

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

ROLL CALL:

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

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the Star Ledger, Union County Local Source, and TAP into Clark, by posting such Meeting Agenda on the Bulletin Board in Town Hall reserved for such announcements as well as the Official Website of the Township, and the proper filing of said Notice. Formal action may be taken at this meeting.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCE:

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

Ordinance 20-15

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

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

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

Council Vice President Hund directed roll call:

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

Discussion:

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

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

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

RESOLUTIONS:

Resolution 20-71

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

WHEREAS such oil tank presented an environmental hazard which could affect the public health and welfare of the municipality; and

WHEREAS the Mayor of the Township of Clark declared an emergency to immediately remediate the problem which required the immediate delivery of services; and

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey in accord with the provisions of N.J.S.A. 40A:11-6 that it does hereby ratify the action taken by the Business Administrator to acquire the services necessary to remediate the emergency in compliance with the requirements of the aforesaid statute.

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion: explained the resolution.

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

Resolution 20-72

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

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

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

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

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

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

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

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

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

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

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

Moved by Councilman Smith, seconded by Councilwoman Albanese

Discussion:

John Laezza: explained the Resolution.

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

Resolution 20-73

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

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

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

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

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

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

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

Moved by Councilman Toal, seconded by Councilman Smith

Discussion: none

Council Vice President Hund directed roll call:

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

Resolution 20-74

State of Emergency Temporary Use Permit

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

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

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

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

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

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

PURPOSE.

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

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

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

GENERAL REGULATIONS

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

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

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

ADMINISTRATIVE TEMPORARY USE PERMIT.

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

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

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

Moved by Councilman Mazzarella, seconded by Councilman Barr

Discussion:

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

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

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

No further discussion.

Council Vice President Hund directed roll call:

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

PUBLIC COMMENTS:

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

Council Vice President Hund opened the public portion of the meeting

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

Council Vice President Hund directed roll call:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: no comment.

Councilwoman Albanese: no comment.

Councilman Barr: no comment.

Councilman Mazzarella: no comment.

Councilman Smith: no comment.

Councilman Toal: no comment.

Council Vice President Hund: no comment

John Laezza: no comment.

Attorney Dugan: no comment.

ADJOURNMENT:

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

Council Vice President Hund directed roll call:

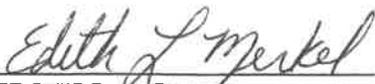
Aye: Albanese, Barr, Mazzarella, Smith, Toal, Hund

APPROVED



STEVEN M. HUND
Council Vice President

ATTEST:



EDITH L. MERKEL, RMC
Township Clerk

