

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
February 3, 2025
7:30 pm

ROLL CALL:

Council Member Hund _____ **Council Member O'Connor** _____
Council Member Mazzarella _____ **Council Member Toal** _____
Council Member Minniti _____ **Council President Smith** _____

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.

Private Session:

1. Executive Resolution to go into Private Session to conduct interviews with the candidates selected by the Clark Republican Committee; Jessica Hoff, Marc Hayden, and Christine Atanasio to fill the unexpired term of Angel Albanese to serve as Council Member At-Large until the November 4, 2025 election, when a permanent replacement is elected to fill the remainder of the unexpired term
2. Appointment of Council Member At-Large to serve until the November 4, 2025 election, when a permanent replacement to fill the remainder of the unexpired term is elected by the voters

ORDINANCES, APPROPRIATIONS AND CLAIMS:

INTRODUCTION OF PROPOSED ORDINANCES:

3. **25-04 AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A TAX EXEMPTION PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW FOR 27-29 WESTFIELD AVENUE, LLC FOR THE CONSTRUCTION OF A RESIDENTIAL PROJECT LOCATED AT BLOCK 91, LOTS 8.01, 10.01 AND 36 ON WESTFIELD AVENUE AND WASHINGTON STREET**

Public Hearing February 18, 2025, 315 Westfield Ave.

RESOLUTIONS:

4. Authorizing the Mayor or Business Administrator and Township Clerk to execute a Redevelopment Agreement with 27-29 Westfield Avenue, LLC for the tract of land situated at Block 91, Lots 8.01, 10.01 and 36 on Westfield Avenue and Washington Street
5. Award of a Non-Fair and Open Contract for the Appointment of Special Counsel, in connection with Affordable Housing requirements and authorizing the Mayor to enter into a contract with Surenian, Edwards, Buzak & Nolan LLC
6. Authorizing the Mayor and/or Business Administrator to execute a grant agreement to obtain the Preserve New Jersey Historic Preservation Fund Grant administered by the New Jersey Historic Trust

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:

TOWNSHIP OF CLARK
 Resolution 25-55
 February 3, 2025



EXECUTIVE RESOLUTION

WHEREAS Section three (3) of the Open Public Meetings Act, Chapter 231, P. L. 1975 permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS this public body is of the opinion that circumstances presently exist; and

WHEREAS the Mayor and Council wish to interview the nominees; Jessica Hoff, Marc Hayden, and Christine Atanasio, to fill the vacated At-Large Council seat in private session pursuant to NJS 10:4-12(b)(8); and

WHEREAS NJS 10:4-12 (b) 8 provides that all personnel matters, which includes any matter involving employment, appointment, termination, terms and conditions of employment, evaluation of performance, promotion, or discipline of any specific prospective or current public officer or employee may be discussed in closed session.

NOW, THEREFORE BE IT RESOLVED that the public be excluded from the meeting; and

BE IT FURTHER RESOLVED that the subject matter of this meeting will be released when the reasons for discussion and action on it in closed session no longer exist.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/2-3 55ExecutiveResolution-CouncilMemberAt-Largenominees

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

TOWNSHIP OF CLARK
Resolution 25-56
February 3, 2025

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WHEREAS a vacancy has occurred on Council due to the appointment of Angel Albanese as Mayor, by Resolution 25-40 on January 21, 2025; and

WHEREAS N.J.S.A. 40A:16-11 requires the Governing Body to fill the vacancy for the unexpired term within 30 days of the date of the occurrence; and

WHEREAS the Republican Committee has submitted the names of three prospective candidates, Jessica Hoff, Marc Hayden, and Christine Atanasio for the office within 15 days as required by State Statute; and

WHEREAS the Governing Body interviewed each of the candidates and discussed their qualifications.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby appoints _____ effective this 3rd day of February, 2025 to serve as At-Large Council Member until the November 4, 2025 election, when a permanent replacement to fill the remainder of the unexpired term is elected by the registered voters in Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/2-3 56Appointmenttofillvacancy-At-LargeCouncilSeat

		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	Toal						
<input type="checkbox"/> Withdrawn	Smith						
	Entire Council						
	TOTAL						

TOWNSHIP OF CLARK
Ordinance No. 25 - 04
Adopted _____

INTRO 3

Introduced: February 3, 2025 Public Hearing: February 18, 2025

**AN ORDINANCE OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, APPROVING
THE APPLICATION AND FINANCIAL AGREEMENT FOR A TAX EXEMPTION
PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW FOR
27-29 WESTFIELD AVENUE, LLC FOR THE CONSTRUCTION OF A RESIDENTIAL
PROJECT LOCATED AT BLOCK 91, LOTS 8.01, 10.01 AND 36 ON
WESTFIELD AVENUE AND WASHINGTON STREET**

WHEREAS, by Resolution No. 22-143 adopted on October 17, 2022, the Township Council of the Township of Clark (the “Council”) designated property (the “Property”) located at Block 91, Lots 8.01, 10.01 and 36, as shown on the Tax Map of the Township of Clark as “an area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, pursuant to Ordinance No. 23-10 dated March 20, 2023, the Township Council adopted a redevelopment plan (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, 27-29 Westfield Avenue, LLC is the conditionally designated redeveloper of the Redevelopment Area, and shall enter into a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and

WHEREAS, 27-29 Westfield Avenue, LLC intends to redevelop the Property by (i) a four-story mixed residential and retail/restaurant space along with a covered parking structure totaling approximately 25,726 square feet of gross building area and associated site improvements, which Project Improvements are to be constructed by the Redeveloper and leased to unrelated third-party users pursuant to Occupancy Agreements, the residential component of which shall include, but not be limited to, very low (13%), low (37%) and moderate (50%) income distribution requirements, pricing requirements, integration of affordable units, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements and (ii) other amenities and related site improvements in the Redevelopment Area (collectively, the “Project”); and

WHEREAS, the Council has determined that the Project will qualify for a tax exemption under the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTEL”); and

WHEREAS, in accordance with the LTTEL, 27-29 Westfield Avenue, LLC has filed with the Mayor of the Township an application for approval of a long-term tax exemption (the “Long Term Tax Exemption”) for the Project, which is incorporated herein by reference (the “Application”) to be executed by and between 27-29 Westfield Avenue, LLC and the Council; and

WHEREAS, the Mayor submitted the Application to the Council with her recommendation for approval; and

WHEREAS, 27-29 Westfield Avenue, LLC also submitted to the Mayor (as part of the Application) a form of financial agreement (the “Financial Agreement”), to be executed by the Township and 27-29 Westfield Avenue, LLC establishing the rights, responsibilities and obligations of 27-29 Westfield Avenue, LLC in accordance with the LTTEL; and

WHEREAS, the Council makes the following findings in accordance with N.J.S.A. 40A:20-11.a and N.J.S.A. 40:20-11.b regarding the relative benefits and costs of granting the tax abatement for the Project, and the importance of the tax abatement in realizing the development of the Project:

The Township finds that the Long-Term Tax Exemption granted pursuant to the Financial Agreement will benefit the Township and the community by assuring the success of the redevelopment of the Property, which has exhibited the statutorily recognized redevelopment criteria for years. The benefits of granting the Long-Term Tax Exemption will substantially outweigh the costs, if any, associated with the Long-Term Tax Exemption. The Long-Term Tax Exemption is important to the Township, 27-29 Westfield Avenue, LLC and the proposed tenants because without the incentive of the Long-Term Tax Exemption, it is unlikely that the Project, which will address a portion of the Township’s affordable housing obligation, would be undertaken. The high costs associated with the development and construction of the Project and the real estate taxes that would otherwise be levied upon the Project would operate as a disincentive to the redevelopment of the Property, and would therefore frustrate the goals and objectives of the Redevelopment Plan and would make the Project materially less competitive in the marketplace.

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

1. The Mayor and Township Clerk are hereby authorized to execute the Financial Agreement with 27-29 Westfield Avenue, LLC subject to minor modification or revision, as deemed necessary and appropriate after consultation with Counsel.

2. An executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Township Clerk.

3. Within ten (10) calendar days following the later of (i) the effective date of this Ordinance following its final adoption by the Township Council approving the tax exemption or (ii) the execution of the Financial Agreement by 27-29 Westfield Avenue, LLC the Township Clerk shall file certified copies of this Ordinance and the Financial Agreement with the Tax Assessor of the Township and the Chief Financial Officer of Union County and to Union County Counsel, in accordance with N.J.S.A. 40A:20-12.

4. The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents on behalf of the Township as is necessary to effectuate the terms of the Financial Agreement, as deemed advisable by the Township Attorney or Redevelopment Counsel.

5. This Ordinance shall take effect upon adoption and publication according to law.

Effective Date: March 12, 2025

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

ANGEL ALBANESE
Mayor

Ord25/2-3 25-04 Auth Financial Agrmt-27-29 Westfield Avenue LLC

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

TOWNSHIP OF CLARK
 Resolution 25-57
 February 3, 2025

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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 hereby authorizes the Mayor or Business Administrator and Township Clerk to execute a Redevelopment Agreement with 27-29 Westfield Avenue, LLC., having its principal office located at 148 Mc Farlane Road, Colonia, New Jersey 07067, for the tract of land identified as Block 91, Lots 8.01, 10.01 and 36, situated on Westfield Avenue and Washington Street, Clark, New Jersey 07066, subject to minor modification or revision, as deemed necessary and appropriate after consultation with Counsel.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 WILLIAM F. SMITH
 Council President

Res25/2-3 57AuthRedevAgrmt-27-29WestfieldAvenueLLC

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

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RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE APPOINTMENT OF SPECIAL COUNSEL

WHEREAS, the Township of Clark has a need to employ Special Counsel pursuant to Section 3-27(c) of the Township of Clark Municipal Code as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition will not exceed \$44,000; and,

WHEREAS, the anticipated term of this contract is one (1) year and may be extended two (2) times for the like one (1) year term as approved by the Township of Clark Governing Body; and

WHEREAS, Surenian, Edwards, Buzak & Nolan LLC will provide legal services as Special Counsel, for legal services in conjunction with securing a “compliance certification” in accordance with the procedures established by the New Jersey Fair Housing Act as amended, for the legal fee of \$250.00 per hour; and

WHEREAS, Surenian, Edwards, Buzak & Nolan LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to any political or candidate committee for any members of the Governing Body for the Township of Clark, in the previous one (1) year and that the contract will prohibit the Law Firm of Surenian, Edwards, Buzak & Nolan LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer certifies, pursuant to N.J.A.C. 5:30-5.4 that there are adequate funds for this contract. Funds have been certified to be available in account number 20-155-201, from Law Special Services; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, in the County of Union, State of New Jersey, that it hereby authorizes the Mayor to enter into a contract with Surenian, Edwards, Buzak & Nolan LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/2-3 58Award Non-Fair and Open Contract-AffordableHousingAttorney

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

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF CLARK**

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that Surenian, Edwards, Buzak & Nolan LLC has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding February 18, 2025 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Governing Body of the Township of Clark as defined pursuant to N.J.S.A. 19:44A-3(p),(q) and (r).

Clark Republican Party	Council Member Smith
Mayor Albanese	Council Member Toal
Council Member Hund	
Council Member Mazarella	
Council Member Minniti	
Council Member O'Connor	

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Jeffrey R. Surenian	1206 Rue Avenue Point Pleasant NJ 08742
Michael J. Edwards	110A Randall Avenue Point Pleasant Beach, NJ 08742
Erik C. Nolan	5 Alyssa Rose Lane, New Egypt, NJ 08753

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Surenian, Edwards, Buzak & Nolan LLC

Signature of Affiant: *Jeffrey R. Surenian* Title: co-managing member

Printed Name of Affiant: Jeffrey R. Surenian Date: 1/30/25

Subscribed and sworn before me this 30 day of JANUARY, 2025

Linda O'Brien
(Witnessed or attested by)

My Commission expires:

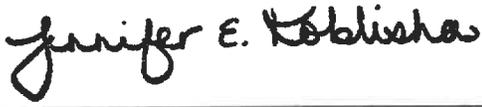


(Seal)

**DETERMINATION OF VALUE
CERTIFICATION**

I, Jennifer Kobliska, CFO, QPA hereby certify that the estimated amounts of the contract to be awarded to Surenian, Edwards, Buzak & Nolan LLC to provide legal services as Special Counsel in connection with Affordable Housing, will not exceed \$44,000.00.

I hereby further certify that funds to cover the expenditures for the above-reference contract will be encumbered by purchase orders on an as-needed basis.

By: 
Jennifer Kobliska, Qualified Purchasing Agent

02/03/25
Certified Date

TOWNSHIP OF CLARK
Resolution 25-59
February 3, 2025

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Project Name: Seventeenth Century Clark House
Project Number: 2024.1066

ATTACHMENT E

**PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND
ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST**

WHEREAS the Governing Body of the Township of Clark desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$145,950.00 for the following project Seventeenth Century Clark House.

NOW, THEREFORE BE IT RESOLVED the Governing Body authorizes the Mayor and/or Business Administrator to execute a grant agreement with the State in an amount up to that awarded for the proposed project, and to seal the grant agreement.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

WILLIAM F. SMITH
Council President

Res25/2-3 59AuthHistoricPreservationGrant-17thCenturyClarkHouse

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