

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
October 21, 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.

Suspend the Regular Order of Business

- Michael Cipriani to take the Oath of Office as a Police Officer
- Honoring Alan Reilley and Gary Wagner, commemorating their 50 years on the Clark Volunteer Emergency Squad

Resume the Regular Order of Business

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

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

1. 24-14 AN ORDINANCE TO AMEND ARTICLE V ENTITLED “TRAFFIC REGULATIONS” OF CHAPTER 347 ENTITLED “VEHICLES AND TRAFFIC,” OF THE CODE OF THE TOWNSHIP OF CLARK

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee has reviewed the Current and Capital expenditures received and encumbered through October 8, 2024 in the amount of \$301,518.76

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall give their name and the town in which they reside, 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. Appointing William Davitt as a member of the Clark Volunteer Fire Department
3. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$18,177.00 for the Childhood Lead Exposure Prevention Project Grant
4. Accepting a \$40,000.00 Grant from the National Fitness Campaign Grant Committee and Horizon Blue Cross Blue Shield of New Jersey, to promote and implement a free-to-the-public outdoor Fitness Court®
5. Council as the Board of Health authorizing the Health Officer to enter into a Memorandum of Agreement with Rutgers University for Comprehensive Tuberculosis Services for residents, in an amount not to exceed \$3,506.60
6. Authorizing and Directing the Mayor to execute a Memorandum of Understanding with the County of Union and HVI Services for Leaf Composting at the Union County Conservation Center in the amount of \$4.00 per cubic yard loose or \$6.00 compacted
7. Authorizing the Chief Financial Officer to cancel the remaining balance in the Municipal Alliance Grant in the amount of \$5,318.00 for the period July 2023 - June 2024

CONSENT AGENDA RESOLUTIONS:

8. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$420.00
9. Authorizing the Tax Collector to refund overpayment of taxes in the amount of \$21,561.71
10. Authorizing the Tax Collector to settle a tax appeal for Block 71 Lot 14.0101 as authorized by the Tax Court of New Jersey with credit issued in the amount of \$220,130.02

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall give their name and the town in which they reside, 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:

PH 1

TOWNSHIP OF CLARK

Ordinance No. 24 - 14

Adopted _____

Introduced: September 16, 2024 Public Hearing: October 21, 2024

**AN ORDINANCE TO AMEND
ARTICLE V ENTITLED "TRAFFIC REGULATIONS"
OF CHAPTER 347 ENTITLED "VEHICLES AND TRAFFIC,"
OF THE CODE OF THE TOWNSHIP OF CLARK**

WHEREAS, the Township's Planning Board has approved the development application of TKG-PRO-1 LLC for development and construction of a Starbucks coffeeshouse and restaurant with a drive-through ordering window; and

WHEREAS, vehicular traffic congestion is plaguing many local communities, the Township included, and vehicular obstruction of commercial driveways is one of the causes of traffic gridlock, effectively preventing ingress to and egress from such traffic to move, which is anticipated for the driveway for the drive-through ordering window for the Development; and

WHEREAS, when vehicular traffic obstructs such driveways and ingress and egress, hazardous conditions are created; and

WHEREAS, N. J. S. A. 39: 4-67 prohibits an owner or driver of a vehicle or street car from, *inter alia*, occupying a street so as to interfere with or interrupt the passage of other street cars or vehicles; and

WHEREAS, "blocking the box" is the nomenclature given when vehicles enter, *inter alia*, a street so as to interfere with or interrupt the passage of other street cars or vehicles as set forth in N. J. S. A. 39: 4-67; and

WHEREAS, the Township Council believes that in order to ensure proper traffic movement and to increase safety for pedestrians and motorists alike, interference with or interruption of the passage of other street cars or vehicles must be prevented and rendered as safe as is technically possible; and

WHEREAS, the Township Council now desires to amend Chapter 347 in order to create a new Section 47 which would establish a penalty for drivers who obstruct the driveways located at, and ingress to and egress from in front of properties on and adjacent

to Central Avenue in the westbound direction commonly known as 152 Central Avenue, being Block 71, Lot 2 on the Township's Municipal Tax Map and commonly known as 136 Central Avenue being Block 71, Lot 3 on the Township's Municipal Tax Map (such properties are called the "Properties," and the portion of Central Avenue heading westbound in front of the Properties is called the "No Obstruction Box").

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Township of Clark that Article V entitled "Traffic Regulations" of Chapter 347 entitled "Vehicles and Traffic" of the Code of the Township of Clark be and hereby is amended by adding a new Section 47 stating as follows:

SECTION 1: Article V entitled "Traffic Regulations" of Chapter 347 entitled "Vehicles and Traffic" of the Code of the Township of Clark be and hereby is supplemented, amended and modified by adding a new Section 47 stating as follows:

- a. No driver shall enter the No Obstruction Box in front of the Properties on and adjacent to Central Avenue in the westbound direction commonly known as 152 Central Avenue, being Block 71, Lot 2 on the Township's Municipal Tax Map and commonly known as 136 Central Avenue being Block 71, Lot 3 on the Township's Municipal Tax Map unless there is sufficient space on the other side of the No Obstruction Box to accommodate the vehicle that such driver is operating without obstructing the ingress to or egress from the driveways on the Properties.
- b. The No Obstruction Box shall be designated as a "Don't Block the Box" area pursuant to N. J. S. A. 39: 4-67 and appropriate striping and signage shall be provided.
- c. This Section is consistent with and amplifies N. J. S. A. 39: 4-67, by authorizing appropriate striping and the installation of signage to be designed for this purpose and erected at the No Obstruction Box.

SECTION 2: No Left Turn. Section 36 entitled "Turn prohibitions" of Article V entitled "Traffic Regulations" of Chapter 347 entitled "Vehicles and Traffic" of the Code of the Township of Clark be and hereby is supplemented, amended and modified by adding that "No person shall make a left turn from Central Avenue in the westbound direction into the driveway for 1076-1085 Central Avenue (Block 69, Lot 18.01) or onto Central Avenue from the driveway at 1076-1085 Central Avenue (Block 69, Lot 18.01). Appropriate signage shall be provided."

SECTION 3: Savings Clause. All other provisions of Chapter 347 of the Code of the Township of Clark remain in effect.

SECTION 4: Inconsistent Ordinances: Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance be and hereby are repealed to the extent of such inconsistency.

SECTION 5: 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 6: Effective Date: Upon adoption and publication by the Township Council and the Union County Board of County Commissioners of the County of Union, according to law, this Ordinance shall take effect.

Effective Date: November 13, 2024

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

ANGEL ALBANESE
 Council President

SALVATORE BONACCORSO
 Mayor

Ord24/9-16 24-14Ch347Sec36NoLeftSec47Striping&Box

		Motion to Introduce	Second	Motion to Adopt	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 24-153
 October 21, 2024

2

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that William Davitt is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 21st day of October 2024.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res24/10-21 153AppointFireFighter-Davitt

			Motion	Second	Aye	Nay	Abstain	Absent
		Hund						
<input type="checkbox"/>	Adopted	Mazzarella						
<input type="checkbox"/>	Adopted as Amended	Minniti						
<input type="checkbox"/>	Defeated	O'Connor						
<input type="checkbox"/>	Tabled	Smith						
<input type="checkbox"/>	Withdrawn	Toal						
		Albanese						
		Entire Council						
		TOTAL						

TOWNSHIP OF CLARK
Resolution 24-154
October 21, 2024

3

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 or 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 \$18,177.00 which is now available from the State of New Jersey, Childhood Lead Exposure Prevention Project Grant in the amount of \$18,177.00; and

BE IT FURTHER RESOLVED that the like sum of \$18,177.00 is hereby appropriated under the caption Childhood Lead Exposure Prevention Project Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey in the amount of \$18,177.00.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 154Ch159ChildLeadExpPreventionGrant

		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 NEW JERSEY

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430 Westfield Avenue
Clark, New Jersey 07066-1704
Tel: (732) 388-3600
Fax: (732) 388-3839
www.ourclark.com

TOWNSHIP OF CLARK
Resolution 24 - 155
October 21, 2024

**RESOLUTION TO ADOPT AND ALLOCATE FUNDS FOR AN OUTDOOR
FITNESS COURT® AS PART OF THE 2025 NATIONAL FITNESS CAMPAIGN**

At a meeting of the Governing Body held on October 21, 2024 wherein the following action was taken:

WHEREAS, the Township of Clark has submitted a Grant Application to National Fitness Campaign (NFC) for participation in their 2025 initiative to install and activate outdoor Fitness Courts® in 200 cities and schools across the country, and;

WHEREAS, Horizon Blue Cross Blue Shield of New Jersey has partnered with NFC to make grant funding available toward the activation of Fitness Courts® in the state of New Jersey, and;

WHEREAS, the Township of Clark will accept a conditional \$40,000.00 Grant from the NFC Grant Committee and Horizon Blue Cross Blue Shield of New Jersey, and intends to provide a local match in the amount of \$130,000.00 after appropriate procurement processes are completed to promote and implement a free-to-the-public outdoor Fitness Court®, and;

WHEREAS, the Township of Clark will intend to complete construction of the outdoor Fitness Court® by the end of the 2025 calendar year pending weather and/or construction timelines, and;

WHEREAS, the Governing Body believes the outdoor Fitness Court® is an important wellness ecosystem that supports healthier communities, commits to funding to participate in NFC's 2025 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body will collaborate with NFC to implement the outdoor Fitness Court® and make fitness free to community residents and visitors.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council President

Res24/10-21 155Nat'IFitnessCampaign(NFC)Grant

			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 24-156
October 21, 2024

5

BE IT RESOLVED by the Township Council as the Board of Health of the Township of Clark, County of Union, New Jersey that it hereby authorizes the Health Officer to execute a Memorandum of Agreement with Rutgers, the State University of New Jersey, on behalf of its New Jersey Medical School, Global Tuberculosis Institute, an incorporated constituent unit within the Rutgers Biomedical and Health Sciences organizational unit (Rutgers, NJMS, GTI and RBHS collectively “University”) enabling the Township to receive diagnosis, treatment, monitoring, nurse case management and filed services for residents of Clark with confirmed or suspected tuberculosis disease, effective retroactively from January 1, 2024 to December 31, 2024.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 156Auth2024MOAforTBservicesRutgers

		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 24-157
October 21, 2024

6

WHEREAS the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Memorandum of Understanding and a Hold Harmless Agreement with the County of Union, HVI Services LLC and Vollers Excavating and Construction Inc. for leaf composting at the Union County Conservation Center for 2024-2025; and

WHEREAS leaf composting at the Union County Facility is charged at the rate of \$4.00 per cubic yard loose or \$6.00 per cubic yard compacted; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2024 and 2025 Municipal Budgets, Account Number 26-306-223.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 157UCLeafCompostingAgreement

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
<input type="checkbox"/> Adopted	Mazzarella						
<input type="checkbox"/> Adopted as Amended	Minniti						
<input type="checkbox"/> Defeated	O'Connor						
<input type="checkbox"/> Tabled	Smith						
<input type="checkbox"/> Withdrawn	Toal						
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Resolution 24-158
October 21, 2024

7

WHEREAS the Township of Clark received a Municipal Alliance Grant from the County of Union for the period July 2023 – June 2024; and

WHEREAS the program was completed for less than the projected amount; and

WHEREAS a balance remains on the books and records of the Township in the amount of \$5,318.00; and

WHEREAS the Chief Financial Officer has requested that the remaining grant balance in the amount of \$5,318.00 be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the balance remaining in the 2023 – 2024 Municipal Alliance Grant in the amount of \$5,318.00 is hereby cancelled.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 158CancelBalance-MunAllianceGrant

		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 24-159
October 21, 2024

CA8

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.

CLARK TOWNSHIP			Sewer Refunds 2024				
REF		Acct #	Name	#	Address	Reason	Refund
24	30R	1016-0	Sette, Gene J	1148	Lake Avenue	overpayment	\$ 140.00
24	31R	1518-0	Larsen, Mary	17	Bryon Pl	overpayment	\$ 140.00
24	32R	2364-0	Savarese, Laureen	4	Sheffield Way	overpayment	<u>\$ 140.00</u>
					Total Refunds		\$ 420.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 159SewerRefund(s)

		Motion	Second	Aye	Nay	Abstain	Absent
	Hund						
<input type="checkbox"/>	Adopted	Mazzarella					
<input type="checkbox"/>	Adopted as Amended	Minniti					
<input type="checkbox"/>	Defeated	O'Connor					
<input type="checkbox"/>	Tabled	Smith					
<input type="checkbox"/>	Withdrawn	Toal					
	Albanese						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK

Resolution 24-160

October 21, 2024

CA 9

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:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	refunds
31.02	8		Tamagini, Leonard	32	Meadow Road	\$ 570.70
81	26		Malfatto, Brenda	35	Prescott Turn	\$ 2,054.32
33.1	2		Perentin, Michael & Daniella	19	Chestnut Street	\$ 3,546.89
5	11		Cantone, Catherine & Fuka, Eric	49	Limoli Lane	\$ 4,633.88
90	18		Sourimto, Aliaksandr & Natallia	65	Washington Street	\$ 2,513.27
189	22		Scharf, Mordechai	531	Valley Road	\$ 2,132.97
5	15		Mattinson, Alyssa	27	Limoli Lane	\$ 3,959.21
147	16		1419 Raritan Road Clark T6-LLC	1419	Raritan Road	\$ 2,150.47
Total Refunds						\$ 21,561.71

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 160TaxRefund(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					

TOWNSHIP OF CLARK
Resolution 24-161
October 21, 2024

CA 10

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Tax Court of New Jersey for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>Year</u>
71/14.0101	76 Central Avenue	\$5,647,500.00	\$4,473,600.00	\$1,173,900.00	2020
71/14.0101	76 Central Avenue	\$5,647,500.00	\$4,326,100.00	\$1,321,400.00	2021

BE IT FURTHER RESOLVED, that a credit be issued in the amount of \$220,130.02; Credits will be applied as such: \$75,998.03 to the 4th Quarter 2024, \$74,881.91 to the 1st Quarter 2025 and \$69,250.08 to the 2nd Quarter 2025.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council President

Res24/10-21 161TaxAppealB71L14.0101

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