

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

ROLL CALL:

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

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act (N.J.S.A. 10:4-6) as adequate notice of this meeting has been provided by electronic advanced notice of at least 48 hours pursuant to N.J.S.A. 10:4-9.1, as permitted during a declared emergency, to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

INTRODUCTION OF PROPOSED ORDINANCE:

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

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

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as Block 58, Lots 4 And 5 on the Official Tax Map of the Township of Clark adopted on May 20, 2019, be and hereby is repealed, rescinded, vacated and deleted; and

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

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

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

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

Discussion:

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

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

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

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

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

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

Council President O’Connor: Perfect, thank you.

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

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

Councilwoman Albanese: Thank you.

No further discussion

Council President O’Connor directed roll call:

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

Public Hearing May 18th

RESOLUTIONS:

Resolution 20-61

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

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

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

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

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

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

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

Moved and seconded by the Entire Council

Discussion:

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

No further discussion

Council President O’Connor directed roll call:

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

Resolution 20-62

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

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

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

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

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

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

Discussion:

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

No further discussion

Council President O’Connor directed roll call:

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

Resolution 20-63

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

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

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

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

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

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

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

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

Moved by Councilman Mazzarella, seconded by Councilman Hund

Discussion:

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

No further discussion

Council President O’Connor directed roll call:

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

PUBLIC COMMENTS:

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

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

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

Council President O'Connor directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comments.

Councilwoman Albanese: no comments.

Councilman Barr: no comments.

Councilman Hund: no comments.

Councilman Mazzearella: no comments.

Councilman Smith: no comments.

Councilman Toal: no comments.

Council President O'Connor: no comments.

John Laezza: no comments.

Chief Matos: no comments.

Attorney Dugan: no comments.

Clerk: no comments.

ADJOURNMENT:

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

Council President O'Connor directed roll call:

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

APPROVED

PATRICK J. O'CONNOR
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Comments made during the Workshop Meeting held Subsequent to the Special Meeting

Mayor Bonaccorso: Yes, Mr. President thank you very much. Just for the record our Covid-19 results of the town are moving downward in a very, very nice manner I'm very happy to see. I didn't have any fresh numbers today since last Friday. Nancy has been overwhelmed and she's starting to get her head above water, so I'll probably have a number to report tomorrow to everyone. But the number has been moving down and last week at one time I think we're down to about 7 active cases. The nursing home is our biggest problem in town, as we all know historically throughout New Jersey and probably other States, nursing homes are always an area of infestation for virus, and infections, and it's always a battle for those poor people that are put into nursing homes well before this virus has hit. So, I look at that one way, and I look at our town in general in another way, and we are doing very, very well.

So, I would also like to inform the Council that I have to say that Nancy Raymond has done a job that is just next to unbelievable. She has worked seven days a week in most cases, in most weeks, and she's just doing a tremendous job for the community. Remember she's single handed and she doesn't even have a full-time secretary, so you know it's a lot of hours. She's even getting back out on inspections right now and I'm pleased to have worked with her. She really has been doing a great job.

Today we saw our Fire Department and Police Department in action as you know on a house fire on Jupiter. A fifty-five-year resident lost his home and his dog which was a shame. The resident is okay and seems to be doing well. He has been taken in by a family and I've known him for many, many years. I also would like to thank Cranford, Rahway, Linden and Union Fire Departments for being there, also, the Union County Fire Company and some of their different units. It was a bad fire, a very, very bad fire, to say the least.

We went through our spring lawn leaf cleanup. We are now going into the grass cleanup and branch pick up. Branches are put out the third week of the month, and are picked up the fourth week of the month. Bulky cleanup has been very, very heavy because everyone is home cleaning out their houses.

My Golf Outing is cancelled for this year. We just couldn't find a way to try to A; figure out if we could have one, and B; with the times the way they are, to ask people to donate and spend money to come and play golf is just a little bit overboard I think at this time, so I cancelled it.

Right now, I'm still planning for the July 4th Fireworks but we will see what happens as we go. The Memorial Day Parade has been cancelled due to the virus. I'm sure you all know, but again I'm saying this for the record, that school has now been cancelled for the rest of the year. The Board of Education is in session tonight and I'd like to see their ideas about graduation and trying to do something for the kids, you know it's day to day.

Our Governor is out there every day. I'm sure he is doing his best. It's a tough time everybody and I don't want knock anybody in this time but his Executive Orders are always full of loopholes and we don't know which way they are going. Last Friday, I was going to open up the playgrounds

and the basketball courts.... when he (Governor Murphy) opened the parks, he kept the playgrounds closed. I got called by Chief Matos on Saturday morning that somebody called into Crime Stoppers to say I was violating the Governor's order. The Chief was called by the Prosecutor's Office telling me to cease and assist on doing that, which I did. There was another article in this week's paper about Congressman Malinowski's paper asking for all the Mayors and Freeholders to sign, to put a Bill up to, I think, ask for two hundred and eighty million or billion dollars, I can't remember, to help local towns. I chose not to sign that letter due to the fact I believe it's completely political at this time. It's a political piece. My reasons are very simple, I never, for the record, refuse money, we never refused money. I refuse to sign a letter asking for money. Now, my feelings are very simple on this, we are in the end of the first quarter of our year. How do I, or John know at this time if we are having revenue shortfalls, and it's going to last throughout the year? I think this would have been more appropriate to ask us in the third quarter to find out how our revenue is, and what kind of shortfalls we may be having, and try to project our fourth quarter out, you know, running two years back, on an two-year average what it would be. And at that time if we were running for major revenue shortfalls, I would be more than glad to tell the Congressman, and also have him understand how much of the pie we would be looking for. But at the end of the first quarter guys, I've been in politics twenty-five years, this is nothing more than a political scheme to say, "look what I'm doing for you". That's my feelings about that and that's my report.

Councilwoman Albanese: I just want to thank all the employees for their hard work. As the Mayor pointed out, Nancy Raymond has gone above and beyond her normal duties because of what's required with what we are dealing with. I did want to ask the Mayor about the camps, is that a decision that being deferred at this point?

Mayor Bonaccorso: Right now, Councilwoman, camp and the swim pool is up in the air. We don't know if the Governor is going to allow it #1, #2 Ralph is sick over it, just let me tell you, Ralph is literally sick and he is just so upset by this, and so am I, and I'm sure you all are too. These are two great things we have in the community. How do you social distance first, second, third, fourth, fifth grade kids? None the less sixth, seventh and eighth graders too. Ralph did send out an email to the camp parents asking them if they would be interested in sending their child if it was opened. We had about, and I don't want to use the number because I did forget the number, we had some that said, "no, no matter what, we love the camp but we wouldn't send them this year." And then we had a few hundred more saying, "yes". But you know "yes" isn't the answer Angel. I don't know, Ralph is going to have to figure out how you can keep these kids separate. It's going to be very hard. Same thing up at the pool, the restrictions coming out for the pool are ridiculous at this point. You would have to take temperatures of everybody coming in the pool, social distancing, people would be fighting over the shaded area because you know you might get twenty people in the shaded area where now you can get about eighty. You would have to almost draw out with paint on the grass areas six-foot boxes so people could stay within their box. I don't know guys, it's going to be very, very difficult. The problem is that there might be no guest, there might not be this, or you can't do that, and you can't bring this, you have to bring your own chairs. It might get to the point where it's not worth it for the aggravation it's going to be. I don't mean aggravation for us, but for the pool members. It's not going to be a normal summer.

Councilwoman Albanese: This is a separate item regarding the State. They changed their year-end to September 30th right now because they don't know what their revenue is etc., etc. Just concerned about whether the State will be able to get the State Aid they need to send to us, our one million seven hundred and fifty-eight thousand. We're probably not going to know that until maybe September.

John Laezza: If we get any money it won't be until October.

Mayor Bonaccorso: Well, it depends when the Governor wants to open the State. (John Laezza: right.) You know my understanding is the man is cautious and I understand. When you are in decision of... in charge of people, you don't want to make a decision and hear the numbers spike and you know another five hundred just died, I get all that. But you also are dealing with a Governor who couldn't handle snow two winters ago, we didn't have any this year, that he was calling state of emergencies before snow even hit, closing schools, and the next day there wouldn't be any snow. Grossly salting and brining highways with no ice or snow on them. Because he got a beaten that November from everybody, and I don't think he can handle negative publicity. I think in opening the State he is going to be so, so cautious for his own reason at this point. I think it's going to get beyond him worrying about people, or worrying about the beaten he may or may not get if doesn't work right. Then we might see a real dark New Jersey. He might run this State right into bankruptcy. And you know they're looking to the White House to bail them out for their pension payments too. And I'm glad the President is standing strong with States that were a wreck before this happened, don't think we're coming in to bail them out, it's not our problem and he's right.

Councilwoman Albanese: Okay, the only last point I want to make tonight is I thank the employees. Just so the citizens know even though the doors are closed people are working, doing their jobs. Same thing for the Library, although the doors are closed there are resources available online at the Library, try to take advantage of it. Thank you.

Councilman Barr: Thank you Mr. President. Basically, I just want to say that as things supposedly easing with the virus. I have been speaking to a lot of the seniors and I try to keep telling them to remember that seniors are a much more susceptible to the virus, so be careful.

Councilman Hund: Thank you Mr. President. I just would want to say everyone in town to stay safe and healthy as possible. Thank you

Councilman Mazzarella: Thank you Council President. I just want to reach out to Mayor Sal to thank him for all your reports every day. I know I have mentioned it on Facebook but you know what, it makes a world of difference to people not knowing what's going on that we get a local report from you every day. Thank you for your reports, it is really nice of you to do that.

Mayor Bonaccorso: Frank thank you, but I also want to thank Nancy and Jennifer who put that report together every day also for the record.

Councilman Mazzarella: Absolutely, they are fantastic what they've been doing for our town and for our residents. With that everybody, stay safe, be well, and stay at home as much as you can, thank you.

Councilman Smith: Thank you Council President. I just want to thank the Mayor and the rest of Council for their condolences for my wife Susan's mother who passed away from, we believe, Covid-19, but she also had pneumonia on top of that. It is a sobering statistic from the nursing home she was in, on her floor 16 of 30 residents have passed away from Covid-19. So that is a little over 50%, so it is affecting the elderly much more than the younger generations. So, to the elderly please stay safe and keep social distancing. Thank you.

Councilman Toal: Thank you Council President. I received a phone call from my neighbor saying there's a house fire on Jupiter Street. I just want to bring up what Councilman Barr says at every meeting about thanking the firemen. I want to thank the firemen for what they did that day. The resident is okay, his family is okay, but the dog was lost and we are sorry for that. We have a great fire department and a great police department. Thank you.

John Laezza: Basically, I want to say one thing I forgot during the meeting. This is Public Works Week and if any public works department should get an accolade, it's ours. They've been right out there during this Covid-19, and they continue to do their job. So, I think we should basically, maybe Elizabeth you can put something in (Tap into Clark), to accommodate our public works department and recognize their strong efforts for the citizens of Clark. Thank you.

Police Chief Matos: I have no comments.

Attorney Dugan: No comment.

Township Clerk: No comments. Everybody, just stay safe.

Council President O'Connor: My final comments are that I've seen the police around town doing their job. I've passed by the tennis courts, as you all do, and I guess some people have thought it was okay to play tennis, and the police pull up they were very polite and very non-confrontational and advised them it was closed and the people left. They are doing a great job around town. Other than that, just stay safe. May is Motorcycle Safety Month, so I want to make sure everybody is aware, you know, "Look Twice Save a Life". I'm sure you've seen a lot more motorcycles on the road now more than ever, because less car traffic is always going to equal more motorcycle traffic because it is difficult to ride around this area with all the cars. So, it is an opportunity to get out on a bike, so just please be careful.