

**AGENDA  
SPECIAL COUNCIL MEETING  
430 WESTFIELD AVE., CLARK, NJ 07066  
June 1, 2020  
Municipal Building, Room 30, 7:30 pm**

**ROLL CALL:**

**Councilwoman Albanese** \_\_\_\_\_ **Councilman Mazzarella** \_\_\_\_\_  
**Councilman Barr** \_\_\_\_\_ **Councilman Smith** \_\_\_\_\_  
**Councilman Hund** \_\_\_\_\_ **Councilman Toal** \_\_\_\_\_  
**Council President O'Connor** \_\_\_\_\_

**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)

- 1. 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.**

**RESOLUTIONS:**

- 2. Ratifying the action taken by the Business Administrator to hire T Slack Environmental Services, under State Contract, to remove and remediate a fuel oil underground storage tank**
- 3. Authorization to Foreclose Certain Properties for Delinquent Taxes in the Township and authorizing the Tax Collector and/or Business Administrator to enter into a professional services contract with Keith Bonchi, Esq., to act as Special Counsel for this process**
- 4. Authorizing the Issuance of Duplicate Tax Sale Certificates Pursuant to N.J.S.A. 54:5-52.1**
- 5. Authorizing 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 help sustain our local businesses during the COVID-19 crisis**

**PUBLIC COMMENTS:**

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

**MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:**

**ADJOURNMENT:**

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TOWNSHIP OF CLARK

Ordinance No. 20-15

Adopted \_\_\_\_\_

Introduced: May 18, 2020 Public Hearing: June 1, 2020

**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.**

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

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to make a public improvement and to acquire new additional or replacement equipment and machinery in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment

appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Replacement of the gym floors in the Recreation Wing of the Municipal Building. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$400,000
Down Payment Appropriated	\$ 20,000
Bonds and Notes Authorized	\$380,000
Period of Usefulness	15 years

B. Acquisition of new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) fire hose, (ii) rescue tools, (iii) self-contained breathing apparatus equipment and (iv) personal protective equipment.

Appropriation and Estimated Cost	\$400,000
Down Payment Appropriated	\$ 20,000
Bonds and Notes Authorized	\$380,000
Period of Usefulness	5 years

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Aggregate Appropriation and Estimated Cost	\$800,000
Aggregate Down Payment Appropriated	\$ 40,000
Aggregate Amount of Bonds and Notes Authorized	\$760,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$40,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$40,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to the Local Bond Law.

Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the

Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of ten years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$760,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the

payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of

the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: June 25, 2020

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
 Township Clerk

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**PATRICK J. O'CONNOR**  
 Council President

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**SALVATORE BONACCORSO**  
 Mayor

Ord20/5-18 20-15 Bond-MultiPurpose800K

	Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
Albanese		✓						
Barr								
Hund								
Mazzarella								
Smith	✓							
Toal								
O' Connor								
Entire Council								
<b>TOTAL</b>								

TOWNSHIP OF CLARK  
 Resolution 20-71  
 June 1, 2020

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**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.

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 PATRICK J. O'CONNOR  
 Council President

Res20/6-1Exigency OilTankRemoval-315 WestfieldAve

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

3

**TOWNSHIP OF CLARK**  
Resolution 20-72  
June 1, 2020

**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

ATTEST:

APPROVED:

\_\_\_\_\_  
 EDITH L. MERKEL, RMC  
 Township Clerk

\_\_\_\_\_  
 PATRICK J. O'CONNOR  
 Council President

Res20/6-1 IN REM Foreclosure

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

4

**TOWNSHIP OF CLARK  
RESOLUTION NO. 20-73  
JUNE 1, 2020**

**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.

ATTEST:

APPROVED:

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EDITH L. MERKEL, RMC  
Township Clerk

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PATRICK J. O'CONNOR  
Council President

Res20/6-1AuthDuplicateTaxSalesCert

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

5

**TOWNSHIP OF CLARK  
Resolution 20-74  
June 1, 2020**

**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 and Township Engineer, 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.
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, 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.

ATTEST:

APPROVED:

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EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK J. O'CONNOR  
Council President

Res20/6-1 StateofEmergencyTempUsePermit

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