regarding two articles; Star Ledger article was regarding how the study finds a majority of New Jersey Municipalities raise local tax levy's by 5% or more. He credits the Governing Body from 2009 to 2010 that Clark only had 2.4% changes. Second

article: from Home News Tribune indicating how townships throughout New Jersey had already spent half of their budgets for the winter. Last question was to consider as a body some new revenue that we can obtain possibly with the red light traffic cameras.

John Laezza: Mr. President thank you, Members of Council, Mr. Pubchara. When we put together a budget in the beginning of the year we historically kind of know what kind of snow we are going to get. Some years we get luckier than others, near the end of each year prior to the beginning of a new year if we have some money left over we salt up. We've been blessed with being able to on an ongoing basis each year upgrade our fleet so that I can say that the December snowstorm which was heavier than usual, we had sufficient monies remaining in our salary overtime budget because we didn't have much over time last year in the snow. We only had two snowstorms and neither of them met this snowstorm, we had the salt. This snowstorm cost us about twenty-seven thousand dollars. Our DPW with a minimum amount of staff because a number of people were on vacation, we didn't expect a thirty inch snowstorm, worked probably 14 to 16 hours each day from Sunday through Monday and then we cleaned up during the day on regular time from Tuesday through Friday. So that I think it's called good budgeting, sound management and the Attorney would say I have some great mirrors and smoke that I find but it works. There were eight men in for that snowstorm.

Mayor Bonaccorso: We had Joe and folks out there... we had eight people plow this town and we were plowed out before most surrounding towns around us. I mean they really did a great job. We'll talk a little bit later my comments about some of the problems that we are getting with snow and you know cars out in the street, people blowing snow back in the street and you know it's a headache, it really is, but by and large I have tremendous accolades for our DPW in what they did. I was quite impressed on the job they did and how they got throughout the town, they really did a tremendous job, thirty inches of snow anywhere is not easy to plow, a parking lot, a driveway, a roadway it's tough. So we are lucky. I watched Neptune tonight on their snow removal on NJN and I think they spent about seven hundred thousand dollars renting equipment like pay loaders and things they did not have. A lot of towns are going to be crippled by this and you know the BA down in Neptune said "2% cap I don't know what to do". I mean it's going to be crazy. It's going to really be crazy to see how this shakes out and how much FEMA money we all get back. And some of our men took comp time so we didn't have to come up with cash, we came up with time off which helps.

John Laezza: With regards to the rest of winter, we are now working on a temporary budget so that if we have some snow we will be able to budget for it as we see fit and then finding some savings in another area. As to the traffic lights, the Traffic Coordinating Committee will be discussing that within the next month or so.

Council President Mazzarella: I can tell you that the Mayor touched on a very important issue. A lot of communities around here have access of over fifty employees in their DPW departments and if you look at some of our surrounding communities they couldn't compare to what we have done with eight employees, that shows the commitment of our

employees, that shows that they are really interested in this community and the well being of our residents. And they did a fantastic job.

Mayor Bonaccorso: And we had five in on Monday. Our first thing Joe with the snow and Council you have heard me say this before heavy snows is just to get roads opened, get roads opened and make sure fire trucks, ambulance and police cars can get down safely if people have to leave their home in an emergency. Then you know the next day we go back and open up more and clean up and tidy up. And each and everyday after the storm we continue to do the same thing as much as far as downtown across the street from A&P that area stores down there, because of the safety we started doing this ten years ago, we removed all the snow off the curb and sidewalks down there so the residents can safety park if they want to use the shops down by Liberty to Madison Hill Road in that area there. So we try to work with our merchants the little downtown that we have down there to do that. It was just tough, it was a tough storm but again I thought everybody did a good job, I can't find any real fault.

Seeing no one else coming forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilman O'Connor

Council President Mazzarella directed roll call:
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella

COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: I'll wait to the next meeting.

Councilwoman Albanese: No comments.

Councilman Barr: No comments.

Councilman Kazanowski: Just one comment something that Mr. Pubchara mentioned about the funding. I know that Governor Christie is going for FEMA funding. Will we be entitled to jump in the band wagon?

John Laezza: We filed our application today.

Councilman Kazanowski: Oh okay thank you.

Councilman O'Connor: Thank you I just want to say in regards to Mark Adamonis. I grew up with Mark and went to school with Mark and losing Mark as an officer in this town is a great loss.

Councilman Toal: No comments.

Councilwoman Whiting: Yes I'm glad (tape inaudible – tape is available in Clerk's Office)

John Laezza: No comments.

Attorney Triarsi: No comments.

Township Clerk: No comments.

Council President Mazzarella: Makes some points regarding the red light issue.

Police Chief Connell: Makes additional comments regarding the traffic light cameras.

I believe they will allow it to continue but it's not something that we could just set-up on a whim, okay. So we are going to monitor it and we of course will consider it at the end of the test period after the State comes to a conclusion as to its liability.

Council President Mazzarella: Who funds the cameras and all the personnel and the back up system that is needed to generate the tickets? Is it through the municipality or the State?

Police Chief Connell: I do not know the answer to that because we were not included, we weren't even considered in the initial grouping of communities. I know Newark is involved in it, Linden, some communities down South but we were not initially approached or considered for participation in that. Most of the communities involved are places like Linden where they have a main highway; you know Route 35 or Route 9 or Route 1 something with a tremendous amount of traffic. I know St. George Avenue one of their intersections of St. George Ave. and I think Wood Avenue, they are a couple of major intersections. So again they want to walk before they run with this and again we will monitor it very closely. I will be able to give you folks more data you know down the road and I'm in regular contact with Chief Mike Boyle in Linden on how their program is working. So I'll keep you updated from time to time.

Council President Mazzarella: Okay thank you, anything else Chief.

Police Chief Connell: Yes thank you very much for expediting the resolution for Lieutenant Adamonis. We got notice on this only this past Thursday and so I thank you very much for your assistance in this regard.

ADJOURNMENT

A motion to adjourn the Special Meeting was made by Councilman Kazanowski, seconded Councilman O'Connor

Council President Mazzarella directed roll call;
Aye: Albanese, Barr, Kazanowski, O'Connor, Toal, Whiting, Mazzarella