

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
July 15, 2024  
7:30 pm**

**ROLL CALL:**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Hawk, Union County Local Source, and TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements, the Official Website of the Township and the proper filing of said Notice. Formal action may be taken at this meeting.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Reports given this evening will be available in the Clerk's office and on the township website [www.ourclark.com](http://www.ourclark.com)

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**INTRODUCTION OF PROPOSED ORDINANCES:**

1. **24-12 AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "VEHICLES AND TRAFFIC"**  
Public Hearing August 19

**PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through July 10, 2024 in the amount of \$409,295.14

**CITIZEN HEARING ON THE AGENDA:**

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 5 minutes in duration.

**The Public may speak on any agenda item that does not have its own public hearing**

## RESOLUTIONS:

2. Certifying to the Local Finance Board of the State of New Jersey that the members of the Governing Body have reviewed as a minimum, sections of the 2023 Annual Audit entitled General Comments and Recommendations
3. Authorizing the Township Planning Board to undertake a preliminary investigation to determine whether the proposed condemnation study area, which includes 52 and 56 Westfield Avenue, and Broadway near the intersection of Joseph Street, qualify as an area in need of Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5
4. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$8,669.16 for the Drunk Driving Enforcement Fund
5. Renewing the Professional Services contract with CGP&H as the Administrative Agent for the township's Affordable Housing Program in an amount not to exceed \$36,600.00
6. Joining the New Jersey Coastal Coalition which provides networking and shared resources to better prepare for flood events
7. Accepting the Total Comfort Agreement with Edison Heating and Cooling for maintenance services for the ductless split systems at the Police Department in the amount of \$1,292.00
8. Rescinding Resolution 24-106 which authorized the Tax Collector to prepare, and mail estimated tax bills which are no longer necessary
9. **Council as the ABC Board:** Approving the Person-to-Person Transfer of Liquor License #2002-44-008-007 held by BV Liquor LLC, trading as Rotondos to KRUPACLARK INC.
10. Authorizing participation in litigation to address the Constitutionality and/or Validity of New Jersey's Affordable Housing Mandates
11. Opposing New Jersey's Industrial Offshore Wind Project

## CONSENT AGENDA RESOLUTIONS:

12. Authorizing the Tax Collector to make the proper adjustments for 100% Property Tax Exemption of Block 5 Lot 11 in accordance with a directive from the U.S. Department of Veterans Affairs
13. Authorizing the issuance of a Duplicate Tax Sale Certificate for Block 59 Lot 6 pursuant to Chapter 99 of the Public Laws of 1997
14. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$1,240.98
15. Authorizing the Tax Collector to refund overpayment of taxes in the amount of \$2,681.00

## NEW BUSINESS ON THE CALENDAR:

### PUBLIC COMMENTS:

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 5 minutes in duration.

### MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

### ADJOURNMENT:

**TOWNSHIP OF CLARK**  
**Ordinance No. 24 - 12**  
**Adopted \_\_\_\_\_**

*Intro 1*

Introduced: July 15, 2024 Public Hearing: August 19, 2024

**AN ORDINANCE TO AMEND SECTION 33 OF CHAPTER 347  
OF THE CODE OF THE TOWNSHIP OF CLARK  
ENTITLED "VEHICLES AND TRAFFIC"**

**WHEREAS** the Township of Clark Police Department recommends the installation of "STOP" signs at three Harding Avenue intersections; and

**WHEREAS** the Governing Body of the Township of Clark desires, pursuant to N.J.S.A. 39:4-140, to follow the recommendations of the Township of Clark Police Department to promote the health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Clark that the following Section of Chapter 347 of the Code of the Township of Clark entitled "Vehicles and Traffic" is hereby amended in the following particulars:

**SECTION 1:** Article V entitled "Traffic Regulations" Section 347-33 entitled "Stop Intersections" is amended and supplemented so as to include the following:

<u>Intersection</u>	<u>"STOP" Sign on:</u>
Gloria Street and Harding Avenue	Gloria Street
Harold Avenue and Harding Avenue	Harold Avenue
Lionel Street and Harding Avenue	Lionel Street

**SECTION 2:** All other provisions of Section 347-33 remain in effect.

**SECTION 3:** **Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** **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 5:** **Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.



TOWNSHIP OF CLARK  
Resolution 24-111  
July 15, 2024

**WHEREAS** N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS** the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS** the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

- General Comments
- Recommendations

and

**WHEREAS** the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

- General Comments
- Recommendations

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS** all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S.52:27BB-52 - to wit:

R.S.52:27BB-52 - "A local officer or member of a local  
Governing Body who, after a date fixed for compliance,

fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Clark, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 ANGEL ALBANESE  
 Council President

Res24/7-15 111AuditReport2023GrpAff

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

State of New Jersey)  
 County of Union ) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the forgoing is a true and correct copy of Resolution 24-111, as approved at the Regular Meeting of the Township Council held on July 15, 2024.

\_\_\_\_\_  
 Edith L. Merkel, Township Clerk  
 Date: July 15, 2024

**AUTHORIZING THE TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED CONDEMNATION STUDY AREA, WHICH INCLUDES LOT 2.01 IN BLOCK 105 (A/K/A 52 WESTFIELD AVENUE), LOT 1.01 IN BLOCK 105 (A/K/A 56 WESTFIELD AVENUE) AND LOT 26.01 IN BLOCK 105 (A/K/A BROADWAY NEAR THE INTERSECTION OF JOSEPH STREET) QUALIFY AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

**WHEREAS**, the Township wishes to utilize the Planning Board's knowledge and expertise in exploring whether the parcels with frontage on Westfield Avenue and Broadway identified on the official tax map of the Township as Block 105, Lot 2.01 (a/k/a 52 Westfield Avenue), Block 105, Lot 1.01 (a/k/a 56 Westfield Avenue), and Block 105, Lot 26.01 (a/k/a Broadway near the intersection of Joseph Street) (collectively the "Condemnation Study Area") meet the criteria established by the Act; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Governing Body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Act, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, the Resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the use of eminent domain to acquire all or a portion of the Condemnation Study Area (hereinafter referred to as a "Condemnation Redevelopment Area"); and

**WHEREAS**, the Township Mayor and Council find it to be in the best interest of the Township and its residents to authorize the Township's Planning Board to undertake such preliminary investigation of the Condemnation Study Area, Block 105, Lot 2.01; Block 105, Lot 1.01 and Block 105, Lot 26.01, as a Condemnation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, as follows:

**I. INVESTIGATION OF STUDY AREA AUTHORIZED**

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether all or a portion of the Condemnation Study Area satisfies the criteria set forth in the Act, including N.J.S.A. 40A:12A-5, to be designated as a Condemnation Redevelopment Area.

**II. MAP TO BE PREPARED**

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed condemnation redevelopment area and the location of the various parcels contained therein.

### III. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Condemnation Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Condemnation Study Area is a Condemnation Redevelopment Area. At the hearing, the Planning Board shall hear from all people who are interested in or would be affected by a determination that all or a portion of the Condemnation Study Area is a Condemnation Redevelopment Area. All objections to a determination that all or a portion of the Condemnation Study Area is an area in need of condemnation redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

### IV. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Condemnation Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council in the form of a Resolution regarding whether the Township should designate the Condemnation Study Area as a Condemnation Redevelopment Area.

### V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

### VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L.2013, Chapter 159, the condemnation redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Condemnation Redevelopment Area, including acquiring all or a portion of the Condemnation Redevelopment Area by eminent domain; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Clark, the property owners within the Condemnation Study Area and those whose names and addresses are noted on the tax records as a person or persons claiming to have an interest in any parcel within the Condemnation Study Area.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Adopted by the Township Council on July 15, 2024.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 112FoodTown&CitizensBankPBAuthPrelimInv-CondemnationRedev

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

State of New Jersey)  
 County of Union ) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the forgoing is a true and correct copy of Resolution 24-112, as approved at the Regular Meeting of the Township Council held on July 15, 2024.

\_\_\_\_\_  
 Edith L. Merkel, Township Clerk  
 Date: July 15, 2024

TOWNSHIP OF CLARK  
Resolution 24-113  
July 15, 2024

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**WHEREAS** N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS** the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Municipal Council of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$8,669.16 which is now available from the State of New Jersey Drunk Driving Enforcement Fund in the amount of \$8,669.16; and

**BE IT FURTHER RESOLVED** that the like sum of \$8,669.16 is hereby appropriated under the caption Drunk Driving Enforcement Fund; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey in the amount of \$8,669.16.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 113Ch159DrunkDrivingEnforcementFund

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
Resolution 24-114  
July 15, 2024

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**WHEREAS** Chapter 66, Section 15B of the Code of the Township of Clark requires the designation by resolution of one or more Administrative Agents to administer newly constructed affordable housing and rehabilitation units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and the Uniform Housing Affordability Controls (UHAC) set forth in N.J.A.C. 5:80-26.1 et seq.; and

**WHEREAS** Community Grants, Planning & Housing (CGP&H), 1249 South River Road, Suite 301, Cranbury, New Jersey 08512 was awarded a Professional Services Contract to perform such services for the Township of Clark as hereinabove described as required by the Code and approved by the Court; and

**WHEREAS** the renewal agreement submitted by CGP&H meets the needs of the Township.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby awards a Professional Services contract to CGP&H as the Administrative Agent responsible for the administration of affordable units; and

**BE IT FURTHER RESOLVED** that the Business Administrator is hereby authorized and directed to enter into a contract with CGP&H for a one-year period beginning July 20, 2024 in an amount not to exceed \$36,600.00

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 114CGP&HContractRenewal-AffordableHousingAdminAgent

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
Resolution 24-115  
July 15, 2024

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**Resolution Township of Clark Participating in the New Jersey Coastal Coalition (NJCC)**

**WHEREAS** the New Jersey Coastal Coalition (NJCC) is a 501(c)3 non-profit organization, incorporated in the State of New Jersey, who formed as the Atlantic-Cape Coastal Coalition in 2013 as a result of Superstorm Sandy and changed their name in early 2018 reflecting their desire to include all coastal communities; and

**WHEREAS** the NJCC’s mission is to build more resilient communities at the Jersey Shore by developing policies and practices that will anticipate future concerns and to create solutions to be shared by all participants; and

**WHEREAS** participation in the NJCC will provide the Township of Clark with networking and shared resources opportunities which can better prepare the Township and its residents for future flood events; and

**WHEREAS** the Township of Clark has determined it is in the best interest of the Township and Union County to become a member of the NJCC.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby formalizes its desire to be an active participant in the New Jersey Coastal Coalition.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 115NJCoastalCoalition

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
 Resolution 24-116  
 July 15, 2024

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**BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it does hereby accept the Total Comfort Agreement with Edison Heating & Cooling for heating and cooling maintenance services for (4) Mitsubishi ductless split systems in the Clark Police Department in the amount of \$1,292.00 and authorizes the Business Administrator to execute the agreement effective for a one-year period from the date of acceptance.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 ANGEL ALBANESE  
 Council President

Res24/7-15 116AuthEdisonHeatingCoolingMaintAgrmt

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
Resolution 24-117  
July 15, 2024

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**WHEREAS** Resolution 24-106 adopted June 20, 2024 authorized the Clark Township Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72 due to the late adoption of the State Budget, and the subsequent delay in the Union County Board of Taxation’s ability to certify tax rates throughout Union County, resulting in the Tax Collector’s inability to mail the Township’s 2024 tax bills on a timely basis; and

**WHEREAS** the Division of Local Government Services has since prepared levy certifications for counties and municipalities that have adopted their budgets and made all required submissions to the Division; and

**WHEREAS** the Director of the Division of Local Government Services began releasing certifications to County Boards of Taxation on June 30, 2024, and said County Board has certified the tax levy, as required; and

**WHEREAS** the Tax Collector of the Township of Clark received the tax rate on July 10, 2024 permitting regular tax bills to be mailed within the proper statutory limits, with no need to extend the grace period.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Clark, in the County of Union and State of New Jersey that it hereby rescinds Resolution 24-106.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 117RescindRes24-106EstTaxBills

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O’Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
Resolution 24-118  
July 15, 2024

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**WHEREAS** an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 2002-44-008-007, heretofore issued to BV Liquors LLC for premises located at 1040 Lake Avenue, Clark, New Jersey 07066; and

**WHEREAS** the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term 2024-2025; and

**WHEREAS** the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS** the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Clark does hereby approve, effective July 15, 2024 the transfer of the aforesaid Plenary Retail Consumption License to KRUPACLARK INC. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to KRUPACLARK INC., effective July 15, 2024."

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 118ABCPersontoPersonTransferBVLiqtoKRUPA

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

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TOWNSHIP OF CLARK  
Resolution 24-119  
July 15, 2024

**RESOLUTION AUTHORIZING THE PARTICIPATION IN LITIGATION TO  
ADDRESS THE CONSTITUTIONALITY AND/OR VALIDITY OF NEW JERSEY'S  
AFFORDABLE HOUSING MANDATES**

**WHEREAS**, the Borough of Montvale (Bergen County) is coordinating litigation or potential litigation to review, challenge and/or declare unconstitutional certain mandates from the State of New Jersey concerning the obligations of municipalities relating to affordable housing; and

**WHEREAS**, affordable housing can be a benefit to every municipality within the State of New Jersey if such obligation is shared fairly and proportionately among all municipalities; and

**WHEREAS**, the Borough of Montvale is seeking additional municipalities to join in such litigation in order to promote the efficiency and effectiveness of same; and

**WHEREAS**, participation in such litigation would permit each municipality to benefit from any relief awarded by the Court; and

**WHEREAS**, the Borough of Montvale has provided a preliminary cost estimate for such litigation of Ten Thousand Dollars (\$10,000.00) for each year of 2024 and 2025 for an estimated commitment from each participating municipality of Twenty Thousand Dollars (\$20,000.00); and

**WHEREAS**, the public interest favors participation in such litigation;

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that the Mayor, is hereby authorized to join as a party the above referenced litigation and is hereby authorized to contribute \$10,000.00 in 2024 and another \$10,000.00 in 2025; and

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute such Agreements with Counsel to be selected by the Borough of Montvale so as to effectuate participation in such litigation, including but not limited to any Retainer Agreement, Confidentiality Agreement, or such other documents as may be necessary to effectuate participation in said litigation; and

**BE IT FURTHER RESOLVED**, that participation in such litigation shall not be deemed a rejection of any current obligation while such litigation is pending.

This Resolution was adopted by the Governing Body of the Township of Clark at a public meeting on July 15, 2024.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 ANGEL ALBANESE  
 Council President

Res24/7-15 119AffordableHousingParticipation

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

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TOWNSHIP OF CLARK  
Resolution 24-120  
July 15, 2024

**RESOLUTION OF THE TOWNSHIP OF CLARK VIGOROUSLY OPPOSING  
THE INDUSTRIAL OFFSHORE WIND PROJECT**

**WHEREAS**, Governor Phil Murphy continues to push for approval of two massive offshore wind turbine projects at the Jersey Shore (Atlantic Shore Offshore Wind and Offshore Wind 1, LLC) spanning more than 100,000 acres of undeveloped ocean adjacent to and which will be starkly visible from the public's beaches and coastline (collectively "Industrial Offshore Wind Project"); and

**WHEREAS**, New Jersey's Energy Master Plan is the result of only the governor's executive orders and not a policy debated, examined, approved

**WHEREAS**, the facts set forth as below establish that the proposed Industrial Offshore Wind Project on public property will industrialize the Atlantic Ocean and New Jersey Shore ("Shore") in exchange for extreme electricity rate hikes, significant damage to the environment and marine life, the degradation of the Shore, significant job loss, devastation of the State's fishing and tourism industries, millions in lost State tax revenue, and enormous financial cost to the State's residents.

1. The Industrial Offshore Wind Project turbines include up to 300 massive wind turbine structures, each as high as the Eiffel Tower (1,000ft+) and almost as wide as tall (900ft+). The closest turbine structures will be located approximately 8.5 miles from the coast and clearly visible to residents and tourists who live or travel to the Shore for the environment, unspoiled views, and way of life. The turbines will be among the largest, tallest, and closest-to-a-coastline ever built. In 2006-08, when the areas were designated for offshore wind energy, proposed tower heights were approximately 200 to 400 feet, and rotor diameters were under 328 feet. By analogy, when the plan was hatched essentially 300 single-family houses were to be built at the Shore and it is now a proposal for a cityscape comprised of 300 immense and imposing skyscrapers.

2. An independent analysis concludes that the cost of the Industrial Offshore Wind Project will exceed \$100 billion and raise electric customer rates by 55% for residential customers, 70% for commercial customers, and 85% for industrial customers. For context, in 2024 wholesale power purchase prices are roughly \$55 dollars per megawatt-hour, whereas the Board of Public Utilities recently approved contracts for offshore wind with a price of \$144 per megawatt-hour. In addition, the costs associated with transmission upgrades to distribute the electricity are forecast to increase progressively from \$1 per megawatt-hour to roughly \$40 per megawatt-hour by 2047.

3. Studies establish that the Industrial Offshore Wind Project will convert a pristine public natural and economic resource into a mammoth industrial eyesore in exchange for a catastrophic loss in tourism revenue, jobs, and property values, and, therefore, will be a significant economic burden imposed upon all State residents. A 2024 study prepared by Tourism Economics, an Oxford Economics Company ("Oxford Report"), establishes that the Offshore Wind Project will cause losses for the Long Beach Island municipalities of approximately 835,000 annual visitors, \$450.2 million in tourism spending, a total economic impact (loss) of \$668.2 million, and a total loss of State and local tax revenue of \$80.3 million. Studies further show at least 25% of beachgoers would switch beaches to avoid the visual blight caused by the Industrial

Offshore Wind Project. Moreover, as admitted by the federal government, the fishing industry will be diminished by the resultant navigational hazards, habitat conversion, fish aggregation, migration disturbances, and space-use conflicts.

4. Studies establish that the testing, construction, and operation of the Industrial Offshore Wind Project, though sold as green energy, has and will significantly damage the environment. There is little doubt it has and will continue to negatively impact the behavior of marine fish and mammals, including causing confusion, compelling them to swim ashore, and preventing them from diving and feeding (since the start of sonar surveying and seismic testing an unprecedented number of marine mammals have washed ashore and died). There is also no question it will cause significant environmental and wildlife damage onshore.

5. Studies support the conclusion that the Industrial Offshore Wind Project will not reduce global warming or CO2 emissions. In fact, Harvard University found that the installation of scores of wind turbines in concentrated areas will actually raise surface temperature, especially in the immediate area of the turbines. The Harvard researchers concluded, “[t]he direct climate impacts of wind power are instant, while the benefits of reduced emissions accumulate slowly. If your perspective is the next 10 years, wind power actually has – in some respects – more climate impact than coal or gas.” Further, the Oxford Report establishes that offshore wind energy production is the most expensive form of renewable energy produced on a large-scale.

6. The Industrial Offshore Wind Project fails to include any ongoing funding for the ultimate removal/decommissioning and/or replacement of the turbines, which means at the end of their useful life the companies could decline to remove them and either go out of business or file for bankruptcy. The State's residents, therefore, will likely be forced to either live with over 200 decaying Eiffel Towers in their ocean off their Shore or pay the costs associated with removing them.

7. The sole conclusion is that the Industrial Offshore Wind Project is designed to be funded by all State residents and businesses, significantly higher electricity rates and significant loss of jobs and tax revenue, will cause environmental and wildlife devastation, will irreparably damage the tourism, fishing industries, and overall State economy in the form of higher overhead energy costs, will not produce actual green energy, and the State's residents will be left to pay for the removal of or live with the massive, decaying turbines. Indeed, if it is built, the State's residents will trade their priceless and pristine natural and hard-earned economic resources for a significantly higher cost of living and significantly lower quality of life and environment, and, incredibly, without the purported green energy benefits.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, State of New Jersey, and in accordance with the foregoing Recitals, which are incorporated herein by reference, that the Township of Clark vigorously supports legitimate green and renewable energy projects, but vigorously opposes the non-green Industrial Offshore Wind Project due to its real and present threat to the health, environmental, and financial health, welfare, and safety of all State residents.

**BE IT FURTHER RESOLVED** that the Clark Governing Body will petition the leaders in the state legislature to put a halt to all work on offshore wind projects and will ask the legislative leaders to empanel a body of lawmakers, energy experts, environmentalists and electric generation experts, consumers, fisherman and other stakeholders to develop a practical, effective, long-term energy plan for New Jersey's future, and;

**BE IT FURTHER RESOLVED** that the Clark Governing Body is encouraging all other **municipal and county** elected officials to examine the financial and environmental impact of the governor's wind turbine plan and its impact on homeowners and businesses, and to call on the state legislature to put a halt to ALL offshore wind projects until such time as an energy panel, described above is formed and develops a practical, effective, long-term energy plan for New Jersey's future; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Assemblyman Kennedy and Assemblywoman Carter, Governor Murphy, and the New Jersey League of Municipalities.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 ANGEL ALBANESE  
 Council President

Res24/7-15 120OpposeWindProject

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

**CERTIFICATION**

I, Edith L. Merkel, Municipal Clerk for the Township of Clark, do hereby certify that the foregoing Resolution No. 24-120 was duly adopted by the Township Council at their regular meeting held on July 15, 2024.

\_\_\_\_\_  
 Edith L. Merkel, RMC  
 Municipal Clerk

TOWNSHIP OF CLARK  
Resolution 24-121  
July 15, 2024

CA  
12

**WHEREAS**, the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Eric Fuka to be 100% permanently disabled effective May 9, 2024, in accordance with N.J.S.A.54:4-3.30 et. seq.; and

**WHEREAS**, Eric Fuka owns one hundred percent of the property listed in the tax duplicate as 49 Limoli Lane, Clark, NJ, Block 5 Lot 11, and is entitled to one hundred percent of the taxes for this property exempt; and

**WHEREAS**, the total 2024 taxes on this property, for the 2<sup>nd</sup> quarter, were \$4,497.77, and Eric Fuka, being owner of the property is entitled to a one hundred percent exemption of the property taxes; and

**WHEREAS**, \$2,246.84 was billed for May 1, 2024 and should be canceled; and

**WHEREAS**, one hundred percent of the taxes on this property will be entitled to exemption for as long as Eric Fuka is owner of the property.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper adjustments to exempt this property as indicated above.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 121TaxExemptVeteranB5L11

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

CA  
 13

**RESOLUTION AUTHORIZING THE ISSUANCE OF A  
 DUPLICATE TAX SALE CERTIFICATE PURSUANT TO  
 CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

**WHEREAS**, the Tax Collector of this municipality has previously issued a tax sale certificate to WSFS AS CUST LVTLOPS/FIRSTTRUST which certificate is dated October 18, 2023 covering the premises commonly known and referred to as Lot 6 Block 59 as set out on the municipal tax map then in use which certificate bears number 23-00010; and

**WHEREAS**, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that the original certificate was lost in the mail. This lien has been redeemed and will need to be recorded and cancelled.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Municipality of Clark that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 ANGEL ALBANESE  
 Council President

Res24/7-15 122DuplicateTaxSaleCertificate

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

State of New Jersey)  
 County of Union ) ss.

I, Edith L. Merkel, Township Clerk of the Township of Clark, County of Union, State of New Jersey, DO HEREBY certify that the forgoing is a true and lawful copy of Resolution 24-120, as adopted at a Regular Meeting of the Township Council held on July 15, 2024.

\_\_\_\_\_  
 Edith L. Merkel, Township Clerk  
 Date: July 15, 2024

TOWNSHIP OF CLARK  
Resolution 24-123  
July 15, 2024

CA  
14

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2024 sewer fees; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make the refund(s) as per the following schedule.

Sewer Refund 2024							
REF		Acct #	Name	#	Address	Reason	Refund
24	24	3236-0	Document Destruction LLC	25	Broadway	refund overpayment	\$ 800.00
24	25	2884-0	Erin Kurek	64	Cornell Drive	refund overpayment	\$ 302.20
24	26	3143-0	Parisi, Peter & Rosemarie	10	Gloria Street	refund overpayment	\$ 138.78
						<b>Total Refunds</b>	<b>\$ 1,240.98</b>

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 123SewerRefunds

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK  
Resolution 24-124  
July 15, 2024

CA  
15

**WHEREAS** in accordance with a request from the Tax Collector for authorization to refund overpayment of 2024 taxes; the Mayor has recommended to Council that such authorization be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark, that the Tax Collector is hereby authorized and directed to make refund(s)/transfer(s) in accordance with the following schedule:

<b>CLARK TOWNSHIP</b>						
<b>TAX REFUNDS-2024</b>						
<b>BLOCK</b>	<b>LOT</b>	<b>QUAL.</b>	<b>NAME</b>	<b>#</b>	<b>ADDRESS</b>	<b>REFUND</b>
195	19		Khamdamov, Farrukh	60	James Avenue	\$ 2,681.00

ATTEST:

APPROVED:

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

\_\_\_\_\_  
ANGEL ALBANESE  
Council President

Res24/7-15 124TaxRefund(s)

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
Adopted	Mazzarella						
Adopted as Amended	Minniti						
Defeated	O'Connor						
Tabled	Smith						
Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						