

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
February 3, 2020

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal, O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Joseph Triarsi, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 Meeting 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.

INTRODUCTION OF PROPOSED ORDINANCE:

ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$500,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP.

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$500,000 is hereby appropriated for the preparation and execution of a program of revaluation of real property and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Moved by Councilman Mazzarella, seconded by Councilwoman Albanese

Discussion:

John Laezza: explained the ordinance.

No further discussion

Council President O'Connor directed roll call:

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

Public Hearing on February 18th

RESOLUTIONS:

Resolution 20-33

WHEREAS Chapter 66, Section 15A of the Code of the Township of Clark requires the designation by resolution of a Municipal Housing Liaison (MHL) to be responsible for oversight and administration of the Affordable Housing Program for the Township; and

WHEREAS Business Administrator, John Laezza is qualified to hold the position as Liaison with the Administrative Agent and carry out the responsibilities of those tasks which may not be contracted out to the Administrative Agent.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints John Laezza as the Municipal Housing Liaison in accordance with the above-mentioned section of the Township Code.

Moved by Councilman Hund, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

Resolution 20-34

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Insurance Settlement of the Manata personnel dispute and the execution of necessary attendant documents.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

Resolution 20-35

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Allison Allmer is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 3rd day of February 2020.

Moved by Councilman Barr, seconded by Councilman Hund

Council President O'Connor directed roll call:

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

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 O'Connor opened the public portion of the meeting

Seeing no one coming forward Councilwoman Albanese made a motion to close the public portion of the meeting, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council President O'Connor: no comment.

John Laezza: no comment.

Attorney Triarsi: no comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman Toal, seconded by Councilman Hund

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Hund, Mazarella, Smith, Toal, O'Connor

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING
Conference Call – No Physical Meeting Place
April 6, 2020

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal, O'Connor

Also Present: John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 (N.J.S.A. 10:4-6) as adequate notice of this meeting has been provided by electronic advanced notice of at least 48 hours pursuant to N.J.S.A. 10:4-9.1, as permitted during a declared emergency, 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. **20-11 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2020 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$750,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Council President O'Connor opened the Public Hearing on Ordinance 20-11 and directed the Clerk to read emails and text messages received from the public for response by Council or Township Professionals as appropriate.

Clerk: No emails or text messages were received in connection with Ordinance 20-11

Hearing no public participation Councilwoman Albanese made a motion to close the Public Hearing, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

Motion to adopt Ordinance 20-11 was made by Councilman Mazzarella, seconded by Councilman Hund

Discussion: None

Council President O'Connor directed roll call:

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

Ordinance Adopted

2. **20-12 BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKS AND RECREATION AREAS, INCLUDING, BUT NOT LIMITED TO, FIELD AND RELATED IMPROVEMENTS IN CONNECTION WITH CLARK BASEBALL PROGRAMS IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

Council President O'Connor opened the Public Hearing on Ordinance 20-12 and directed the Clerk to read emails and text messages received from the public for response by Council or Township Professionals as appropriate.

Clerk: No emails or text messages were received in connection with Ordinance 20-12

Hearing no public participation Councilman Hund made a motion to close the Public Hearing, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

Motion to adopt Ordinance 20-12 was made by Councilman O'Connor, seconded by Councilman Hund

Discussion: None

Council President O'Connor directed roll call:

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

Ordinance Adopted

PUBLIC COMMENTS:

Council President O'Connor opened the Public Comments portion of the meeting and directed the Clerk to read emails and text messages received from the public for response by Council or Township Professionals as appropriate.

Clerk: No emails or text messages were received from the public.

Hearing no public participation Councilman Smith made a motion to close the Public Comments portion of the meeting, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

All Members of Council as well as the Township Professionals present commented on the current circumstances surrounding the Coronavirus Pandemic. They advised the public to follow the guidelines, stay at home and practice Social Distancing. Everyone expressed wishes for the health and safety of all residents and a speedy end to the crisis with better days ahead.

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING
Conference Call – No Physical Meeting Place
May 4, 2020
7:30 pm

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal, O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

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

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INTRODUCTION OF PROPOSED ORDINANCE:

ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 19-14 OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY, ADOPTING THE TERMINAL AVENUE REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 58, LOTS 4 AND 5 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK ADOPTED ON MAY 20, 2019.

WHEREAS, the Mayor and the Governing Body of the Township of Clark deem it in the best interest of the Township to cease efforts to redevelop the property designated as Block 58, Lots 4 and 5 on the Official Tax Map of the Township of Clark in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance No. 19-14 of the Mayor and Council of the Township of Clark, County of Union, New Jersey, adopting The Terminal Avenue Redevelopment plan for the property designated as Block 58, Lots 4 And 5 on the Official Tax Map of the Township of Clark adopted on May 20, 2019, be and hereby is repealed, rescinded, vacated and deleted; and

BE IT FURTHER ORDAINED if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED any ordinances or parts thereof in conflict with the provisions of this Ordinance be and hereby are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Moved by Council President O'Connor, seconded by Councilman Toal

Discussion:

John Laezza: Basically, as you all know we went through probably a year and a half process going through the area in need of redevelopment because the process going through the area in need of redevelopment because the property on Terminal Avenue has been vacant for close to twenty years. There's been a number of iterations negotiations between the property owners and where we built Terminal Avenue and subsequently action was supposed to be taken by L'Oreal within a three to a five-year period, that didn't happen. We went for an area in need of redevelopment because they wanted that done so that they can have a pilot program for their benefits and they opted to call me and said, they wanted out. I had the discussion with the Attorney and negotiated saying, "out" means you can't leave it negligent for the next ten years. We put the area in need of redevelopment because we want you to put there what we think is an available thing for the benefit of the Township of Clark. They indicated in negotiations that they

were going to still build the same facility but they would take their gamble with regard to the assessed value of the property and have it fully valued. I indicated to them that instead of a redevelopment plan that we have they would have to put a Developer's Agreement and that Developer's Agreement would have to mirror the redevelopment plan to the degree with regard to impact fees, administrative fees and the like and they agree to that. They agree to keep us whole with regard to the legal fees and the other fees that we have to date. So, with that I would recommend the adoption of this Ordinance.

Councilman Mazzarella: John, this means that it's not a pilot for L'Oreal, so they are going to have to pay the full boat on taxes, and they don't get any grace on taxes, correct?

John Laezza: That's what I told them. We had a negotiated fee of eight to nine hundred thousand dollars over the thirty years for each year directly to the township. I said basically what I see as your tax value after the construction of this facility is anyway from a million two to a million five, that's like a seven hundred thousand times thirty years is 2.1 million dollars to 8.1 billion dollars you are losing over the thirty years lifetime, that's your business decision, so that's it.

Council President O'Connor: So just to clarify Mr. Laezza, the building is still being built, there's nothing that we don't know that's going there.

John Laezza: They're still doing the same expansion, yes.

Council President O'Connor: Perfect, thank you.

Councilwoman Albanese: John, do we know when they are planning to start the construction?

John Laezza: They indicated to me that they will try to go before the Planning Board June or July of this year.

Councilwoman Albanese: Thank you.

No further discussion

Council President O'Connor directed roll call:

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

Public Hearing May 18th

RESOLUTIONS:

Resolution 20-61

TO EXTEND GRACE PERIOD TO PAY SECOND QUARTER 2020 REAL ESTATE TAXES TO MAY 29, 2020

WHEREAS, as a result of Executive Order #103, on March 9, 2020, Governor Murphy issued a State of Emergency due to the COVID-19 pandemic; and

WHEREAS, numerous Executive Orders have been issued by the Governor since that time to deal with a myriad of medical, economic and social issues affecting New Jersey residents due to the COVID-19 pandemic; and

WHEREAS, on April 28, 2020, Governor Murphy signed Executive Order #130 which permitted municipalities to extend the grace period for the payment of 2nd quarter real estate taxes concluding on a date no later than June 1, 2020; and

WHEREAS, the Township Council desires to afford its residents and business property owners the benefit of the extension of the grace period for the payment of 2nd quarter real estate taxes as set forth in Executive Order #130.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Clark, as follows:

1. The due date for the second quarter 2020 real estate tax payment to the Township of Clark is May 1, 2020 under N.J.S. 54:4-66(A) as recited in and pursuant to Governor Murphy's Executive Order # 130 issued on April 28, 2020.
2. The grace period for the payment of the second quarter 2020 real estate taxes is hereby fixed to be from May 1, 2020 through and including May 29, 2020 pursuant to C72 of P.L. 1994 and the relevant ordinances and resolutions of the Township of Clark, provided that any such payment of the second quarter 2020 real estate taxes actually in fact is received by the Township of Clark, on or before, but not later than, May 29, 2020.
3. The late payment of taxes shall be applicable to the above extended date subject only to the modification set forth herein.
4. Interest on real estate taxes paid to and received by the Township of Clark after May 29, 2020, shall be calculated and charged retroactively to and beginning on and as of May 1, 2020.

Moved and seconded by the Entire Council

Discussion:

John Laezza: Basically, I would like to talk to the taxpayers first. As of today, we've received 38% of our tax collection, so the taxes were due from May 1st to May 4th which is about 40% of the ten-day grace period May 11th they're due. So, I want to thank the taxpayers in Clark. They are basically staying within their usual perimeters. I also want to say we have not received the bank or mortgage monies yet, so hopefully we will receive that within the ten days. This says to the taxpayers May 29th you have to have your money in our coffers, mailbox. Anything after May 29th goes back to May 1st for interest. Thank you.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-62

**RESOLUTION AUTHORIZING THE CLARK TOWNSHIP TAX COLLECTOR TO
PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH
P.L. 1994, c.72**

WHEREAS due to the late adoption of the State of New Jersey's Budget, the Union County Board of Taxation is unable to certify tax rates throughout Union County and the Clark Township Tax Collector will be unable to mail the Township's 2020 tax bills on a timely basis; and

WHEREAS the Clark Township Tax Collector in consultation with the Clark Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.33 and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union and State of New Jersey on this 4th day of May 2020, as follows:

1. The Clark Township Tax Collector is hereby authorized to prepare and issue estimated tax bills for the Township for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax-levy for 2020 is hereby set at \$67,225,132.00
3. In accordance with law the third installment of 2020 taxes shall not be subject to interest until the later of August 11 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Moved by Council President O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Basically, since the Division of Taxation and the County has not been able to certify a levy for everyone in a timely manner, we're estimating the tax bill will have to generate \$67,225,132.00 in the bill to accommodate school, the County and for ourselves. We'll send the tax bill out for the August payment when we get the certified money announcement from the Union County Division of Taxation. We will do an amended tax bill for November.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-63

WHEREAS the Governing Body of the Township of Clark has advertised for bids on April 9, 2020 for the 2020 Capital Road Improvement Program; and

WHEREAS eleven (11) bid proposals were received on April 29, 2020 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were CCM Contracting, Inc. of Green Brook, NJ with a bid in the amount of \$547,691.47, Ralph Checchio Inc. of Scotch Plains, NJ with a bid in the amount of \$575,781.95 and Cifelli & Son General Contracting of Nutley, NJ with a bid in the amount of \$585,445.20; and

WHEREAS CCM Contracting, Inc., 336 Route 22, Green Brook, NJ 08812 submitted the lowest responsible bid in the amount of \$547,691.47 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 20-11 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to CCM Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to CCM Contracting, Inc. in the amount of \$547,691.47; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

Moved by Councilman Mazzearella, seconded by Councilman Hund

Discussion:

John Laezza: This is good news for us for our 2020 Road Program. But yet there's a Bond Ordinance for seven hundred and fifty thousand, so we will have enough to accommodate the roads that we have listed in the ordinance and we will be able to select some additional small roads before we can complete the project this year. I know each of you have a specific road but I have gone over the roads that we might select to accommodate this subsequently with the Mayor and that will be the roads that are going. I'll let you know when that happens.

No further discussion

Council President O'Connor directed roll call:

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

PUBLIC COMMENTS:

Council President O'Connor opened the Public Comments portion of the meeting and directed the Clerk to read emails and text messages received from the public for response by Council or Township Professionals as appropriate.

Township Clerk: No emails or text messages were received from the Public.

Hearing no public participation Councilwoman Albanese made a motion to close the Public Comments portion of the meeting, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comments.

Councilwoman Albanese: no comments.

Councilman Barr: no comments.

Councilman Hund: no comments.

Councilman Mazzarella: no comments.

Councilman Smith: no comments.

Councilman Toal: no comments.

Council President O'Connor: no comments.

John Laezza: no comments.

Chief Matos: no comments.

Attorney Dugan: no comments.

Clerk: no comments.

ADJOURNMENT:

Motion to adjourn was made by Councilman Toal, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
June 1, 2020**

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal,
Absent: O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk; Police Chief Pedro Matos

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council Vice President Hund. 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 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 20-15

BOND ORDINANCE TO AUTHORIZE THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council Vice President Hund opened the Public Hearing on Ordinance 20-15

Seeing no one coming forward Councilman Smith made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Discussion:

John Laezza: explained the Ordinance which authorizes the funding for new gym floors and equipment for the Fire Department.

Motion to adopt Ordinance 20-15 was made by Councilman Smith, seconded by Councilwoman Albanese

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

RESOLUTIONS:

Resolution 20-71

WHEREAS on May 18, 2020 during construction of the New Police Headquarters, a 1,000-gallon fuel oil underground storage tank was discovered in front of 315 Westfield Avenue; and

WHEREAS such oil tank presented an environmental hazard 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 remediate the problem which required the immediate delivery of services; and

WHEREAS the Business Administrator acquired the services of T Slack Environmental Services, under NJ State Contract #A42266 to remove and remediate the problem.

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.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: explained the resolution.

Council Vice President Hund directed roll call:
Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Resolution 20-72

RESOLUTION AUTHORIZING SOLICITOR TO FORECLOSE CERTAIN PROPERTIES FOR DELINQUENT TAXES IN THE TOWNSHIP OF CLARK

WHEREAS, the Tax Collector of the Township of Clark has prepared an In Rem Foreclosure List containing a schedule of 10 properties; and

WHEREAS, N.J.S.A. 54: 5-104.35 provides in pertinent that the Governing Body may, by resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act (L.1948,c,96); and

WHEREAS, municipal foreclosure on these properties will result in benefits to Clark Township that may include:

- Compelling the payment of taxes,
- Removing non-performing properties from tax rolls,
- Increasing the collection rate to lower the reserve for uncollected taxes,
- Controlling abandoned properties,
- Stabilizing the tax base.

WHEREAS, the Township of Clark has a need for professional legal services in connection with the In Rem Foreclosure by an attorney who specializes in the abovementioned process; and

WHEREAS, Keith Bonchi, Esq., Partner of the firm GMS Law has extensive experience and has acted as Special Counsel for many municipalities for In Rem foreclosures qualifying him as an expert in the field; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., specifically N.J.S.A. 40A:11-5(1)(a)(i), permits the award of professional services without public advertisement for bids and bidding therefor and shall be awarded by resolution of the Governing Body; and

WHEREAS, the Governing Body believes that it is in the best interest of the Township to enter into a Contract for Professional Services ("Contract") with Keith Bonchi, Esq. for the aforementioned reasons.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Clark that the Tax Collector and/or Business Administrator are hereby authorized and directed to enter into a contract with Keith Bonchi, Esquire, to foreclose the property schedule as noted below on the In Rem Foreclosure List, a copy of which is attached hereto and made a part thereof:

Block	lot	Property Address	Property Name
21	10.01	Acken Drive	Unknown
24	38.01	Rear Fairview Road	Aratom Corp. c/o Morris Barnett
24	38.02	Rear Fairview Road	Park Crest, Inc. c/o Morris Barnett
38.02	13.01	Ridge Road	Rebella Builder Inc
38.03	36.01	Mildred Terr-Rear	Aratom Corp. c/o Morris Barnett
38.06	30	Skyline Drive Rear	Peted Constr. Co.
59	14	Terminal Ave-Rear	Dvorken, Harry
59	17	Central Avenue	Unknown
88.01	49	Harrison Street	Marmor Inc. c/o Mrs. Moffitt
142	2.01	Central Ave-Rear	Unknown

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

John Laezza: explained the Resolution.

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

Resolution 20-73

**AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE
CERTIFICATE PURSUANT TO
N.J.S.A. 54:5-52.1**

WHEREAS, the Tax Collector of this municipality has previously issued tax sale certificates to Clark Township which certificates are dated between November 1985 and December 1993 covering various premises on attached list, with the Lot and Blocks listed and as set out on the municipal tax map then in use which certificates bears the specific numbers listed.

- Lot 38.01, Block 24 as set out on the municipal tax map then in use which certificate bears number 85-01106, issued on 12/31/1985.
- Lot 38.01, Block 24 as set out on the municipal tax map then in use which certificate bears number 85-01104, issued on 12/31/1985.
- Lot 13.01, Block 38.02 as set out on the municipal tax map then in use which certificate bears number 85-01102, issued on 12/31/1985.
- Lot 36.01, Block 38.03 as set out on the municipal tax map then in use which certificate bears number 85-01107, issued on 12/31/1985.

- Lot 30, Block 38.06 as set out on the municipal tax map then in use which certificate bears number 85-01103, issued on 12/31/1985.
- Lot 14, Block 59 as set out on the municipal tax map then in use which certificate bears number 85-01109, issued on 12/31/1985.
- Lot 17, Block 59 as set out on the municipal tax map then in use which certificate bears number 93-00004, issued on 6/16/1993.
- Lot 49, Block 88.01 as set on the municipal tax map then in use which certificate bears number 85-01090, issued on 12/31/1985.
- Lot 2.01, Block 142 as set on the municipal tax map then in use which certificate bears number 92-00011, issued on 8/12/1992.

WHEREAS, the aforesaid original tax sale certificates have been lost or otherwise misplaced.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Clark that the Tax Collector of the municipality be and is hereby authorized to issue appropriate duplicate tax sale certificates.

BE IT FURTHER RESOLVED that a copy of this Resolution will be attached to the duplicate certificates to be issued and that the said duplicate certificates shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Moved by Councilman Toal, seconded by Councilman Smith

Discussion: none

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

Resolution 20-74

State of Emergency Temporary Use Permit

Whereas, COVID-19 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread to the United States and multiple other countries and;

Whereas, beginning with Executive Order No. 103, the State of New Jersey has been operating under both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19 and;

Whereas, during this crisis local businesses are suffering economic damages and are unlikely to be able to comply with the various orders to effect reopening under existing zoning ordinances and;

Whereas, it is recognized that local businesses may be desirous of temporarily altering their operations to provide outdoor opportunities for its customers in accordance with Executive Orders and guidance from the Governor of New Jersey.

Now, Therefore Be It Resolved that the Mayor and Council want to help sustain our local businesses during this crisis by allowing for a temporary use permit to allow temporary activities for a limited period of time, which uses may be otherwise prohibited by the provisions of current Zoning regulations; to allow businesses to utilize sidewalks, parking and lawn areas for the duration of said emergency as needed to safely operate subject to review, comments and ultimate approval by the Business Administrator subject to all regulations for the issuance of a State of Emergency Temporary Use Permits elsewhere specified herein, issue a permit for a period not to exceed six months from the termination of the Governor's Declaration of Emergency.

A permit application will be available online and in the Building Department. Permits with conditions, if any, will be issued by the Office of the Business Administrator. Denial of a permit will be reviewed by the Township Council as will appeals of conditional approvals, if necessary.

PURPOSE.

The purpose of the Temporary Uses identified herein is to regulate limited duration uses not otherwise allowed in the applicable Zoning districts.

The Township's Business Administrator, after receiving recommendations from Police, Fire, Building Official, Zoning Officer, Township Engineer and Health Officer may issue a State of Emergency Temporary Use Permit upon written request and submission of an application. Any approval is contingent upon complying with the requirements contained herein, Township policies and any written stipulations contained on the permit.

The State of Emergency Temporary Use Permit allows for a temporary use that does not meet the requirements of the Township's Zoning Ordinances but will allow local businesses to continue to operate in some form to satisfy the requirements of the Governor's various Executive Orders.

GENERAL REGULATIONS

These provisions apply to the State of Emergency Temporary Use Permits. Temporary uses shall mean either a land use or a structure on the parcel.

Temporary uses or structures shall be accessory to the primary use on the lot and may be either indoors or outdoors. The Zoning Officer may adjust this requirement based upon the following criteria:

1. There exists a substantial need to be more considerate toward neighboring properties.
2. The activity shall not create an adverse impact on other properties, other businesses or the public.
3. The Zoning Officer may revoke a State of Emergency Temporary Use Permit if any conditions or stipulations of the permit are not met.

ADMINISTRATIVE TEMPORARY USE PERMIT.

A State of Emergency Temporary Use Permit shall be subject to the following:

1. A State of Emergency Temporary Use Permit is required for the following uses and analogous uses:
 - a. Outdoor community or special events on commercial properties.
 - b. Interim surface parking or temporary event parking.
 - c. Promotional events for commercial retail or service businesses.
 - d. Temporary professional services such as real estate, insurance, employment, legal, architectural, engineering, etc.
 - e. Temporary Generators
 - f. Outdoor retail display/sales area.
 - g. Outdoor seating for take-out dining only dining.
 - h. Outdoor dining associated with an existing restaurant, diner or coffee shop on-site.
 - i. No smoking inside or outside at all time
2. Applicant shall submit the following:
 - a. Application Form with the required attachments
 - b. Fee (Waived).
3. The application form shall be submitted to the Zoning Officer who will process the application. The application will be reviewed by the Zoning Officer, Building Official, Township Engineer, Health Department, Fire Department and Police Department who shall each issue a recommendation to the Township Business Administrator. All successful applications will receive a permit from the Township Business Administrator detailing the conditions of the approval, if any.

The application form provides the standards that must be followed including the application requirements and the length of the permit.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

John Laezza: Basically, all our land use ordinances ban from use, our sidewalks or outside dining, store sales, etc. We're going to give them the opportunity to do that. But on the Governor's theory my understanding, June 15th the Governor will be allowing outside dining and outside use of stores. We believe this is a temporary resolution taking off the ban on our ordinance while this COVID-19 Pandemic continues. So, this is just going to be a little step ahead of where we are. It indicates that they have to file an application with me and it will be reviewed by all our departments; our Engineer, our Health Department, our Fire Department, our Police Department, and our Construction Department, they (the departments) will have to give us notice within five days that they (the applicant) accommodated all of the terms on where they are going to park and what they are going to do and we can allow them to put their products outside for the public. We're trying to get the small businesses working.

Councilman Smith: So, for example like a restaurant say Bistro, he can only put the tables in front of his property, he can't line the whole parking lot.

John Laezza: he can give us an application that says he would do the whole parking lot but we're not going to give him the whole parking lot because of other stores that are there.

No further discussion.

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

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 Vice President Hund opened the public portion of the meeting

Seeing no one coming forward Councilman Smith made a motion to close the public hearing, seconded by Councilwoman Albanese

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council Vice President Hund: no comment

John Laezza: no comment.

Attorney Dugan: no comment.

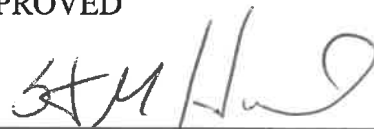
ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Toal

Council Vice President Hund directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council Vice President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ

August 3, 2020

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk;

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 20-16

**AN ORDINANCE TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF
CHAPTER 179 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED
"GARAGE SALES"**

Council President O'Connor opened the Public Hearing on Ordinance 20-16

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Hund, Mazzaella, Smith, Toal, O'Connor

Motion to adopt Ordinance 20-16 was made by Councilman Toal, seconded by Councilman Hund

Discussion: none

Council President O'Connor directed roll call:

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

Ordinance Adopted

Ordinance 20-17

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$800,000 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

Council President O'Connor opened the Public Hearing on Ordinance 20-17

Seeing no one coming forward Councilman Mazzarella made a motion to close the Public Hearing, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

Motion to adopt Ordinance 20-17 was made by Councilman Mazzarella, seconded by Councilman Smith

Discussion: none

Council President O'Connor directed roll call:

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

Ordinance adopted

RESOLUTIONS:

Resolution 20-100

WHEREAS, the Tax Assessor has certified that the U.S. Department of Veterans Affairs has deemed Andrew Gaffney, Jr to be 100% permanently disabled, in accordance with N.J.S.A. 54: 4-3, 30, et. seq.; and

WHEREAS, Andrew Gaffney, Jr owned the property listed in the tax duplicate as 1580 Franklin Street, Clark, NJ, Block 96 Lot 14, and was entitled to one hundred percent of the taxes for this property exempt; and

WHEREAS, Andrew Gaffney has sold the property at 1580 Franklin Street, Clark, NJ on April 25, 2020; the exemption will be removed from the property, and the new owner will receive a prorated bill for 8 months for 2020; and

WHEREAS, Andrew Gaffney, owns the property at 61 Frances Drive, Clark, NJ, Block 52 Lot 26, and is entitled to one hundred percent of the taxes for this property exempt. Andrew Gaffney has paid the 2nd quarter taxes for 2020, in the amount of \$3,833.15, therefore, a refund will be issued to Andrew Gaffney, in the amount of \$3,833.15, and the taxes for the 3rd and 4th quarter of 2020; totaling \$8,074.70, and 1st and 2nd quarter of 2021, totaling \$7,870.50, will be cancelled; and

WHEREAS, one hundred percent of the taxes on this property will be entitled to exemption for as long as Andrew Gaffney is an owner of the property.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper adjustments to exempt this property as indicated above.

Moved by Councilman Hund, seconded by Councilman Smith

Discussion: none

Council President O'Connor directed roll call:

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

Resolution 20-101

WHEREAS Matthew Reilly, 83 Sweet Briar Drive, Clark, New Jersey 07066 has requested a refund of Four Hundred, Eighty-Nine Dollars (\$489.00) due to the cancellation of Construction Permit #20-217 for the above address; and

WHEREAS the Construction Official has recommended to Council that authorization for the refund 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 refund Four Hundred, Eighty-Nine Dollars (\$489.00) as hereinabove stated.

Moved by Councilwoman Albanese, seconded by Councilman Barr

Discussion: none

Council President O'Connor directed roll call:

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

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 O'Connor opened the public portion of the meeting

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

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment

Councilwoman Albanese: no comment

Councilman Barr: no comment

Councilman Hund: no comment

Councilman Mazzarella: no comment

Councilman Smith: no comment

Councilman Toal: no comment

Council President O'Connor: no comment

John Laezza: no comment

Attorney Dugan: no comment

Township Clerk: no comment

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Toal

Council President O'Connor directed roll call:

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

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
October 5, 2020

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, Smith, Toal, O'Connor
Absent: Hund

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCE, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 20-19

BOND ORDINANCE TO AUTHORIZE THE REPLACEMENT OF THE TV-36 (CLARK PUBLIC ACCESS TELEVISION) SYSTEM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION , STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President O'Connor opened the Public Hearing on Ordinance 20-19

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

Motion to adopt Ordinance 20-19 was made by Councilman Smith, seconded by Councilwoman Albanese

No Discussion

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzaella, Smith, Toal, O'Connor

Ordinance Adopted

Ordinance 20-20

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CLARK CHAPTER 310 THEREOF ENTITLED "STREETS, SIDEWALKS AND ALL IMPROVEMENTS RELATED THERETO", BY DELETING AND REPEALING SECTION 310-8

Council President O'Connor opened the Public Hearing Ordinance 20-20

Seeing no one coming forward Councilman Toal made a motion to close the Public Hearing, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzaella, Smith, Toal, O'Connor

Motion to adopt Ordinance 20-20 made by Councilman Mazzaella, seconded by Councilman Smith

No Discussion

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzaella, Smith, Toal, O'Connor

Ordinance Adopted

RESOLUTIONS:

Resolution 20-125

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 2020 in the sum of \$361,276.57 which is now available from the County of Union CARES Act – Coronavirus Relief Funds Grant Subaward in the amount of \$361,276.57; and

BE IT FURTHER RESOLVED that the like sum of \$361,276.57 is hereby appropriated under the caption CARES Act – Coronavirus Relief Funds Grant Subaward; and

BE IT FURTHER RESOLVED that the above is the result of funds from the County of Union, CARES Act – Coronavirus Relief Funds Grant Subaward in the amount of \$361,276.57.

Moved by Councilwoman Albanese, seconded by Councilman Smith

Discussion:

Councilwoman Albanese: That's all the money we are going to get, John?

John Laezza: That's all the money we spent and they approved everything.

Councilwoman Albanese: But if we have any other spending will we be able to get more?

John Laezza: No.

No further discussion

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzearella, Smith, Toal, O'Connor

Resolution 20-126

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Mayor or Business Administrator and Township Clerk to execute a Developer's Agreement with DWW Clark Developers LLC for the proposed CVS Pharmacy to be located at 231-233 Westfield Avenue, Clark, New Jersey 07066 on the tract of land identified as Block 77, Lots 13-15 & 17.

Moved by Councilman Mazzearella, seconded by Councilman Barr

Discussion:

Council President O'Connor: So just a quick question on that. When you are coming up Brant Avenue will you be looking at the parking lot or the building?

John Laezza: You will be looking at the driveway that goes right into the building, you'll be looking at the building.

Council President O'Connor: Okay. I wasn't sure if the building was going to start where the house was or where...

John Laezza: Basically, you are going to be looking at the light going directly into the parking lot and the driveway will be there, part of the building will be there but you will be turning left into the parking lot.

Councilman Mazzarella: But at that intersection light you'll see have the visual of the building.

Council President O'Connor: What happened to the property that was the yellow house. Is that not a part of it?

John Laezza: We have another developer coming in to that side shortly.

Councilwoman Albanese: Well I didn't see the...so, in the agreement are we getting a fee from them in the developer's agreement.

John Laezza: No. That was just a straight deal, it's not a PILOT.

No further discussion

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

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 O'Connor opened the public portion of the meeting

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

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council President O'Connor: no comment.

John Laezza: no comment.

Township Clerk: no comment.

Attorney Dugan: no comment.

ADJOURNMENT:

Motion to adjourn was made by Councilwoman Albanese, seconded by Councilman Smith

Council President O'Connor directed roll call:

Aye: Albanese, Barr, Mazzarella, Smith, Toal, O'Connor

APPROVED


PATRICK J. O'CONNOR
Council President

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
November 4, 2020

ROLL CALL:

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

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

Resolution 20-133

WHEREAS N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by Resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, in the County of Union and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2020 budget appropriations in accordance with the following schedule of transfers.

**CLARK TOWNSHIP
BUDGET TRANSFERS**

	<u>To</u>	<u>From</u>
Law: Other Expense	\$ 50,000.00	\$ -
Recycling Expense	60,000.00	-
Roads: Other Expense	50,000.00	-
Buildings & Grounds: Other Expense	50,000.00	-
Clean-up Expense	25,000.00	-
Health Benefits: Other Expense		200,000.00
Zoning Board: Special Svc	2,000.00	-
Court: Other Expenses	6,000.00	-
Celebrations		43,000.00
	<u>243,000.00</u>	<u>243,000.00</u>

Moved by Council President O'Connor, seconded by Councilwoman Albanese

Discussion:

John Laezza: Explained transfer resolution.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-134

WHEREAS the Administration has requested that the Township Council authorize the appropriate Township Officials to approve the authorization of the purchase of one (1) 2020 Ford Escape vehicle for use by the Health Department; and

WHEREAS the Business Administrator has recommended an outright purchase, payable upon delivery of the vehicle through use of the following Cooperative Purchasing Contract which provides predetermined preferential pricing through approved vendors which have been bid at the state level:

Pricing of the Vehicle through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System; Bid #20/21-09

Dealer: United Ford LLC, 330 County Avenue, Secaucus, New Jersey, 07096
Funded by: Health Account #0-01-55-008-0027
Vehicle: One (1) 2020 Ford Escape, Total Price \$26,396.69

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$26,396.69 funded by Account #0-01-55-008-0027 as attached hereto as a "Certification of Availability of Funds."

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Business Administrator to purchase one (1) 2020 Ford Escape from United Ford LLC, of Secaucus, New Jersey through ESCNJ Cooperative Pricing.

Moved by Councilman Toal, seconded by Councilman Mazzarella

Discussion:

John Laezza: Basically, the vehicle the Health Officer is driving which we just had repainted looks very nice, but it's only for local travel now and we are getting the Ford Escape for Nancy. We have an assistant working with Nancy now and probably maybe putting him on full time.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-135

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Robert Delmour and Kenneth Currea are hereby appointed as Members of the Clark Volunteer Fire Department effective this 4th day of November 2020.

Moved by Councilman Barr, seconded by Council President O'Connor

Discussion: none

Council President O'Connor directed roll call:

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

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 O'Connor opened the public portion of the meeting

Seeing no one coming forward Councilman Hund made a motion to close the public portion of the meeting, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council President O'Connor: I would just like thank Robert and Kenneth (new firefighters) for volunteering their time to give back to the community, something that not too many people do, so we make sure we recognize the ones that do.

John Laezza: no comment.

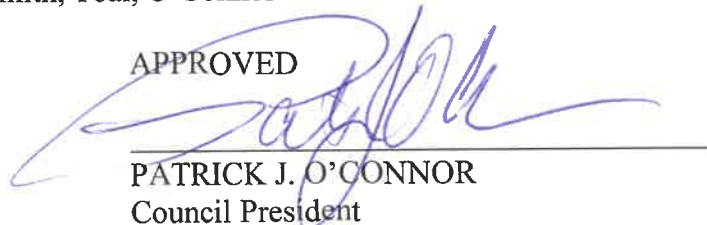
ADJOURNMENT:

Motion to adjourn was made by Councilman Mazzarella, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 8, 2020**

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal, O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 20-18

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2020 CAPITAL ROAD IMPROVEMENT PROGRAM (PHASE II) IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$750,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

Council President opened the Public Hearing on Ordinance 20-18

Seeing no one coming forward Councilwoman Albanese made a motion to close the Public Hearing, seconded by Councilman Hund

Council President O'Connor directed roll call:

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

Motion to adopt was made by Councilwoman Albanese, seconded Councilman Smith

Discussion:

John Laezza: This is our State DOT money, which we will be building a traffic light on Waterson near Wilson and Westfield Avenue, the roads going into the new police station, the paving of the parking lot behind the Library, the paving of Emerald Place and Emerald Court from the 2020 State Aid Program.

No further discussion

Council President O'Connor directed roll call:

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

Ordinance Adopted

RESOLUTIONS:

Resolution 20-110

**RESOLUTION AUTHORIZING THE APPLICATION FOR
"KIDS RECREATION TRUST FUND" GRANT
FOR THE TOWNSHIP OF CLARK**

WHEREAS the Union County Board of Chosen Freeholders has established the Kids Recreation Trust Fund to allocate grant funds for the creation, enhancement and/or replacement of recreational facilities; and

WHEREAS the Township of Clark desires to submit a grant application to seek funding in the amount of \$16,029.04 for needed improvements to the Nelson and Dolan Girls Softball Fields and facilities including the replacement of scoreboards, plumbing and flooding remediation, establishment of safer walking paths, concession stand suppression system and interior and exterior paint as well as replacement of the flooring in the Senior Fitness Center in accordance with the established guidelines of the grant, including accepting the award and executing an agreement with Union County; and

WHEREAS the Chief Financial Officer has ascertained that matching funds are available in the 2020 Municipal Budget, Account Number 0-01-28-370-218, in the amount of \$16,029.04.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, County of Union, New Jersey formally approves the submission of a grant application for the above stated Grant Program and authorizes the Mayor and/or Business Administrator to execute a grant agreement.

Moved by Councilman Smith, seconded by Councilman Hund

Discussion:

Mayor Bonaccorso: Every year we try to help a youth league in Clark. This year it's going to be the Girls Softball League, there's still things that they want. Also, we are going to be replacing the rubber flooring in the Senior Fitness Center. Those are like blocks that are kind of together, and what we are noticing now after close to twenty years, probably about nineteen years, water is getting in there when we clean it and it's smelling a little bit. So, we want to have that up and running for our seniors.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-111

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Resolution 20-106; Adopted August 17, 2020 is hereby amended to decrease the purchase price of Surveillance Equipment, installation, and maintenance services for the New Police Headquarters from \$235,626.17 to \$196,501.14 with all other details of the purchase remaining unchanged.

Moved by Councilman Hund, seconded by Councilwoman Albanese

Discussion:

Mayor Bonaccorso: Guys this is basically with the funds to put the best building we can together. Sometimes the ticket on stuff like that runs a little over. What we are trying to do is, we want to keep the class of the building in line, which I think we have so far. The other thing is as I said to John, from the outside I don't want to be penny wise and dollar short to have to replace stuff in two to three years from now because we are trying to save a little bit of money. So, it's fine to get the best equipment that we possible can, it's going to last us a decent amount of years until obviously it becomes obsolete. But that's what we are trying to accomplish with the building.

No further discussion

Council President O'Connor directed roll call:

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

Resolution 20-112

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Sean Rekatsinas, John Kurek and Joseph Plechy are hereby appointed as Members of the Clark Volunteer Fire Department effective this 8th day of September 2020.

Moved by Councilman Barr, seconded by Council President O'Connor

Discussion:

Council President O'Connor: I would just like to say thank you to people who still come forward and volunteer. The Fire Department is very important and it takes up a lot of time and I thank them and their families.

No further discussion

Council President O'Connor directed roll call:

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

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 O'Connor opened the public portion of the meeting

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

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: Ditto on your comments about the volunteers, I'm very happy to see that.

Councilman Barr: When it comes to volunteers of the fire department, it's very great that we see this.

Councilman Hund: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

John Laezza: I would just like to say that effective as of last week eighty-three percent of our citizens have filled out their census forms.

Council President O'Connor: Is that ahead of what we thought or behind?

John Laezza: They are a little bit behind. Ten years ago, it was eighty-four percent at this time.

Township Clerk: no comment.

Attorney Dugan: no comment.

Councilman Hund: To John's statement; could we put together something on Facebook regarding the census?

Township Clerk: About the census (Councilman Hund: yes) I can get you information that you can put out there, sure.

Councilman Hund: thank you.

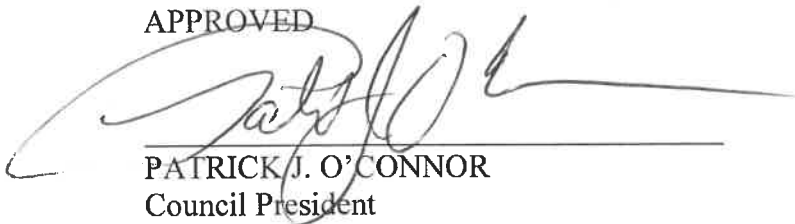
ADJOURNMENT:

Motion to adjourn was made by Councilman Toal, seconded by Councilman Hund

Council President O'Connor directed roll call:

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

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
December 7, 2020

ROLL CALL:

Present: Council Members Albanese, Barr, Hund, Mazzarella, Smith, Toal, O'Connor

Also Present: Mayor Bonaccorso; John Laezza, Business Administrator; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 P.M. by Council President O'Connor. 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 (Chapter 231, P.L.1975) 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 as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

RESOLUTIONS:

PUBLIC HEARING: Authorizing the submission of an application for funding for the Year 47 Community Development Block Grant Program

Resolution 20-143

WHEREAS the County of Union is accepting applications for funding for the Year 47 Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the Mayor and/or Business Administrator to submit the following projects to the County of Union for Year 47 of the Community Development Block Grant Program:

Senior Citizen Program	\$55,000.00
ADA Curb and Ramp Improvements	\$32,000.00

Council President O'Connor opened the Public Hearing on Resolution 20-143

Seeing no one coming forward Councilman Barr made a motion to close the Public Hearing, seconded by Councilman Smith

Council President O'Connor directed roll call:

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

Discussion:

John Laezza: Explained the process to the Council.

Motion to adopt Resolution 20-143 was made by Councilman Mazzarella, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

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

Resolution 20-144

WHEREAS, the Tax Assessor has certified that the U.S. Department of Veterans Affairs has deemed Kenneth Doerflein to be 100% permanently disabled effective September 23, 2019, in accordance with N.J.S.A. 54: 4-3, 30, et. seq.; and

WHEREAS, the U.S. Department of Veterans Affairs approved the 100% permanently disabled exemption on October 28, 2020; and

WHEREAS, Kenneth Doerflein owns one hundred percent of the property listed in the tax duplicate as 26 Florence Drive, Clark, NJ, Block 146 Lot 19, and is entitled to one hundred percent of the taxes for this property exempt; and

WHEREAS, \$1,978.59 has been paid for the 4th quarter in 2020 and should be refunded to Kenneth Doerflein; and the 1st & 2nd quarter 2021 taxes, \$3917.76 should be cancelled; and

WHEREAS, one hundred percent of the taxes on this property will be entitled to exemption for as long as Kenneth Doerflein is owner of the property.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper adjustments to exempt this property as indicated above.

Moved and Seconded by Entire Council

Discussion: none

Council President O'Connor directed roll call:

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

Resolution 20-145

WHEREAS the Township of Clark received a Municipal Alliance Grant from the County of Union for 2019-2020; and

WHEREAS the grant was suspended midyear due to COVID-19; and

WHEREAS the Chief Financial Officer has requested that the grant balance in the amount of \$3,610.43 be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that the balance in the Municipal Alliance Grant in the amount of \$3,610.43 is hereby cancelled.

Moved by Councilwoman Albanese, seconded by Councilman Hund

Discussion: none

Council President O'Connor directed roll call:

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

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 O'Connor opened the public portion of the meeting

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

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Hund: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council President O'Connor: no comment.

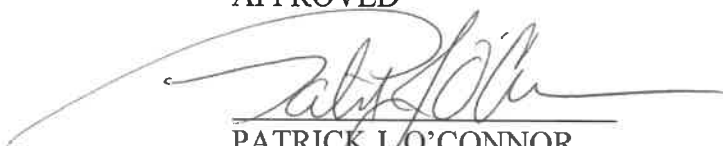
ADJOURNMENT

Motion to adjourn was made by Councilman Smith, seconded by Councilwoman Albanese

Council President O'Connor directed roll call:

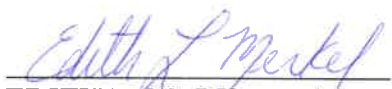
Aye: Albanese, Barr, Hund, Mazzaella, Smith, Toal, O'Connor

APPROVED



PATRICK J. O'CONNOR
Council President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk