

**AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
June 13, 2022
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____	Councilman O'Connor _____
Councilman Hund _____	Councilman Smith _____
Councilman Mazzarella _____	Councilman Toal _____
	Council President Minniti _____

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 Hawk, 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 ORDINANCES:

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

- 1. 22-06 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY ADOPTING THE RARITAN ROAD REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 60, LOTS 60.01, 61, 62 & 63 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**

INTRODUCTION OF PROPOSED ORDINANCES:

- 2. 22-07 AN ORDINANCE TO AMEND ARTICLE I, CHAPTER 145, SECTION 3 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "POLICE DEPARTMENT"**

RESOLUTIONS:

- 3. Ratifying the Rejection of all bids for the 2022 NJDOT Roads and Authorization to re-bid the project as the lowest bid substantially exceeded the cost estimates**
- 4. Authorizing the settlement regarding DiIorio vs. Township of Clark**
- 5. Authorizing the settlement regarding Paff vs. Township of Clark**
- 6. Authorizing the settlement regarding Rise Against Hate vs. Township of Clark**
- 7. Authorizing the Business Administrator to execute a contract on behalf of the Township, with the New Jersey Department of Community Affairs, Division of Housing and Community Resources Low Income Household Water Assistance Program**

PUBLIC COMMENTS:

Council President opens the meeting to the public: Each person addressing the Council shall give their 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:

TOWNSHIP OF CLARK
Ordinance No. 22-06
Adopted _____

PH 1

Introduced: May 16, 2022 Public Hearing: June 13, 2022

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK,
COUNTY OF UNION, NEW JERSEY ADOPTING THE RARITAN ROAD
REDEVELOPMENT PLAN FOR THE PROPERTY DESIGNATED AS BLOCK 60, LOTS
60.01, 61, 62 & 63 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CLARK**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6 of the LRHL the Municipal Council ("Township Council") of the Township of Clark (the "Township") directed the Township Planning Board on December 20, 2021 to conduct a preliminary investigation to determine whether the property designated as Block 60, Lots 60.01, 61, 62 & 63 on the official tax map of the Township (the "Proposed Redevelopment Area") (i) meet the criteria set forth in N.J.S.A. 40A:12A-5, or (ii) pursuant to N.J.S.A. 40A:12A-3 are necessary, with or without change in their condition, for the effective redevelopment of the proposed redevelopment area; and

WHEREAS, the Township of Clark Planning Board (the "Planning Board") at a public Planning Board hearing on March 15, 2022 reviewed the Redevelopment Study and Preliminary Investigation Report, dated March 4, 2022 (the "Preliminary Investigation") and testimony of the Township's planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the Proposed Redevelopment Area property satisfies the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as applicable, N.J.S.A. 40A:12A-3) to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board gave due notice of the proposed boundaries of the Proposed Redevelopment Area and the date of the hearing in accordance with the LRHL to any persons who are interested in or would be affected by a determination that the Proposed Redevelopment Area delineated in the notice is a redevelopment area; and

WHEREAS, at the hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Proposed Redevelopment Area is a non-condemnation redevelopment area. There were no objections to a determination that the Proposed Redevelopment Area is an area in need of redevelopment and evidence in support of those objections were received and considered by the Planning Board and made part of the public record; and

WHEREAS, the Planning Board found that the property designated as Block 60, Lots 60.01, 61, 62 & 63 were investigated and meets the statutory criteria for an area in need of redevelopment as outlined in the Preliminary Investigation; and

WHEREAS, after conducting its investigation, preparing a map of the Proposed Redevelopment Area, and completing a public hearing at which no objections to the designation were received and considered, the Planning Board moved to recommend to the Township Council that it should designate the property designated as Block 60, Lots 60.01, 61, 62 & 63 as a non-condemnation area in need of redevelopment; and

WHEREAS, on March 15, 2022, the Planning Board adopted a Resolution memorializing its decision to recommend that the Township Council designate the Proposed Redevelopment Area a non-condemnation area in need of redevelopment, which resolution was duly forwarded to Council; and

WHEREAS, on March 21, 2022 the Township Council, having reviewed the Preliminary Investigation and in consideration of the information presented to Township Council, together with the Planning Board's recommending Resolution, declared the Proposed Redevelopment Area as an area in need of redevelopment; and

WHEREAS, in order to stimulate redevelopment within on the Proposed Redevelopment Area the Township Council desires to adopt the redevelopment plan entitled "Raritan Road Redevelopment Plan," prepared by Shamrock Enterprises, Ltd. ("Redevelopment Plan"); and

WHEREAS, the Township Council finds that the Redevelopment Plan will diversify the use and development on the Proposed Redevelopment Area, which will stimulate greater interest in the redevelopment there; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Clark, County of Union, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7(e) the Township Council hereby accepts and approves the Redevelopment Plan; 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 are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

TOWNSHIP OF CLARK
Ordinance No. 22-07
Adopted _____

INTRO 2

Introduced: June 13, 2022 Public Hearing: July 5, 2022

**AN ORDINANCE TO AMEND ARTICLE I,
CHAPTER 145, SECTION 3
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "POLICE DEPARTMENT"**

WHEREAS, the Township Council wishes to change the fees payable for certain applications, permits and services.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the following changes be made to Article I, Chapter 145, Section 3 of the Code of the Township of Clark entitled "Police Department" be and hereby is supplemented, modified and amended to state as follows:

SECTION 1. Article I, Chapter 145, Section 3 of the Code of the Township of Clark, entitled "Police Department," be and hereby is supplemented, modified and amended to state as follows:

145-3 Police Department.

A. Firearms:

(1) Application for firearms ID card (in addition to all state and federal fees and requirements): \$25.

(2) Application for permit to carry handgun, each (in addition to all state and federal fees and requirements): \$25.

B. Escort service, per round trip: \$25.

C. Fingerprints: \$10.

D. Alarms: See § 70-5D and E.

E. Charges for outside police details undertaken by police.

(1) Traffic work not paid by Township; use of police vehicle.

(a) All requests for outside police details under this section shall give at least three hours' advance notice. Failure to provide such advance notice shall result in an increase of the hourly fee for such detail from \$80 per hour to \$90 per hour. The employing person or employing entity shall file a certificate attesting to the existence of worker's compensation coverage for all police officers so employed on outside police details.

(b) All traffic work not paid by the Township of Clark shall be at the rate of \$80 per hour, with a detail minimum of four hours, for jobs in excess of four hours, the officer will be compensated for no less than eight hours together with an administrative fee as per 145-3 E [4],

(c) After 8 hours the rate will increase to \$120 per hour or \$135 per hour if an officer is working on an emergency basis as per 145-3 E (1) (a), paid in thirty-minute increments together with an administrative fee as per 145-3 E [4].

(d) Use of a police vehicle (local use only) shall be fixed at \$108.00 for each assignment.

(2) Traffic work for Township vendors and all other indoor/outdoor details not requiring traffic control will be \$60 per hour for the first 8 hours, after 8 hours the rate will increase to \$90 per hour plus an administrative fee as per 145-3 E [4].

(a) Detail minimums:

(i) Funeral homes: 2 hours.

(ii) Board of Education: 3 hours.

(iii) All others: 4 hours.

(b) All requests for outside police details under this section shall give at least one hours' advance notice. Failure to provide such advance notice shall result in an increase of the hourly fee for such detail from \$60 per hour to \$70 per hour.

(3) Contractors/employers must provide at least two hours' notice in advance to cancel a detail. Officers shall be entitled to the detail minimum payment should this notice not be provided.

(4) In addition to the rates payable by said person(s) or entity(ies) for the police officers employed on outside police details and/or other costs set forth in this section, Clark Township, either directly or through a contracted vendor, shall collect an administrative fee to offset the administrative costs associated with the assignment of the Clark police officers. This administrative fee shall include: (i) a fee calculated at the rate of 24.2% of fees payable to Clark Township; and (ii) a fee calculated at the administrative rate imposed by any contracted vendor utilized by Clark Township for the scheduling or administration of assignment of the police officers employed on said outside police details.

(5) Future changes in fees shall be by resolution of the governing body.

SECTION 2. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 4. Effective Date - This ordinance shall take effect twenty (20) days following passage and publication as required by law.

Effective: July 27, 2022

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC,
 Township Clerk

JAMES MINNITI,
 Council President

SALVATORE BONACCORSO,
 Mayor

Ord22/6-13 22-07Ch145-3PoliceDepartment

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Albanese								
Hund								
Mazzarella								
O'Connor								
Smith								
Toal								
Minniti								
Entire Council								
TOTAL								

TOWNSHIP OF CLARK
Resolution 22-95
June 13, 2022

3

WHEREAS the Governing Body of the Township of Clark advertised and received four (4) bids for the 2022 NJDOT Road Improvements to Mildred Terrace and Brentwood Road on May 26, 2022 at 10:00 a.m.; and

WHEREAS the lowest bid substantially exceeds the cost estimates for the service (N.J.S.A. 40A:11-13.2(a)).

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby ratifies the action taken by the Business Administrator to reject the bids for the 2022 NJDOT Road Improvements and grant authorization to re-bid the project.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

JAMES MINNITI
Council President

Res22/6-13RejectRe-bid2022NJDOTRoads

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

TOWNSHIP OF CLARK
Resolution No. 22-96
June 13, 2022

4

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the settlement of certain pending litigation entitled Antoinette Dilorio v. Township of Clark, et al., bearing Civil Action No. 2:17-CV-00737-WJM-ESK, in consideration of payment to Plaintiff of the amount of \$325,000.00, be and hereby is approved, ratified and confirmed.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 JAMES MINNITI
 Council President

Res22/6-13SettlementDiloriovClark

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

TOWNSHIP OF CLARK
Resolution No. 22-97
June 13, 2022

5

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the settlement of certain pending litigation entitled Paff vs. Township of Clark, et al., bearing Docket No. UNN-L-001125-22, in consideration of the delivery to Plaintiff of an un-redacted copy of a certain Confidential Settlement Agreement and Release, dated January 29, 2020, among Antonio Manata, and Township of Clark, Salvatore Bonaccorso, John Laezza, Pedro Matos, Vincent Concina and Joseph Teston, and payment to Plaintiff or Plaintiff's counsel upon signed written instruction of Plaintiff, of the amount of \$2,000.00 in reimbursement of Plaintiff's counsel fees, costs and expenses, be and hereby is approved, ratified and confirmed.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 JAMES MINNITI
 Council President

Res22/6-13SettlementPaffvClark

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

TOWNSHIP OF CLARK
Resolution No. 22-98
June 13, 2022

6

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the settlement of certain pending litigation entitled Rise Against Hate vs. Township of Clark, et al., bearing Docket No. UNN-L-001099-22, in consideration of the delivery to Plaintiff of Complaint-Summonses (CDR-1s) from January 1, 2022 to January 31, 2022, and payment to Plaintiff or Plaintiff’s counsel upon signed written instruction of Plaintiff, of the amount of \$1,200.00 in reimbursement of Plaintiff’s counsel fees, costs and expenses, be and hereby is approved, ratified and confirmed.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 JAMES MINNITI
 Council President

Res22/6-13SettlementRiseAgainstHatevClark

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

TOWNSHIP OF CLARK
 Resolution 22-99
 June 13, 2022

7

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the Business Administrator to execute a contract for services between the New Jersey Department of Community Affairs, Division of Housing and Community Resources Low Income Household Water Assistance Program (LIHWAP) and the Township of Clark.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 JAMES MINNITI
 Council President

Res22/6-13AuthDCA-LIHWAP

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