

REGULAR COUNCIL MEETING, 315 WESTFIELD AVE., CLARK, NJ
April 15, 2013

ROLL CALL:

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

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

The Regular 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 mailing the Annual Schedule of meetings to the Star Ledger, Union County LocalSource, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor Bonaccorso: Yes Mr. President, Members of Council, ladies and gentlemen, good evening...I have a brief report, I hope at least it stays brief.

Paving of Raritan Road...I know that's the hot issue I guess for me and right down to everyone else in this town. It is annoying. It is a process to get through and it is a problem. This project was supposedly to start last year about the time Hurricane Sandy hit, and obviously that cancelled the project with good reason. I'm working with the Clark Police Traffic Department; Det. Pollock, our Engineering Department and the County. We were urging and asking for the County to do the paving in the business area of our Raritan Road in the evening, and they were agreeing into doing that. At the last minute they changed the plan and went into the daytime. They also wanted to pave from Madison Hill Road to Lake Avenue which would be the completion of the project. Myself and Det. Pollock worked with them to try to do that on a weekend, on a Friday night Saturday type of situation and they didn't want to. They were talking about paving that stretch which has a lot of homes on it just like the Raritan Road stretch between Clark and Cranford. We told them we do not want them to do that at night because for the obvious reason people would be up. We thought if they could come in and work on a Friday night, it's a little bit better because most have off on Saturdays and of course Sundays, they catch up on their sleep. So that end of the project from Madison Hill to Lake Avenue is cancelled until

summer. And as the Mayor of the town I will say it, the BA already knows this and I will say it to the engineer, I think I told him Wednesday; the County will never have my blessing again to pave a major artery in this community unless it's done at summer time or when school is off at a break. It is just a debacle. Summer time you have 50% less flow through the community. It would have been done a lot easier. Now let's be realistic, I understand that they are not going to pave Raritan Road every year and they can't wait to do every street in Union County in the summer when it's least intrusive to people, but this just has been a nightmare. They have paved from the Cranford line down to Walnut today down to Senorita's. Tomorrow I'm expecting them to get to Central Avenue and probably on the other side; I don't know I don't have an official report on that. So if you are watching this live tonight, please leave ample time to get the kids to school and to get yourself to work because it's going to be a log jam tomorrow morning and for the next few days. Hopefully by week's end it's gone. I mean the good thing about the project is that it does come and it does go, but it does create a lot of havoc. I mean from my house on Featherbed to the Brewer driveway one morning took me twenty minutes. That's when I told my daughter to jump out and walk the rest of the way down to the driveway of the school and she did, but it was just a crazy, crazy backup. So we will be strongly recommending a little bit different things in the future. We didn't think this would be a problem, we figured if they would pave today and milled from Walnut right down to Westfield Avenue in the evening hours that would have helped tremendously. That's our business district; it helps our businesses, doctors' offices, different types of offices that are out there. But at the last minute they changed the plan and went this way.

Also I know I'm getting contacted from some residents along the reservoir about the County easements and the Conservation Foundation. We will see what we can do but I know they are after everyone to clean up the easements. What does bother me is back in 2001 when Clark Township still owned the reservoir easements, the land around the reservoir and the Conservation Society owned the water, they came to a big meeting at ALJ in the auditorium and they asked for the easement people to take things off their property. And at the time they made a deal with the homeowners, we were there, that they would be allowed to leave what is currently there but they are not allowed to leave any more. The problem is ladies and gentlemen with that statement now going after the homeowners is irking me a little bit because they did make that deal. I'm not even blaming Union County; I'm not even going to blame the County. I'm blaming the Foundation. They are a bunch of whack-a-do's if you ask me in plain English. You know when they use to come in to see me it was like a three ring circus; the stuff they wanted to do. You know the heck with you and me but let's worry about the micro-organisms in the reservoir; well yeah I'm going to worry about that. But the thing is that the folks who are along the water you have to also remember one other thing folks and I try to give this example; me and Mr. Laezza live next door to each other, I want to put up a shed and it's going to be a foot on his property, John says "Sal go ahead it doesn't matter, I don't have little kids running around the backyard". All of a sudden five years later Al Barr moves in and gets a survey and says "your shed is on my property," I say "well John Laezza didn't have a problem with that", and Al Barr says "well I really don't care, I'm the owner now so get you shed off the property", just because it's there it doesn't mean it's right. So as annoying as they can be, you know, it's a fine line so I would try to work with them in a really gentleman and lady like manner, because the truth be told it is their property and you are encroaching. But there are some really nice things that some of you have done. I really don't see the harm in cutting the grass some areas ten foot, five foot,

and four foot down to the body of water they want that to grow into weeds. You know these are the little annoying things that they want you to do. Fine they don't want patios and wood built on their property, I get that, but this is as far as like asking people to stop cutting the grass. Some of the beautiful backyards on Wendell Place, they may have an area as long as this room that people have cut right down to the bottom of the reservoir, right down to the beginning of the reservoir. And now they want them to stop that and grow it into woods. So like I said folks I will try to help you as best I can. We did make that deal with them in 2001. You people were in the auditorium at the high school when they said that. The County has taken over the reservoir and quite honestly I'm not going to put the gun onto them because I don't think really the County really cares. But the problem is the reservoir people; the Conservation Society is putting extreme pressure. When I first became Mayor they tried it with me and I said to them I'm not doing it and they said we'll sue you, we'll sue the town, we'll do this, we'll do that. So that's when we found that happy medium that night. They are not reasonable and they're out there. So I mean I know sometimes I'm getting calls at the office...well we have to work with them, the word is work, because ultimately they could say that's it and you have to stop or they can fine you or summons you to court, I mean you know try to do it in the best manner as possible.

Right now we've been going to April 30th on spring lawn and leaf clean-up, branch clean-up, and all the debris that you have on your lawn. I see some people putting that out in the street. We will do that till April 30th and that's it. Grass pick-up shall start I believe next week the 26th. Branch pick-up then goes to the 4th week of the month thru September. And please folks thirteen years now, put it out on week 3, we take it away on week 4. Some of the comments we get when you throw it out on week 1 is what they hear at the County about the reservoir, it's not your street it's our street, the township. You just can't throw stuff out there when you feel like it. I guarantee if you lived in Cranford, Westfield or any other town, you would be getting summons. But I mean truthfully you would be summoned. So just respect this. We love giving you the service, we want to help you, work with people, I mean no one is running around trying to hurt our citizens but we would like a little cooperation too to make things goes smoother. We want the people on bicycles and walking and motor vehicles to have safe roadways to drive through. And you know if there's a reason at least let us know and then you know we don't have to go wild over it and we can help you out with it.

Bulky clean-up is monthly as it's been. Don't forget week one Ward 1, week two Ward 2, week three Ward 3 and week four Ward 4. Call up in advance. Please don't call Monday morning and say I have bulk stuff at the street, you won't get it picked up. Call us before noon on Friday, actually you can call us a week ahead of time or two weeks ahead of time it's not a problem.

And I would like to thank the Clark Little League, Clark Girls Softball for a great time at the parade at the opening day ceremony. I will be rethinking the throwing of candy for next year. I mean look I like a good time too but it's gotten to the point where I mean it's a two mile food fight. And you know it's fun to do it, but when they are whipping it and then you are asking people to stay out of the street as the kids are collecting it, you know it's dangerous. If somebody gets hit it's our fault. So we are going to have to talk with both leagues about that. To the one kid who was throwing dunkin munchkins clever idea I never thought of that. Okay that concludes my report for tonight thank you.

John Laezza: No comments.

Township Clerk: I have the police, fire and first aid reports for the month of March as well as the Quarterly Financial Report of the Clerk’s Office on file and available to the public.

REPORT OF COUNCIL COMMITTEES:

Councilman Barr: Thank you Mr. President...actually I have three quick reports this evening. The fire department had to respond to quite a few mulch fires recently, so if you are in the habit which you shouldn’t do but if you are in the habit of throwing your cigarette out the car window, please make sure it’s out. And the second report I was asked to inform the residents by the Scout Master of Cub Scout Pack #145 that they will be having a fundraiser on Saturday, April 27th from 9 to 1 at the new environmentally friendly vehicle wash area at the Public Works Facility. So you can help the Cub Scouts and also get your car washed.

We all seem to be saying how fast the days are flying by which kind of leads me into May 27th Memorial Day, its right around the corner, we have our parade. And as I do every year I have sent out all of the invitation, they are coming in quite slowly, and what I’m asking is please send them back because we have to set up the logistics of how we set up the parade. So everyone who has received their invitation, please get them back. And also if anyone wants to join the parade, any kind of groups, please call Fran at town hall and she will tell you how to get in touch. That concludes my report thank you.

Councilman Kazanowski: Yes since I do not chair any council committees I have no report this evening thank you.

Councilman Mazarella: Yes thank you Council President I have two reports...one from the Police Department, the monthly report summary. For March they saw a total of 2,951 calls, of which 69 were ambulance requests, twelve were fire department requests, 81 were alarm calls, 3 were vandalism, 65 were motor vehicles accidents, and 2,694 were miscellaneous calls. On Public Works the Mayor touched on three important items, the spring clean-up, the branch clean-up and the grass. Just a little extra on the grass; please check our website because as the Mayor has said numerous times through the years and all that, be aware of what you throw and mix into the grass and all, we just can’t pick up branches or leaves that’s mixed with the grass. And it also shows a schedule on when the pick-ups will occur, so check our website on that, our website is www.ourclark.com Appliance pick-up will continue through October, this includes all metals as well, pick-ups will be on Monday by appointment only, so you must call no later than 3:00 pm the Friday before and that phone number is (732) 428-8402. Electronic drop-off will be the last Saturday of the month at the DPW yard that’s behind the police department. Items can be dropped off between 9:00 am and 1:00 pm excluded May, August, November and December. And finally motor oil drop-off can be dropped off at the DPW yard Monday thru Friday 8:00 am to 3:00 pm. And one final note; again I was asked just to pass this out to the residents...we do have free mulch for the residents, so please call the DPW to schedule a drop off of the mulch to your home. That concludes my reports thank you.

Councilman Smith: Thank you Mr. President, I have the recreation and the pool reports this evening...Recreation; the spring sign-ups are in full swing, some of the popular activities that get high registrations are golf, co-ed volleyball, and skateboard and ladies softball. If you are interested in any of those or any other programs, please visit Ralph in the Rec Department or outside his office or the front gym in the racks there's all the information and pamphlets. There's also registration going on and sign-ups for the tennis camp that's held in the summer as well as the summer rec program. The summer rec program is probably the most popular program in Ralph's department throughout the year. There's about a thousand kids that sign up for it and this year unfortunately it had to be moved over to Kumpf because of the paving that will be going on in front of this building down Westfield Avenue. So he is asking to please get the registrations in as quickly as possible, so he can finalize the amount of people he has to hire and so he can order the supplies to run the camp out of the Kumpf facility this year. And lastly the pool, the memberships are now being accepted, again you can see Ralph or go on the Clark website and that will direct you if you look under pool and you can find the application for membership. Please fill it out and join the pool this summer. And that concludes my report thank you.

Councilman Toal: Thank you Mr. President...the Environmental Commission, this past Saturday, April 13th the Annual Rahway River Clean-up took place. A special thanks to Joe Seebode and the following; Troop 330 and Pack 30, and the sponsors who came out and helped clean Clark's northern waterway. We have the Rahway River circumvents the top portion of Clark and the Robinson's Branch what we call the Resi is in the center. I want to say a special thanks to the sponsors to this event; Union County Freeholder Board, Shop Rite of Clark, Vaccaros Bakery, United Water, Union County Police Department, Pinho's Bakery of Roselle, and again to Joe Seebode. They brought out over 100 large industrial size garbage bags. Union County Parks came in and picked up all the stuff. Over 100 garbage bags were taken out of there that were recyclable stuff. So when you are done with your drinks throw them away properly because it gets washed into the waterways. So please help Mother Nature. A big success, over 150 participants, Cub Scouts and organizations came out and helped clean-up Mother Nature. The Reservoir will be cleaned-up later in October; please join us at that time.

#2...Well there's sheep coming to Clark. The Dr. William Robinson Plantation located on Madison Hill Road and the Clark Historical Society will be celebrating sheep shearing. Back in the olden days way before modern era they use to take sheep, have them on your farm in Clark and then they would take them and when sheep needed to be sheared where the wool had to be removed it was then made into clothing. So there will be sheep shearing demonstration on Sunday, April 28, 2013 from 12:00 to 4:00. Please come out and join in an historical event and join in and watch some sheep becoming bald, so please join us that day.

To the residents of Jupiter Street, you are enduring change, it's not easy right now but you are going through it. Your street is being reconstructed, I live right off on Dorset Drive and I have to drive on Jupiter Street every single day and right now it's a mess, an absolute mess, but we had promise you that the street was going to be taken care of, please have some more patience because when it's going to be done, it's going to be beautiful. That's all I have Mr. President, thank you for your time.

Council President O'Connor: As you heard Councilwoman Albanese isn't here this evening, so she asked me to read her Library report:

This week is National Library Week...The week was kicked off with the April Friendly membership drive by the Friends of the Library. Hopefully you had time to visit our library. If not, our Library Director Patty Anderson will be giving four library tours this week to give you a "behind the scenes" picture of what the library has to offer: Tours are scheduled for Tuesday, April 16 at 11:00 am and 4:30 pm and begin just off the circulation desk area. Also on Thursday, April 18 at 11:00 am and 6:00 pm the tours last about 30 minutes.

On Wednesday, April 17th the library will be offering complimentary coffee and donuts as part of the National Library week celebration.

Get a head start on you Spring Cleaning with Professional Organizer, Jamie Novak...Jamie will help you tackle that spring cleaning list. She will reveal all her tips in how to get it done in half the time. You will leave the program with a personalized plan that will motivate you into action! That program is this Thursday, April 18 at 7:00 pm and is very popular. Don't forget to register.

Story times are in full swing. See the library calendar for times and sign-ups. There is a very popular Lap sit on Thursday mornings for the very young starting at six months.

Coming Soon: Rosetta Stone in French – Levels I – V. Thanks to a generous grant from the Clark Benefit Fund, the library has purchased all five levels of the French language tapes using the premier CD's by Rosetta Stone. The library already has the very popular Italian CD's, thanks to Clark UNICO. So that's Angel's report.

I have a report from the Emergency Squad...again it's been a busy month for them as well. They did 104 total ambulance requests, 93 in Clark and then they had 11 mutual aids, 5 Rahway, 2 Garwood, 1 Colonia, 1 Linden and 1 Scotch Plains and 1 Westfield. And the most frequent types of calls were sick persons followed by breathing problems and motor vehicles accidents. And that concludes my report.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

(No written objections were received in connection with the following Ordinance.)

Ordinance 13-05

AN ORDINANCE SUPPLEMENTING ORDINANCE 12-11 ENTITLED AN ORDINANCE TO FIX MINIMUM AND MAXIMUM SALARIES

Council President O'Connor opened the Public Hearing on Ordinance 13-05

Doug Ritter, 40 Tudor Dr.: Can you tell me which employees of the town that this salary limitation applies to?

John Laezza: By name no...these are hourly wages for part time employees, seasonal employees and alike. Basically we forgot to put the hourly rates, the range of hourly rates for our part time employees in our original ordinance in the beginning of the year. So this is logistics to clean up the ordinance process.

Doug Ritter: Okay so this isn't a big item on the budget for the town.

John Laezza: No it isn't.

Doug Ritter: Okay thank you.

Seeing no one coming forward Councilman Kazanowski made a motion to close the Public Hearing on Ordinance 13-05, seconded by Councilman Barr

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

Motion to adopt Ordinance made by Councilman Smith, seconded by Councilman Kazanowski

Discussion: None

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

Ordinance 13-06

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 195, "LAND USE AND DEVELOPMENT", OF THE CODE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY TO PROVIDE FOR THE ESTABLISHMENT OF A NEW "LCI" LIMITED COMMERCIAL INDUSTRIAL DISTRICT IN ACCORDANCE WITH THE TOWNSHIP MASTER PLAN REEXAMINATION REPORT

Council President O'Connor opened the Public Hearing on Ordinance 13-06

Doug Ritter, 40 Tudor Drive: Limited commercial and industrial use, I'm assuming it was already as I read on The Patch that is was an industrial site. This now opens up the land to be used for apparently multiply different types of uses. I think retail or maybe a small factory or some sort of something (tape inaudible, papers being moved by microphone), is that correct?

John Laezza: Yes.

Doug Ritter: Is there any other types of titles that could have been on there? Why did we choose this? I know you have someone that's proposing some sort of retail use of the land but are we

changing to this titling because we have someone that's asking about it or is this a general titling, are there other titles that we can give the land that would of not been considered.

John Laezza: For professional courtesy I'll leave our Planner to tell you how they created the title, titles are just titles. Kevin would you like to respond to that question please?

Kevin O'Brien, Town Planner: Limited commercial industrial district was created to maintain continuity with the existing commercial and industrial district that exists and the "I" industrial district that is where the property of Walnut and Raritan Road is currently on. The basic reason for the title was to maintain continuity.

Doug Ritter: So you are basically saying since I don't understand all of the terms but it's sort of the same type of use of the property but you are adding some more types of things such as retail space and things like that. Is that what you are saying...basically the same within the area that's already there?

John Laezza: I think what we are saying is rather than the "CI" zone it's similar to the "CI" zone but it has limited use in relationship to the percentage of the property that can be built upon lesser than what the "CI" zone had. So it's a limited commercial "CI" is commercial had utilization to use big box stores, this does not have that characteristic.

Doug Ritter: And this butts right up...the way I read the Patch story is that you not only took that property but all the property in front of it towards Raritan Road and from Raritan Road all the way down to the Parkway.

John Laezza: Central Avenue, yes.

Doug Ritter: So if someone wanting to come in and purchase all that property and develop a whole Master Plan or something in that area, they can take everything between Raritan Road right back to Walnut Street. (John Laezza: Central Avenue, yes) Is there any planning within the town, I don't go to the planning meetings yet but is there any planning of the town to do something like that. That would require someone to purchase all that property along Central Avenue, all that property along Central Avenue is all privately owned right now.

John Laezza: There's no plan, yes we hope someone would do that.

Doug Ritter: Oh you hope someone would do that, okay. And I believe all the property along Central Avenue is privately owned now, so that would be an individual decision to whether they want to sell the property or not.

John Laezza: Yes, correct.

Mayor Bonaccorso: Basically Mr. Ritter you have a better chance of seeing Santa Claus but to answer your question...I mean you know yes but will it no. But it's a zone continuity to keep everything aligned and done correctly.

Doug Ritter: The Master Plan if I remember correctly, the Master Plan had in place is more or less calling for Westfield Avenue to be the center of town.

Mayor Bonaccorso: We are hoping for Westfield Avenue to be we've made it a downtown village theory some years ago, if you recall back then we said we weren't going to go in and use condemnation and throw people out of their homes and things of alike. We were hope it would take...we knew it would take a very long time at the time because you either have to naturally develop through resale or you have to heavy handed and force condemnation which we didn't want to do. And as you can see it's taking a long time. You know the Gypsum property proposed shopping is going to be something different than a downtown. As we speak about downtown I would like to thank Mr. Dean Russo who owns the property over at the Grab Bag. And he just redid the outside of the building with nice stone and railings and some of the owners on Westfield Avenue are hoping to take the lead from Mr. Russo and do the same. Our two areas right now of concern are the A & P and Jack's Tavern. And again we are hoping something will come in there to develop that property. We hear about it constantly but nothing is happening. So it would be a different type of village so to speak, if the Gypsum proposed property when it comes about, if that becomes a nice shopping area for the town, fine, Westfield Avenue could you know have the Mom and Pop stores and stay the offices and business district we have there right now but hopefully a little bit nicer and as the homes sell there, they will be able to be purchased and put into small offices or small shops.

Doug Ritter: Since you mentioned the Jack's Tavern property and the A & P property, is it feasible that the town purchase those properties?

Mayor Bonaccorso: Well you know Mr. Ritter again you know we're trying to be just some nice guys here. My plan was to go after them and it still may very well happen through eminent domain condemnation. I'm to my wits ends; we did meet Mr. Laezza and I with the owner of the A & P about five weeks ago, we brought him in and he is a very nice gentleman and we basically told him you need to rent the building. He said "oh I know, I'm working on it, I'm working on it and we're getting close and then it falls apart", and basically we told them it's a blight to the community, it's an eyesore and that's a thing we can do, we don't want to be heavy handed and do that. And it's the same thing with the Jack's Tavern property.

To the residents over on Benjamin Street, I just ordered the Code Official to go after them for a new fence, the fence on that property keeps falling down and they are trying to repair it, it's time that they put in a new fence in there so the people can live in peace with that property. As I sit here many years ago some of the principles of Jack's Tavern came in and showed us a beautiful strip mall with a couple of apartments on top, the rendering was high class, and it was beautiful. And we would have loved to have had some small stores there and a little strip and something like that and we keep hearing the rumor that they want to try to bring CVS there and we already told them we don't want CVS there. We don't need another drug store there, we don't need...you know that's something that we were hoping would be the gateway to Westfield Avenue. But there is not a lot of cooperation, you have a bunch of different principles that owe it and you know one guy keeps telling me two weeks, and that's a true story, and that was thirteen years ago. So then this whole Gypsum thing came upon us, and like I said about local government you can plan all you want, it doesn't mean you hit your plan that year because

something drops in whether it be a site like this or the sewer utility or something that just puts you in a little different direction, but it's a direction we're not walking away from. It's something that each day is starting to grow and burn more and more again as we kind of put this Gypsum site to rest. It has to be done.

Doug Ritter: Out of all that you mentioned about being heavy handed with the properties that are in town already. I don't want it to be heavy handed; I think it's a sin to use eminent domain, to take property away from people, (Mayor Bonaccorso: I do too) how about offering if this was in the town's Master Plan idea, how about offering them a fair price for the property and purchase from them.

John Laezza: Well that's what eminent domain is.

Doug Ritter: Eminent domain usually means that you go in there and low ball the price because...

John Laezza: You can't low ball because there are still courts in this country, it's still close to a democracy anyway.

Doug Ritter: Doesn't the town allow buying property like that and then using it for profit making?

John Laezza: No.

Doug Ritter: So there are some things here that I don't know.

Mayor Bonaccorso: Right and as far as when you say eminent domain stealing the property Mr. Ritter, usually the court orders three appraisals and they do the average of it. You know we are not in the business to try to steal anyone's property, we are just trying to beautify the town and I don't know for the life of me what the Jack's Tavern people are doing. It doesn't surprise me but I don't know. And as far as the A & P goes, they were pretty happy when it was vacant and A & P was paying the lease there then the A & P filed bankruptcy and that's when the signs went up. I even asked him if he would be interested in selling because I know there was a bunch of people inquiring if it was for sale, and the price was an arm and both legs, so I mean if he wanted to sell which I don't think they really do.

Doug Ritter: Ok so in light of your answer about the township not buying old/new properties...I grew up in Fanwood and I see what's going on in Fanwood the last few years. I assume then maybe you could tell me that's all private investment with those stores and things because I think that's turning into a beautiful place.

Mayor Bonaccorso: Yes it is.

John Laezza: It is private investment.

Doug Ritter: If they could just keep those moving down the street one more block then that would be really nice looking.

John Laezza: The problem is if you look at Fanwood, it looks pretty but it's empty.

Doug Ritter: Oh yeah the buildings are empty still.

John Laezza: It's not economically feasible right now in this market.

Mayor Bonaccorso: Remember one thing Mr. Ritter too just for the public record. You know people want Mayors and council people to go out in township's to encourage business and stores and shopping and the minute something is vacate it's the Mayor's fault why it's vacant. I mean I try to tell people like even with the A & P, sad to say if tomorrow you vacated your home and you kept it up and shoveled the snow and cut the grass and if it wasn't nice for your neighborhood we have no right to come to your home and say "Mr. Ritter sell your home, sell your home"... "hey Sal mind your business, you know I mean I pay the taxes, the place looks good". That's what you are doing and that's part of the mindset with the A & P is that he feels that hey I'm paying my taxes, it's empty, but you know I'm looking for my right tenant. So there's not a lot you can do about that other than urge and you know...

Doug Ritter: Ok thank you very much.

Delia Collins, 72 Georgia St.: I was going over the paperwork here and I have a couple of questions. On one of the items here it said that there would be outdoor seating in conjunction with permitted restaurant or eating or drinking establishments. I was wondering these are proposed usage; would that include music outside like they had at Senorita's?

John Laezza: I don't believe so.

Delia Collins: Okay because that was quite disturbing. The signage, will that be facing Walnut Avenue, in here it said the individual...

John Laezza: It would be facing Raritan Road. It would be facing Hyatt Hills.

Delia Collins: Okay. There's one town in North Jersey that does have a time limit for these signs to be lit at night so that it's more peaceful in the area because like from my house I can see Shop Rite and Bally's at night. I'm just saying you know when there are no trees. And can I just ask one question... what is the word impervious cover?

Attorney Triarsi: Water won't penetrate.

Delia Collins: Okay so 75% of the property will be used as a parking lot.

Attorney Triarsi: If it's impervious 75% of it will be covered by some type of an impervious surface, whether its brick or concrete or blacktop, I don't know.

Delia Collins: I'm just asking. Okay now with the height of the buildings it said it would be 40 feet or 3 stories. Does that include any type of façade that might be for a building front?

John Laezza: The questions you are asking basically are questions that would come before the Planning Board in a site plan. These are criteria's that would be utilized in putting the building. When the developer comes up with a site plan then all those details are there. It's not something that you can put...it's generic in this for that, that's a Planning Board creation.

Delia Collins: I was asking because I was reading.

Doug Ritter: It's my understanding that we have no one for this property yet.

John Laezza: Gypsum is the owner of the property; Gypsum couldn't sell it as an industrial property. They asked the township to look at it and the township went through the process, I'm sure if you have been reading the Patch you know the whole process. We took a survey of the community, we looked at the survey and people looked for retail commercial or office facilities there. We then did a Master Plan study to make sure that that was the right mix; the Master Plan then was adopted by the Planning Board and accepted by the Township Council. We put together the Zoning Ordinance to implement the Master Plan and that's a fact in case. Subsequent to this whoever develops it has to follow this pattern.

Doug Ritter: So basically what she was just talking about was just the idea of what the land is going to be used for by the developer.

John Laezza: How much of the land (28 acres) can be put together and this says he can probably put no more than 250 thousand square feet on 28 acres.

Doug Ritter: He can have up to 75% of the land...(John Laezza: yes for parking) probably up to that percentage not more than that percentage. (John Laezza: not more than that) So there's nobody that has a plan to submit anything to the town yet, this is just like a basic outline and so forth.

John Laezza: That's correct.

Doug Ritter: Very good thank you.

Seeing no one else coming forward Councilman Kazanowski made a motion to close this portion of the meeting, seconded by Councilman Smith

Council President O'Connor directed roll call:

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

John Laezza: Mr. President before you take action on this plan. I want you to recognize that the plan has gone before the Planning Board; the Planning Board did recommend that they accepted the zoning criteria for this site.

Council President O'Connor: Some people say that the only constant thing is change. Some people embrace change, other people fear change and the fear is driven by the unknown. With tonight's vote, Clark is about to change.

The property we currently know as US Gypsum will soon be transformed from a vacant manufacturing plant with a smoke stack that grabs your attention and is a constant reminder of "what was" to a useful retail center that will breathe life into this town, provide jobs and provide a "Center of Town" this town has been lacking forever.

The Mayor sent out a survey to the town asking residents what they would like to see on this property, a majority of the people, throughout the town and the Second Ward stated they would like to see Office/Retail on that site. Now that we are moving in that direction, what is the fear? At Council meetings and Planning Board meeting that traffic is the major concern of the residents. During the construction of the new Retail Center, traffic will be a major consideration. The builder will have to make road improvements which will make the current traffic situation no worse than it already is.

The Planning Board will make every effort to ensure that for the residents of Walnut Ave. and Sunset Drive, traffic will not become an issue that impedes their ability to come or go as they please.

Now that we have addressed the fear, let's look at embracing the change. In addition to giving Clark a Center of Town and creating jobs as mentioned earlier, this Retail Center will improve our tax revenue from about \$298,000 to about \$1.2 million dollars. This increase in revenue will further allow our Township to stay financially sound while continuing to provide the residents of Clark all of the services they have come to expect.

Under the current Administration, the town has changed a lot in the past 12 years. It went from a Township under Federal Investigation and on the brink of bankruptcy to a financially sound Township with many projects that have held home values and improved the quality of life. As time passes, I am confident that when we look back at this project, that it is a success and improves our quality of life and becomes a center piece of the town.

Motion to adopt Ordinance made by Council President O'Connor, seconded by Councilman Barr

Discussion:

Councilman Mazzearella: Yes I would like to make a comment please. I just want to say for the record that I am in full support of this legislation; I believe it's good for our community. As you know Council President I am Council Rep on the Planning Board, I didn't say anything at the Planning Board meeting because the Mayor and the Administrator had said it all and the Mayor was spot on with his comments and I commend him for it. You see our Mayor did something that a lot of Mayor's from our surrounding communities and throughout New Jersey didn't do. He got it, he understood what he should be doing by sending out that survey and he responded to that survey to you the residents. It was overwhelming of what we received as far as what should be put or what they would like to see at the Gypsum property. And again I want to commend our

Mayor for his vision for the community and our Administrator for his expertise with our engineer in putting the particulars within the ordinance that will best suit our community. And down the road we will see this tract when it does become developed that the Gypsum property becomes a shining star of our community and it will bring in some sizable ratables, thank you.

Councilman Toal: Mr. President, Mr. Mayor, Mr. Laezza, Madame Clerk and the citizens of Clark I've spent my entire life working to preserve the history of the Township of Clark and to preserve what was. I don't like change. I don't like it at all, but it's not what I like, it is what is good for the people of the Township of Clark, what is good for the next generation. We are elected here to do the hard decisions and I'm working on a couple of issues right now that have been just driving me crazy the last couple of days with Jupiter Street and other areas of the town. But this issue is one of those big ones. Do we say "yes", do we welcome something like this into the town? How does it affect us, traffic, oh okay? But the overwhelming fact is the people want it. Do I want it? No not really, I don't think it's necessary, I would like to see another nine holes of golf, I would like to see an open field with a farm there, but it's not my property, it's not my land. It's another person's land who wants to develop it for another cause. And the one thing that the Mayor put into place here with his creating these ordinances is our control of the problem, our control of what we can put into this site by the developer that will allow us to say to have a say in it. Did we have a say 20 years ago when Hyatt was changed from an industrial site to a Golf Course, not really, because it was controlled by what...a company that contaminated the site, they capped it and then said "what can we use it for"...a love canal, no, they turned around and they used it for a recreational use. Could they have put up homes or a commercial zone...in this situation today in 2013 we have a say in what can go there. Will it happen or what will go in there we'll see but we are putting the cart before the horse on what we want to do and how we want to benefit Clark as a whole. Do I like change...no, do I like to see something else go there...I don't own the property. But I do have a say on how we can work together to create a better Clark. I'm not 100% but I have no choice. I have to say we have to move into the 21st Century of this township. We have to build a better Clark; this will do that, thank you Mr. President.

Council President O'Connor: Before we take roll I would just like you to know that Councilwoman Albanese is not here but she did want me to let you know that had she been here, she would have voted yes for this and she supports it 100%.

Council President O'Connor directed roll call:

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

INTRODUCTION OF PROPOSED ORDINANCES:

AN ORDINANCE TO SUPPLEMENT CHAPTER 347, SECTION 36 ENTITLED TURN PROHIBITIONS OF THE CODE OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the governing body of the Township of Clark that Chapter 347, Article 5, Section 36A be supplemented as follows:

SECTION 1: SECTION 347-36A Left Turns:

<u>From</u>	<u>Onto</u>	<u>Hours</u>
Driveway of existing parking lot of 59 Central Avenue	School Street	
Driveway of existing parking lot of 10 Westfield Avenue	Westfield Avenue	

SECTION 2: Inconsistent Ordinance

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: Effective Date

This Ordinance shall take effect upon adoption and upon publication according to law.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: None

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

Public Hearing on May 20, 2013

PAYMENT OF CLAIMS: Council President O'Connor, Chairman of Finance Committee made a motion to approve the payment of claims on current and capital expenditures in the amount of \$276,762.57 for the period ending April 12, 2013, seconded by Councilman Mazzarella

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

CITIZEN HEARING ON THE AGENDA:

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

Seeing no one come forward Councilman Kazanowski made a motion to close the citizen hearing on the agenda, seconded by Councilman Smith

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

RESOLUTIONS:

Resolution 13-74

WHEREAS at least one (1) week prior to the date of the hearing a complete copy of the approved budget was delivered to the free public library and made available for public inspection; and

WHEREAS an Affidavit of Receipt of the Budget as attached hereto and made a part hereof has been obtained from the library pursuant to NJSA 40A:4-8; and

WHEREAS copies of the budget have been made available to each person requesting one at no charge.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that upon passage of this resolution by a majority of the full membership that the law has been met allowing the budget to be read by title.

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

Discussion: None

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

Resolution 13-75

Municipal Budget of the Township of Clark County of Union for Calendar Year 2013

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013:

**EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET YEAR 2013**

General Appropriation For:

- 1. Appropriations within "CAPS":
 - (a) Municipal Purposes (Item H-1, Sheet 19) (N.J.S.40A:4-45.2) 15,530,339.67
- 2. Appropriations excluded from "CAPS"
 - (a) Municipal Purposes (Item H-2, Sheet 28) (N.J.S.40A:4-45.3 as amended) 4,407,754.61
 - (b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)

Total General Appropriations excluded from “CAP” (Item O, Sheet 29)	4,407,754.61
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated <u>98.49</u> Percent of Tax Collections	850,000.00
4. Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2013 \$ _____ for Schools –State Aid 2012 \$ _____	20,788,094.28
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	5,593,245.28
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	14,391,206.67
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)	-
(c) Minimum Library Tax	803,642.33

BE IT RESOLVED that notice is hereby given that the Budget and Tax Resolution was introduced by the Municipal Council of the Township of Clark, County of Union on February 19, 2013; and

BE IT FURTHER RESOLVED that said Budget be published in summary in the Union County LocalSource in the issue of March 28, 2013; and

BE IT FURTHER RESOLVED that a Regular Meeting for the hearing on the Budget and Tax Resolution will be held at the Municipal Council Chambers, 315 Westfield Avenue, on April 15, 2013 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by the taxpayers or other interested persons.

Council President O’Connor: The Municipal Budget is having its Public Hearing tonight in accordance with State Statutes. It has been duly advertised in the LocalSource on March 28, 2013 and has been available for anyone from the public to view the details as to how the budget was constructed.

This Budget is well within the statutory constraints set forth in the laws of the State of NJ. The overall 2013 Budget appropriations reflect a net increase of \$743,773 over the budget of 2012. The major increases are in the Department of Public Safety; the increase in payment of Debt Service; and the raising of the Emergency Appropriation utilized in funding Hurricane Sandy. These appropriations amount to an increase of \$1,051,641. Reductions in other appropriations amount to a decrease of \$307,868.

The Township is utilizing additional revenues from sources other than property taxes in the amount of \$466,338 more than in 2012 thereby showing an increase in the amount to be raised for property taxes of \$316,542 over the raised in 2012. This is an increase of 2.25%.

The bottom line is that this municipal budget increases your property taxes for municipal purposes only by an annual increase of \$45.00 dollars per \$100,000 of assessed valuation.

As an aside we believe that the amount of taxes for school purposes this year will reflect an increase of \$40.00 per \$100,000 of assessed valuation.

In summary the municipal budget and the school budget will increase your property tax by \$85.00 per \$100,000 of assessed valuation. The County has not adopted their budget at this time.

We will be happy to answer any questions.

Council President O'Connor opened the Public Hearing on the 2013 Municipal Budget to the public

Seeing no one coming forward Councilman Kazanowski made a motion to close the public hearing, seconded by Councilman Barr

Council President O'Connor directed roll call:

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

A motion to adopt the Resolution was made by Council President O'Connor, seconded by Councilman Mazzarella

Discussion:

Mayor Bonaccorso: May I Mr. President...I would like to again thank the council for their work and working with us and passing this budget. I would like to thank of course John as the budget watchdog and our department heads for working within the constraints that we've laid out for them and doing the job. When you talk about and look around Union County at what's going on out there and you see a city like Linden with a 5.4 million dollar shortfall that they may have to layoff police and firemen, that's sad to see. When I was read the paper during the storm that Mountainside and Cranford communities like this told their residents that the trees that were yours that fell on your property you pay to get rid of. When I speak to council members in Scotch Plains and they want to know how we do our summer recreation program which is enormous for \$20.00 a child...and towns give about 20% or 25% of what we give are charging \$350.00 per child. When I hear about a neighboring community who will not pick up your Christmas trees at Christmas time that makes me laugh, that's sad, that's sad. When I see a bulky clean-up, a monthly branch pick-up, a weekly grass collection, the senior services and of course recreation again, what I also see is the public safety that's given here by police and fire and of course our donation we make to our volunteer first aid squad. You know no one likes to pay any kind of an increase I get that, we all do, but it is a reality. To see our school district just ranked 40th in the State, our high school right now which as you know really coming up in the rankings and the programs and the services they and you know the average home is going to be assessed about \$85.00 between both entities. We have the most athletics in all of Union County. Our AP classes, our special classes that we do for student enhancement is right up there now with neighboring communities and I'm proud to see that. I think we are living in a pretty good place and a pretty good time. I'm also excited to talk about US Gypsum and the Senior Housing and other areas that are bringing more revenue into this community. Because folks if you don't have revenue then it's called open your wallet or your checkbook however you want to say it. And even with those revenues it doesn't mean whoever is sitting here is going to be able to decrease your taxes. I don't think in the State that's ever going to happen. And if you do it's a little bit of

smoke and mirrors usually, you bottom out the budget one year and making people pay for it in the on suing years, and we saw that here before. It's a great community, is it perfect...probably not, we up here who shepherd this community would like to think it is I know I certainly would. But I would be foolish to think everything about it is perfect, it's not, neither are we or you for that matter, I hate to break that news to you. People like to tell the politicians they aren't perfect well there's one back but it's true and we say it tongue in cheek of course. But the bottom line is folks we are safe, well-educated vibrant community where people are dumping millions of dollars of their hard earned business money into this community. You know earlier on somebody said, I think it was Councilman O'Connor, that you know the town maybe would realize about a million dollars more if and when this Gypsum property gets up and going. Just remember one thing, two thirds of that money goes to your children's schooling, which means you are going to have the best equipment available and I take my hat off to this Board of Education who I've supported now for a better part of ten years who have kept taxes very, very low. When we use to see boards raise them two and three hundred dollars per year every year and cut programs and cut athletics. They haven't done that so I think it's a bright future and again I thank you for your support of the budget today. And John your hard work and to all of the department heads I'll look forward to working with you all this year on this budget.

Councilman Toal: Thank you Mr. President...boy this agenda has been a tough one with major change being decided by us tonight and one of the hardest things is and I say this every time it comes around every year when we do the budget, the hardest thing is voting on your hard earned money to make decisions on what you go out and earn and what you pay to stay in this town. And then for us just to come up nonchalantly but to work to make a frugal conservative and efficient budget that then is applied to make the town work. And it is one of the most difficult decisions for us just to go off and make a decision on your hard earned money. And it's done properly, it's done efficiently and it's done with a lot of thought. And it's the hardest decisions throughout our calendar year sitting as a council member doing that and you see the numbers and what the increases are and where the money is going. And I will be voting yes on this budget because it does get the things done that we need to do for the town, thank you Mr. President.

Council President O'Connor: As the Chairman of the Finance Committee I would just like to say thank you to Mr. Laezza as well as the Administration and everyone who supports and works with you.

Council President O'Connor directed roll call:

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

Council President O'Connor: And once again Councilwoman Albanese did let me know if she was here she would have voted yes in support this 100%, thank you.

Resolution 13-76

WHEREAS N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Clark has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.A.C. 5:30-7.6a and 7.6b and based upon the Chief Financial Officer’s certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Discussion: None

Council President O'Connor directed roll call:

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

Resolution 13-77

RESOLUTION SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Clark that it hereby urges the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Moved and seconded by the Entire Council

Discussion:

John Laezza: Council President, Members of Council and members of the public...this is a resolution for legislation that's been introduced in Trenton. In these hard economic times we have great many of them tax appeals on properties. And when the taxpayer wins and gets the property taxes reduced, the municipality takes the entire burden of the shortfall. So if you get your property taxes reduced a thousand dollars, that thousand dollars comes out of the municipality because state law says that the municipality must give to the county and must give to the school 100% of their property taxes that they adopted. But this legislation is trying to do is attempting to say that if a property tax payer does in fact win their appeals, then the distribution of the lesser taxes...the burden should be borne by both the school and the county in their proportionate share of that property tax reduction. So if the county is 26% of the budget and the school is 56% of the budget, they would bear that percentage of the reduction in property taxes rather than just the community bearing that burden in each way. And that's basically the legislation that we're trying to support.

Mayor Bonaccorso: We're hoping that the Senate and the Assembly would consider that. Myself and Councilman Hatch back in 1997 tried to have this passed in Trenton and it didn't go nowhere at the time, it's long, long overdue, thank you.

Council President O'Connor directed roll call:

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

CONSENT AGENDA RESOLUTIONS:

Resolution 13-78

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle Tax Appeal(s) authorized by the Union County Board of Taxation for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>X Rate</u>	<u>Refund</u>
60/68 (2010)	1010 Raritan Rd	\$32,859.36	\$28,7420.11	\$4117.25	5%	\$4913.24
60/68 (2011)	1010 Raritan Rd	\$33,912.07	\$29,662.92	\$4249.15	5%	\$4877.08
60/68 (2012)	1010 Raritan Rd	\$34,996.96	\$30,611.87	\$4385.08	5%	\$4813.84
Total Amount to be Refunded						\$14,604.16

Resolution 13-79

**RESOLUTION ADOPTING THE UNION COUNTY, NEW JERSEY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS Clark, NJ is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

WHEREAS a Multi-Jurisdictional Natural Hazard Mitigation Plan (the Plan) has been developed through the work of the Union County Hazard Mitigation Working Group and other interested parties within the County; and

WHEREAS the Plan recommends hazard mitigation actions that will help protect people and property affected by natural hazards occurring within Union County that will reduce future public, private, community and personal vulnerability and costs of disaster response and recovery, and that will reinforce the County’s leadership in emergency preparedness; and

WHEREAS the Disaster Mitigation Act of 2000 (PL 106-390) and associated Federal Regulations published under 44 CFR, Part 201 require participating communities within the County to formally adopt a hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for Federal funds for hazard mitigation projects and activities as they become available; and

WHEREAS PUBLIC MEETINGS HAVE BEEN HELD BY Union County to receive comment on the Plan as required by DMA 2000;

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

1. The Council of Clark, hereby adopts the Union County, New Jersey Multi-Jurisdictional Natural Hazard Mitigation Plan, dated 7/21/11, as this municipality’s official Hazard Mitigation Plan, and resolves to execute the mitigation actions in the Plan.
2. Township Officials identified in the Plan are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments and progress to the Union County Office of Emergency Management and to the Township Council.
3. The Union County Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the Township Council. This report shall be submitted to the Township Council by March 31st of each year.
4. The Clark Office of Emergency Management, or other designated officials, will undertake periodic updates of the Plan in concert with the Union County Office of Emergency Management as described in the Plan Maintenance Section, but no less frequently than every five years.

Resolution 13-80

WHEREAS the State of New Jersey has experienced a series of extreme weather events over the last two years, including but not limited to: Hurricane Irene, the October 2011 snowstorm, Superstorm Sandy and an accompanying Nor’easter; and

WHEREAS the Township of Clark was impacted by said extreme weather events in many ways, including power outages, loss of trees and other damages; and

WHEREAS said extreme weather events severely damaged PSE&G’s infrastructure, including but not limited to: flooded electrical substations due to storm surges, downed power lines and poles due to high winds and fallen trees, and the destruction of gas meters due to contact with water; and

WHEREAS the New Jersey Board of Public Utilities (BPU) issued an order on January 23, 2013 directing the State’s electric and gas utilities, including PSE&G, to implement certain recommendations in the areas of: “Preparedness efforts”, “Communications”, “Restoration and response”, “Post event”, and “Underlying infrastructure issues”; and

WHEREAS PSE&G submitted an infrastructure filing on February 20, 2013 entitled “Energy Strong”; and

WHEREAS “Energy Strong” proposes an investment of \$3.98B worth of infrastructure projects over a 10-year period to enhance PSE&G’s electrical and gas system, including but not

limited to: fortifying electrical stations, replacing and modernizing cast iron gas mains, deploying smart grid technologies, improving pole distribution systems, creating more redundancies, undergrounding of electricity lines, and protecting gas metering stations; and

WHEREAS Clark would benefit from the proposed investments in the “Energy Strong” filing,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby formally declares its support for PSE&G’s “Energy Strong” program.

Motion to adopt the Consent Agenda made by Councilman Mazzarella, seconded by Councilman Toal

Council President O’Connor directed roll call:
Aye: Barr, Kazanowski, Mazzarella, Smith, Toal, O’Connor

NEW BUSINESS ON THE CALENDAR: None

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

Doug Ritter, 40 Tudor Dr.: The Mayor mentioned that the income that would come from the Gypsum property would be two thirds if we go towards the school system, I was wondering before you said that...what would the monies, the extra taxes coming in...I know we are not going to see a tax reduction I don’t believe but what kind of things would that money be used for, other services and things.

Mayor Bonaccorso: Run the community like we did today...every year you have raises, every year you have increase in cost, every year you have development and road construction in the town that you want to do Mr. Ritter, it’s going to be more money to help offset those costs as we go forward.

Doug Ritter: I guess probably we’ll see a little bit for a year or two see a little bit less of an increase because your getting...

Mayor Bonaccorso: Well hopefully longer than that if it’s managed right.

Doug Ritter: Okay. The senior housing; can anyone tell me when that’s going to open up?

John Laezza: I just so happen to have some responses to that Mr. Ritter.

Doug Ritter: I have three questions for that, do you want them all at once?

John Laezza: Yes give me all the questions at once because then I can read you my speech.

Doug Ritter: I would like to know when they are opening up for business. How many buildings are going to be there? I was telling my wife there's going to be three buildings because that's what I remember seeing on the plans but she is saying where are they going to put them? And how do you get in contact with the owners to find out what's going on, what the pricing is going to be.

John Laezza: Well basically it's a long answer so you can sit down if you want unless you want some other questions, you can come back.

I just went over this myself this afternoon because it's been for the last three or four weeks we've had a mirage of people coming in once or twice a day dropping in each office saying they would like to sign up for the senior citizen housing and alike. It is a private development. It passed the Planning Board about 1 ½ years ago maybe 2 years ago. It took seven years to be put together. There will be four buildings. They will encompass about 329 units. The majority of those units I want to say 250 to 260 of those units will be market rate units. The market rate has not yet been determined, 66 of those units will be affordable housing. According to the Buildings; Building B is going up now and it should be done between November and December. Those are market rate buildings; he hasn't determined a price at this time. Building C will have 83 units going into it or 81 units going into it and that will probably be completed sometime in April 2014. Building A which is the affordable housing units will have 76 units in it and that will probably be completed sometime in April 2015. And subsequent to that Building D will be completed which will be market rate units. They are age-restricted housing, there's affordable housing in there. The private developer has not advised us as to the monthly rentals. He did say to me today that he believes the affordable units since most of them are one bedroom units will be in the range of \$700.00 to \$750.00 a month. Mr. Bill Caruso has a list of 1,000 Clark seniors who are interested in the project. Tomorrow I will be writing him a letter to ask him to send the township a list of those 1,000 Clark people that are interested. To get into an affordable housing unit you have to have certain income criteria. We will be sending the forms that must be filed by all those people to determine if they are qualified to be entering into either the market units, anyone can go into the market rate units. But at the onsite we had indicated to the developers we wanted the Clark residents to have first shot at those facilities. So we will be sending notices to those 1,000 owners on the list to see if they still live in Clark or if they are still alive. This now has been going on for seven to ten years and so we really don't know the validity of that list. When we send out the notifications, when we get the responses it will be first come first served at those who qualify. That list will then go back to the developer and will contact each of those persons. That's basically where we stand at this point.

Doug Ritter: That's in light of 1,000 residents of Clark moving from their homes to these apartments. There's going to be a lot of houses up for sale. Has anyone talked about that at all to see what that is going to do to the township and so forth?

John Laezza: It will keep the township alive and vibrant.

Doug Ritter: Okay moving on to another subject; FIOS...I remember at a previous meeting last year sometime the township apparently turned down FIOS coming into the town because of Channel 36 and maybe some other things.

John Laezza: We didn't turn them down; we told them to come into town they had to afford Channel 36 to the people to put their facilities in. They have not accommodated that. FIOS has put notices in the paper recently or in the blog or however they notify the public that they have 60 other towns that are seeking them and Clark is not one of their prime towns to come in.

Doug Ritter: Does competition do anything for the pricing of the internet access?

John Laezza: It's controlled by the BPU.

Doug Ritter: Okay...you voted earlier on the budget resolution to allow the budget be read by title. What does that mean "be read by title"?

John Laezza: That basically means that it was posted in all public places, it was properly advertised and it means we didn't have to read all the specific numbers on how we came to the property tax rate. Title is the budget, it was advertised and the people had opportunities, we have it on our website, we have the details on our website so anyone could look at it. I was expecting a visit from you in the last three weeks but you didn't show up.

Doug Ritter: Not yet...I figured you would be busy, I was thinking the summer might have been an easier time. Thank you very much.

Delia Collins, 72 Georgia St.: With the coming of the possible retail and commercial building at the site of Gypsum, I would like to get together with a council member or two regarding the possibility of banning pet stores in the town where they sell dogs and cats. So we don't have a problem like they do in other towns like Brick town where they had to have an ordinance so that certain shops in town had to be closed down due to the lack of care of the animals in pet stores. And there are certain communities in New Jersey that are considering this, and one has and that's Brick town and some other communities throughout the United States are now banning pet stores that sell animals from puppy mills and cat mills. It wouldn't be like you know the store that we have in town now because she has fish and hamsters and gerbils and things like that. This would be basically animals that are bred in horrible conditions in Missouri, Pennsylvania, and then trucked into New Jersey. And there are several...I have several ordinances in different parts of the United States and right here in New Jersey. As this development comes along I would like to see that happen in the Township of Clark, thank you.

Seeing no one else come forward Councilman Kazanowski made a motion to close the public portion of the meeting, seconded by Councilman Barr

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: No comments.

John Laezza: No comments.

Councilman Barr: I would just like to say that a lot of important decisions were made this evening and I can sincerely say that I am proud to be part of the Governing Body that passes these decisions.

Councilman Kazanowski: Yes I would like to mention that during deliberation for the Gypsum property and also the budget I have received many phone calls and questions about the two items and I have relayed those questions to the Administration, my questions have all been answered satisfactorily and that's why I supported both those items this evening.

Councilman Mazzarella: Just to the residents out there please don't forget to recycle; it is very important for our future and for our children's future. And until next month be safe thank you.

Councilman Smith: I'll make it short and sweet, on the Gypsum plant, the decisions and deliberations we've made is the right thing for Clark and the right for the citizens. So I'm proud that I support it and the rest of council as well as the Mayor and the Business Administrator. And thank you to the engineers for your hard work on that. And lastly again on the Clark Girls Softball and Clark Little League parade...it was a great day by the kids and we will meet with the Mayor and discuss the throwing of the candy for future parades. Next up will be the joint picnic on June 9th and I will give you more details as we get closer to that.

Councilman Toal: Thank you Mr. President...come out and support the kids if you have some time to stop at the Little League when they are in session or the Girls Softball, support the kids, it's their time, they are our future. So please if they are out doing a coin collection please help them out, it's a nice thing to do and you will feel good about it.

This is our town, it is your town, you elected us here and I do this speech all the time. Normally our meetings are buying a dump truck; this was a little bit more spending your money on good things to make the town operate and then of course working on change. We're here if you have any comments and thoughts, our job is to make a better Clark. I will be knocking on doors, so I will be visiting on Gertrude area in the coming days. Anything else just let us know, we're here for you, thank you very much Mr. President.

Rich O'Connor: No report Council President.

Police Chief Scherb: No report.

Attorney Triarsi: I report progress Mr. President.

Council President O'Connor: Okay I read my comments about the budget as well as the Gypsum property. I fully support it. But I do want to mention that the 5th Annual Waterson Dunn Valor Ride, the date has been set for Sunday, July 28th from 9 to 6 at the Deutscher Club and I will give

more information as the date gets closer. But again it's a great ride. I just took a ride out to Pittsburgh this weekend on my motorcycle, it was a beautiful weekend. I went down on Saturday and came back on Sunday, so again it's a great cause and it's a great ride and it is escorted. So with that I would like to say good night to everyone.

ADJOURNMENT:

A motion to adjourn meeting was made by Councilman Kazanowski, seconded by Councilman Barr.

Council President O'Connor directed roll call:

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

APPROVED

PATRICK O'CONNOR
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk