

COUNCIL WORKSHOP MEETING
430 WESTFIELD AVE., CLARK, NJ
September 7, 2021
7:30 pm

ROLL CALL:

Present: Council Members Albanese, Mazzaella, Minniti, O'Connor, Smith, Toal, Hund

Also Present: Salvatore Bonaccorso, Mayor; James F. Ulrich, Business Administrator; Mark Dugan, Township Attorney; Edith L. Merkel, Township Clerk;

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, as well as the Official Website of the Township, and the proper filing of said Notice.

PROPOSED ORDINANCES:

1. Discussion: Rahway Valley Sewerage Authority Agreement

Mr. Ulrich: This is updating the agreement. We are still doing the full complete legal review but high-level terms. There are a bunch of administrative items that are in there that need to be cleared up, especially adding Mountainside and a couple of other things. The breakout is adding, like I said, Mountainside and then it was also just taking out a couple of sections referencing old bylaws and other documents. One of the other items is to increase the Commissioner's compensation from \$30 to \$100 a month. There is also just changing some of legal wording associated with definitions and the name of the utility. One of the key items though is to deal with the peak flow rights and this goes back to how they are going to identify the excess flow. Originally there was different meters that they were coming out with just overall the main trunk line. So, in the past there were different readings, they had to figure out where the flow was coming from and how far the flow was based on distance. This is a simpler process, and again, if you want to get into much more detail, Frank is the expert, that's for sure. And in the past if you exceeded the flow, it went back for 10 times, but on the 10th time it went back retroactively to first, so the 10th time was very punitive. This is now, you start only paying at the 10th time, so, it helps out all of the communities. The same deal that was there for Clark is now available to all of the communities that if you exceed the amount and there is a penalty involved you can use that for remediation in your town to keep an eye out. That is really about it. They took out a couple of additional areas where how they calculated the five-year average, but since we passed that the we've...the voting that's right. And then the final part was for voting, right now you need a unanimous vote for all eleven members, now this is going to turn into ¾'s, so that means you can have 3 dissenting. The other thing is that if there are any changes to Clark's agreement, we have to sign off on it. So, 17.1 which is the section that they went to 75%, if there is a change that affects Clark's agreement, we have to agree to it. So, we really have veto power on that. So, that was all the key changes, I mean it's really cleaning up the document that hasn't been updated since pretty much inception, it has been amended a few times but it's to clean it up. I will hand it off to the attorney and based on your legal review, terms and conditions, etc.

Mark Dugan: I am quite swamped at the moment but I will endeavor to have a memorandum circulated to everyone explaining all of the significant differences to material differences. I know one of them had to do with...I am not clearly remembering Clark having a veto power but that

may be in there. My recollection is that it was something that we gave away. We are going to be essentially terminating simultaneously approving the new agreement and terminating our old agreement. So, we will be essentially be relegated to what everybody else has. The primary differences, the bigger differences, were the time of travel where instead of assuming that a violation occurred all day long because of one violation there will be a mechanism in place to track it so that we don't have a full day's violation for a momentary violation. Because during the course of a day there are different flows of different peaks. And the agreement, because it is an agreement was required unanimity to change. Any agreement that you have everybody that is a party to that agreement has to agree to the change where there is no change. We are agreeing in this agreement that there will be a less than unanimous change. There is a like I think a two-vote process in order to consider it and there has to be a 51% vote and then there has to be either a 2/3rds, or a 3/4s, after you have approved it. It is almost like an introduction of an ordinance where you have a first reading and a second reading and we have two votes on it. So, but I will have a memorandum circulating and I will do my very best to have a memorandum circulated to explain all of the implications that are material. But much of it was simply cleaning-up things that were obsolete, provisions that had no longer had any effect because of time lapse caused them to be no longer important, they were really historical. John was in favor of this, Frank is in favor of it, we have been discussing this on and off, I just have to get myself into the weaves of it right now. When I do that, I will have a memorandum circulating.

Councilman Mazzarella: I did ask Dennis as our attorney to forward to you an email relating to that if Clark is in agreement with any of the changes, they could not vote for it... he said he would do that and send that to you. So, if you look at your email you will find it.

Mark Dugan: I know we did receive something from Dennis but it related only to the two different resolutions, or ordinances actually, but I will look at it further.

Councilman Mazzarella: Yes.

Mark Dugan: What I think I want to do is combine those two into one so it is actually simultaneous.

Councilman Mazzarella: That's smart.

Councilwoman Albanese: I have a question on that just to clarify because it almost sounded like you were saying it was an amendment to our agreement, but then Mark clarified what I read as an understanding. We are really getting rid of that agreement, that we had separately, and everyone is going to have one uniform agreement that everyone abides by. Correct?

Mark Dugan: That is my understanding.

Councilwoman Albanese: So, the outline you mentioned applies to everyone, not just Clark.

Mark Dugan: Correct.

Councilwoman Albanese: And is it a super majority?

Mark Dugan: Yes. It is not unanimous but it is a super majority but my recollection of the description of it, when I was at the meeting, was that it was a two-tier process. If they want to consider the questions it has to be a 51% vote and then after that, if it passes that vote then there is a discussion about it and then in order to implement the change, to approve the change to the agreement it is a super majority.

Councilman Mazzarella: Which is 8 out of the 11 member communities.

Township Clerk: Can I ask a question? (Council President Hund: Absolutely) So, then Mark you are going to circulate that memo and develop one ordinance and then you will give me the timeframe on introduction and public hearing?

Mark Dugan: Yes.

Township Clerk: Okay, thank you.

RESOLUTIONS:

2. Authorizing the Administration to execute an agreement to renew Membership in the New Jersey Municipal Self Insurers' Joint Insurance Fund

Council President Hund asked for a mover and second on this Resolution
Motion: Mazzarella Second: Toal

3. Appointing Kevin Micheldudis as a member of the Clark Volunteer Fire Department

Council President Hund asked for a mover and second on this Resolution
Motion: Minniti Second: O'Connor

CONSENT AGENDA RESOLUTIONS:

4. Authorizing a refund to the owner of 45 Wendell Place for a canceled plumbing permit in the amount of \$75.00
5. Authorizing the Tax Collector to issue a Duplicate Tax Sale Certificate for the property located on Lot 7 in Block 59
6. Authorizing the Tax Collector to participate in an Electronic Tax Sale
7. Authorizing and Directing the Tax Collector to charge a fee of \$25.00 for each Notice of Tax Sale sent in conjunction with the 2021 Electronic Tax Sale.
8. Authorizing the Chief Financial Officer to refund overpayment of 2021 taxes in the amount of \$4,514.37

Council President Hund asked for a mover and second on this Consent Agenda
Motion: Toal Second: Smith

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.

Seeing no one coming forward Councilman Toal made a motion to close the public portion of the meeting, seconded by Councilman Smith

Council President Hund directed roll call: All Ayes

Aye: Albanese, Mazzarella, Minniti, Smith, O'Connor, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Let's start out with the flood. It was a heck of a night, obviously. Mike Nenortas was there from OEM. I would like to thank him, the fire department, the police department and the first aid squad for their tremendous effort, they really got wet. Swimming into places, pulling people out, canoeing people out, pumping basements, you name it. The only saving grace was there were no trees or powerlines down, that was the only saving grace to this thing. We have a major clean-up going on in town, everyone's debris will be picked up. If you go down in the first ward on Deerwood and Brookside it looks like a war zone down there, they got hit really hard. The areas up by Valley Road you know the areas, Dorset Drive some areas up in there...they got hit really hard. Again, some people are taking advantage of it. I don't know why, we have the bulky clean-up every month, I don't know why they are throwing stuff out but we'll pick it up. Hopefully, Mr. Biden and Mr. Murphy will get together and Congressman Malinowski deem Union County a disaster area, which I think that they will, so we can get FEMA money and get paid. There are residents out there that don't have things covered and need FEMA money to help them. We had two foundations that were lost in town and a lot. But, if you look to the left at Cranford, we did a heck of a lot better than Cranford did, thank God. I feel sorry for those neighbors over there and the other neighboring town, they really got hit hard, it's a shame and you know it's a process. It was 10 inches of rain, it is a two-hundred-year storm, I mean there isn't any flood control that is going to stop this like this, it is impossible. There was water in front of the high school, water was in Kumpf (school), our buildings were okay, thank God, I think they did pretty well. I had DPW taking the stuff out of the west end of town and dumping up at the town pool because it takes two hours to dump a truck, and today they closed at 2:00 pm, and chased everyone out because they had no more room to put debris. So, this is going to be an ongoing problem. If people call you refer them to DPW for pick-ups, clean-ups, just say absolutely, get it out. We heard all of the stories, "my husband and I are in our 80's we have no one to come and help us" we understand, no big deal, we will take care of it for them. We are keeping track of all the expenses for FEMA, God willing, if not it is a budget breaker. But if I put additional roll off trucks out with our trucks plus private vendors, we are doing everything humanly possible to get this town cleaned up. And we are probably a head of the curve then most towns right now. Westfield I think is giving their people problems on how to get rid of their debris, and another town or two are saying to bring it to the yard. How do you expect people to bring stuff like this to the yard? It is wet, it stinks, it is full of mold, it is just crazy. But I have to say that the overall response in our town from our emergency services was excellent, I couldn't ask for a better job, I really couldn't. And everybody gave their best. We opened the Recreation Center, we had about 40 people in there as a shelter. We did everything the best way that we could. It was even a hard storm for me to go out and view because every road was flooded, you could not get around. I did a lot by phone with our people, I saw Mike Nenortas, Frank Cerasa, Mike Acabou our lieutenant, who was running the show that night, and he did a fine job. So, I have to say, all of the people, volunteers and the paid members of the town did an excellent job and I couldn't have asked for a better job. Thank God we didn't lose anybody, that was very important and it worked out pretty well.

Saturday, 9-11, be there at 8:30 am, for 8:45/9:00 am kick-off. It is the 20-year anniversary.

September 13th is the Senior BBQ, at the Deutscher Club, 12-2 pm.

That is basically it. Are there any questions about anything?

Councilman O'Connor: I was listening to when you were talking and why some people would put out debris because we have bulky pick up every month. I think there's a little bit of confusion when a month starts mid-week. Not understanding that the first week of the month is the first full week of the month. Right? And I noticed a lot of people put stuff out in the second ward because theoretically to them this is the second week because September started last week. So, my recommendation is when people do sign up for Bulky pick-up, when DPW response to them they respond with the date for their ward.

Mayor Bonaccorso: We could do that. I mean, and Pat I appreciate your comments buddy, you know that. But we only have been doing this for 20 years now. The other thing is we got waffled with a tonnage bill from our recycler because our residents decided to throw waste in the recycling bin. I mean why would they do that? I was on Facebook and our communications here is excellent and immediately said put it to the curb, we are taking it, no questions asked, no problem. That was immediate, quicker than anybody else. I believe in taking care of our people during a storm. Jennifer got a call from PMUA and they asked what we put in those pails. Our tonnage was through the roof. And they are giving us a break this time but next time we are going to pay for it. So, on your Facebook pages, your communications, if you want to say something (to the residents) "get your stuff to the curb", "call DPW, or email them", "we are going to continue to pick up", "keep stuff out of the recycling pail, it is not a bulky waste pail, it's a recycling pail. If you are not affected by the storm resume your regular bulk pick-up week, that is all that they have got to do. I don't get why some people are just going nuts throwing stuff out. The flood people I get, but the other people like we've been doing this since March. It is September, we are doing one more month, October, like why? Now, we can wait and hope that FEMA picks up 75% of it. But I mean we can't go around and say, "oh, your stuff is wet and your stuff isn't wet", we have no time for this. So, we are trying to do that.

September 18th is the grand opening of the police station at 11:30, be there, we invited a host of people, it will be open to the public also.

Any other questions?

Councilwoman Albanese: Going back to the flooding, so I was talking to one of the residents south of Hehnly School on Tudor, where they have that little brook in the back. So, this resident said, "oh, the reservoir is buildable too."

Mayor Bonaccorso: What do you mean "buildable"?

Councilwoman Albanese: That we could empty it and build on it. And I said, "no, we have an agreement with the court and in that agreement that reservoir is not considered buildable property." Because remember John had that issue? Do you remember that?

Mayor Bonaccorso: First off, we don't own the reservoir. Secondly, Union County does. Thirdly, they have been alive in Clark for the past 25 years, they have an agreement with NJ Conservation Foundation, you could probably build on the top of my head easier than you can build on that reservoir. I mean, you know I have to tell you something, and I don't mean this for you Angel, obviously (Councilwoman Albanese: Yes.) Where do come people get this stuff from? I just don't know. Now, I did one other thing Jim and I met with the County Manager the other day about the reservoir, there's 4 million dollars Senator Scutari got us in the budget for beginning dredging. And I said that's about what it would cost to apply, and engineer, and everything else. So, they are going to work on getting this reservoir dredged and look at some recreational activities down the

road. Guys, you are not looking at this for three to five years, at a minimum, at a minimum. To get the permits alone, right or wrong Jimmy, that is a job. Number 2, you have to do all of the engineering, number 3, Brian is giving me that stare like, “recreation?” It is not going to be in the back of anybody’s house, that is the number one thing I said. You could do what you want, if it is nice and it is pliable for our community, but not behind anybody’s home. He said that they have no intention in doing that. If they would do anything it would probably be from Raritan Road like to Madison Hill Road, in back of the high school up this end. Back there where houses abut by, I can’t remember the name of the street, there will be no walking and we made that abundantly clear to him and he agreed to it. If anything, it would probably be in the middle more towards Raritan in back of the high school, type of activity, then it would be down by anybody’s house. Ed Oatman and I are friends and we worked together a long time on the County and we have never had an issue. I said to Ed that we are going to oppose immediately and he said that they would never do that, it is not going to happen. He said that they would not do anything that would upset the residents because there is no need for it. We are looking at recreational opportunities. But guys, three to five years away. By the time that you get the dredging done alone it is going to be three years. But the good news is that it is on the radar and that there has been some money funded so we are moving forward. But like I try to tell everyone when they email me, or Facebook me, that the permits alone would take a year, and all the engineering and all of the studies and all of the crazy stuff that goes on in this State of New Jersey. But it was good news, I am happy, it needs it, it definitely needs it, so that is good news, I think. And as I even said to them that if they wanted to do anything down by the Featherbed Lane bridge, I said you have that piece of property where the old Hungarian Club was, that could be a little parking area and you could put a fishing pier back there by the Hungarian Club, and people could fish back that way. It is not behind anyone’s house and it wouldn’t bother anybody. So, it was interested in the conversation. He just wanted to have a lunch, because Brian that one study you gave me he said that was so premature, he said, “just call me Sal, when you hear something.” That is just to alleviate any rumors.

Councilwoman Albanese: Well certainly, the dredging will help alleviate the water issues in the town.

Mayor Bonaccorso: It would Angel. The reservoir didn’t overflow Pat because the gate was open, the gate was cracked open, it’s been cracked open. So, water was pouring out of there early before the storm started, days before lowering it. So, as it filled up it looked like Rainbow Rapid down on Madison Hill Road but the thing was that was by default. But Angel, you are correct. And as far a Pumpkin Patch goes, I have been on that since 1996, DeFrancisco, Bagger, Augustine, all of the legislatures on up, it is such a regional problem, it would probably cost billions of dollars out of the federal government to get that fixed. And it goes from way up past Scotch Plains all the way down to Woodbridge. The county was in today with their crane pulling some debris out of Pumpkin Patch down by Oak Ridge Road and the bridge there by Brookside and back in that area. Joe Policay notified me from the county, he is a good guy. Again, they are band aiding and trying to do things to keep the flow going of water but it is a major job. If you remember Brian and Pat, if you remember, back in the 60’s they would drain the reservoir, there would be a little creek in the middle, I was there, they would bring bulldozers in and push all the silt up. Actually, in back of my father’s house, how it jets out on the side of his property, there used to be a dirt mound up there, a pile, so all up against the bank two bulldozers would go in there and we used to play on the bulldozers at night, and would just open that whole creek up. Now, we “save the fish”, “we love the clean air” is involved that’s why it stays. That is why it cost millions and billions to do anything. We all believe in clean water and we all want clean air; we all want all of that nice stuff but there is a limit to it all and how much it cost. That is why New Jersey is unaffordable. The environmentalist took over and they have destroyed this state. Everything is jumped through hoops

and millions and millions of dollars to get done. And again, I want clean air and clean drinking water but there is a limit to it.

Councilman O'Connor: I am just going to switch topic is no one has any other questions for the mayor on this. Do you want to give an update on L'Oréal and Terminal Avenue and also the old A&P because some activity started?

Mayor Bonaccorso: The old A&P, they put piping in for fencing, they are going to fence it off. So, immediately, Jim and I got a call from a merchant down on Westfield Ave, who said, "where is everyone going to park?" And he's a good guy and I like him and he is a friend and I just said, "I have no clue." He asked if we could do two-hour parking in front of the stores. If you think that our police department is going to go there and mark tires and count two hours, you have a better chance of me doing it, it is not going to happen. We are too busy, we can't do it, we are short of men, the prosecutors here, you will hear every excuse in the world. And I just said, "I really don't know." We are going to have to sit with the Traffic Coordinating Committee, there is nothing that I think we can do other than buy a couple of lots down there and make municipal parking. What is happening, they are saying, is that the store workers are parking on the street and the customers can't get in. Well, like I told them, I can't have people parking on Kathryn Street, I can't have people going down that side street because it is not going to work, it is not fair to those residents. Then we are going to end up with "resident parking stickers" like we do, if we have too, we will, it is not a big deal. But, why get the residents upset? So, I don't know and if you are asking my forecast for the future going forward here in Clark, once that is built and the Knights of Columbus is built, somewhere there from between now and the end of that we are going to have to buy a couple of lots down there and put municipal parking in with meters and everything else. It's the only way it is going to work. And some of those places will have parking underneath as you see what is going on.

L'Oréal is almost ready to go. The permits are in, Mike Khoda told me the other day that things are looking good. So, you might see them breaking ground any day now, which is a good thing.

Councilman O'Connor: Is there a projected completion date, it's too early?

Mayor Bonaccorso: Yes, it's a pretty big complex, it's going to be at least a good year. We will see what happens with A&P. Walnut Avenue is being built as we speak. I don't suspect that the A&P is going to go until next year.

Councilman O'Connor: Across the street from Manny's Diner?

Mayor Bonaccorso: They had a floor in already and they had to make a design change to accommodate a couple of things, so it's going pretty well.

Councilman O'Connor: And the Lunch Box is closed down, right? That is going to start at some point, right?

Mayor Bonaccorso: They have not come to the Planning Board yet. Until they come there, of course by law, you have two years to build it.

Councilwoman Albanese: No report.

Councilman Mazzearella: Nothing.

Councilman Minniti: No comments.

Councilman O'Connor: Yes, I have comments regarding OEM. My friend's mother's house on William Street took on a ton of water, 6 feet of water in the basement and more water upstairs. It really came in from the brook in the back and that's where one of the houses was actually knocked off of its foundation. We called the police department to get a pump and within literally minutes OEM showed up with a pump to pump it out. Here is a woman who did not know what she was going to do. She didn't know where to get a pump and OEM came to the rescue. So, thank you very much, I appreciate it. And when I was talking with him (Mike Nenortas) he had said he was on 36 hours straight. We talked about the volunteers but at the end of the day, I mean, when disaster strikes, he wasn't at this house, he was at everybody else's house. So my point is that sometimes departments ask for things that we think that they may not need but maybe there is forward thinking, so that's just my point, thank you.

Councilman Smith: No comments this evening.

Councilman Toal: To backhand where the mayor was, I drove home in that storm, I came over the Bristol Bridge and my car moved from one lane to the middle lane, from the left side to the middle lane. Two cars in front of me crashed, I had to drive through their debris to get home. When I got home, I came to Mildred Terrace and Mildred Terrace was under water, I couldn't do anything. I came around back side and went back the next morning and went to the mayor and told him that there was a Mercedes floating in the middle of Mildred Terrace and the mayor said that they were going to take care of it. Twenty minutes later I was back on Mildred Terrace helping the residents out, the Rapp's got water, 116 Mildred Terrace was under water, the man got a flooded basement, it went to his first and blew out everything on his first floor. I looked down the guy's basement and his washer and dryer were bobbing up and down. It was a bizarre night and it was a bizarre morning the next morning. I have to also say that, Sal, you are absolutely right, the EMT, Mr. Nenortas and the Clark Fire Department came over and put the hoses in and pumped out all of the water for the guy. The man was devastated. He still does not have power going to his house, no electric, nothing. But he will be working with his insurance agent, his insurance agent showed up at the time. Again, the last four houses, if you go down Mildred Terrace, it drops and then you go to Brentwood Hill and everything just collects underneath there in the four houses. Sangiuliano was also one of those effected. I want to say that you are right, everybody did a great job, and thank you for being there for us, and we appreciate it.

Councilman O'Connor: Brian just reminded me of something. The gas company was around knocking on people's doors, took people by surprise. I understand that they are trying to do their job but it probably would have been better if they had given people a head's up.

Mayor Bonaccorso: Pat we were lucky to have them in town.

Councilman O'Connor: I know.

Mayor Bonaccorso: They were fully uniformed with identification on. I got a call from a Clark resident who is a higher up at the gas company and said that they were sending people in for us and I said, "thank you." I called the police desk immediately. They were looking for the smell of gas because those meters outside were really pitching. Then I had someone call up today in the middle of this one and asking when the revaluation was going to be done and asking if flooding effects it. You know, and I hate to say this for 21 years, in the mist of a tragedy you get the weirdest phone calls.

Mr. Ulrich: The only thing that I add is just to put it into prospective that 8:00 this morning our DPW was there to drop off some garbage and it was a two hour wait. And back to what the mayor stated, they closed at 2 PM, so we are going to have to get there early. We are up on it but it is not going to be easy getting rid of all of this stuff.

Mayor Bonaccorso: Actually, I said to Scott that I wanted the items off of the street immediately. If you have to dump it at the pool or up at the garage we will do it, it is what it is. I want the streets clean and I want the people safe. Some of these areas you can't even fight a fire in there if you had to get fire hoses into the houses it would be impossible. So, that is what we are looking to do get the streets cleaned.

Township Clerk: No comments.

Mark Dugan: No comments.

Council President Hund: I would like to say thank you again for the wonderful job that OEM did and the DPW. We are far ahead of other towns. People are still wondering why it is not done, it is going to be a while before we get back to normal with the streets and people's houses. So, thank you everyone that was out that night, police department, the fire department and whomever else, they did a tremendous job.

Council President Hund asked for a motion to adjourn

A motion to adjourn was made by Councilman Smith, seconded by Councilwoman Albanese

ROLL CALL: All Ayes

Aye: Albanese, Mazzearella, Minniti, Smith, O'Connor, Toal, Hund

ADJOURNMENT