

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
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
October 19, 2020
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazzarella _____
Councilman Barr _____	Councilman Smith _____
Councilman Hund _____	Councilman Toal _____
	Council President 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 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

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

INTRODUCTION OF PROPOSED ORDINANCES:

- 20-21 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 CLARK WALNUT DEVELOPERS URBAN RENEWAL, LLC FOR THE CONSTRUCTION OF A RESIDENTIAL PROJECT LOCATED AT 35 WALNUT AVENUE**
Public Hearing Nov. 16th

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through October 9, 2020 in the amount of \$291,465.52

CITIZEN HEARING ON THE AGENDA:

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

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

RESOLUTIONS:

2. Award of Contract to S. Brothers Inc. for the Phase 2 Capital Road Improvements in the amount of \$188,580.02

CONSENT AGENDA RESOLUTIONS:

3. Authorizing the Chief Financial Officer to refund overpayment of 2020 taxes in the amount of \$26,993.46 and transfer \$3,471.37
4. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$7,450.00
5. Authorizing the Chief Financial Officer to refund overpayment of 2020 sewer fees in the amount of \$1,750.34
6. Approving the Council Meeting Calendar for 2021
7. Approving the 2021 Holiday Schedule

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

INTRO 1

TOWNSHIP OF CLARK
Ordinance No. 20-21
Adopted _____

Introduced: October 19, 2020 Public Hearing: November 16, 2020

**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
CLARK WALNUT DEVELOPERS URBAN RENEWAL, LLC FOR THE
CONSTRUCTION OF A RESIDENTIAL PROJECT
LOCATED AT 35 WALNUT AVENUE**

WHEREAS, by Resolution No.19-54 adopted on March 18, 2019, the Township Council of the Township of Clark (the “Council”) designated property (the “Property”) located at Block 155, Lots 7 and 10 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. 19-09 dated April 1, 2019, the Township Council adopted a redevelopment plan (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, Clark Walnut Developers Urban Renewal, LLC (“Clark Walnut Developers”) is the designated redeveloper of the Redevelopment Area, and shall enter into a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and

WHEREAS, Clark Walnut Developers intends to redevelop the Property by (i) constructing 177 residential rental units consisting of 149 rental apartments and including 28 affordable units 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, Clark Walnut Developers 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 Clark Walnut Developers and the Council; and

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

WHEREAS, Clark Walnut Developers also submitted to the Mayor (as part of the Application) a form of financial agreement (the “Financial Agreement”), to be executed by the Council and Clark Walnut Developers, establishing the rights, responsibilities and obligations of Clark Walnut Developers 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, Clark Walnut Developers 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 Third Round 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 Clark Walnut Developers, subject to minor modification or revision, as deemed necessary and appropriate after consultation with Redevelopment 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 Clark Walnut Developers, 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:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord20/10-19 20-21AuthFinancialAgrmt-ClarkWalnutDevelopersUrbanRenewalLLC

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

TOWNSHIP OF CLARK
Resolution 20-127
October 19, 2020

2

WHEREAS the Governing Body of the Township of Clark has advertised for bids on September 24, 2020 for the 2020 Capital Road Improvements - Phase II; and

WHEREAS ten (10) bid proposals were received on October 7, 2020 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were:

<u>Contractor</u>	<u>Total Bid Amount</u>
S. Brothers, Inc. (South River, NJ)	\$188,580.02
Cifelli & Son General Construction, Inc. (Nutley, NJ)	\$199,099.95
Black Rock Enterprises (Old Bridge, NJ)	\$199,630.57

WHEREAS S. Brothers, Inc., PO Box 317, South River, NJ 08882 submitted the lowest responsible bid in the amount of \$188,580.02 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 20-18 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to S. Brothers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to S. Brothers, Inc. in the amount of \$188,580.02; and

BE IT FURTHER RESOLVED by the Governing Body that said award is subject to review of bid and documents by the Township Attorney who will prepare the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/10-19AwardPhaseIICapitalRoads-S.Brothers

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

TOWNSHIP OF CLARK
 Resolution 20-128
 October 19, 2020

CA 3

WHEREAS in accordance with a request from the Tax Collector for authorization to refund/transfer overpayment of 2020 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 Chief Financial Officer is hereby authorized and directed to make refund(s)/transfer(s) in accordance with the attached schedule:

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/10-19TaxRefund(s)Transfer(s)

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

TOWNSHIP OF CLARK
Resolution 20-129
October 19, 2020

CA 4

WHEREAS the Treasurer/CFO has certified that sewer utility account(s) require balance adjustments; and

WHEREAS the Business Administrator has reviewed and approved the sewer fee adjustment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/10-19 SewerAdj

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

SEWER BILLING ADJUSTMENT 2020										
CLARK TOWNSHIP										
REF #	Account #	Name	#	Address	Reason	Original	Revised	Credit	Additional	Comments
20	63 1299-0	Drajun, Christine	2	Stemmer Drive	replace meter	\$ 3,830.00	\$ 280.00	\$ 3,550.00		2019
20	64 1299-0	Drajun, Christine	2	Stemmer Drive	replace meter	\$ 4,030.00	\$ 280.00	\$ 3,750.00		2020
20	65 770-0	Hartnett, Edward	73	Stonehedge Terrace	leak	\$ 430.00	\$ 280.00	\$ 150.00		
TOTALS										
								\$ 7,450.00		

TOWNSHIP OF CLARK
Resolution 20-130
October 19, 2020

CA5

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2020 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 Treasurer/CFO is hereby authorized and directed to make the refund(s) as per the following schedule.

CLARK TOWNSHIP			Sewer Refund 2020				
REF		Acct #	Name	#	Address	Reason	Refund
20	13	1541-0	Beyer, Robert	70	Surrey Road	refund	\$ 140.00
20	14	2765-0	Closs, Nancy	29	Yorktown Drive	refund	\$ 140.00
20	15	1550-0	Marzano, Vincent	109	Jupiter Street	refund	\$ 140.00
20	16	3814-0	Assisi, Francis	56	Lexington Blvd	refund	\$ 15.00
20	17	4108-0	Tak Realty Invest	60	Walnut Avenue	refund	\$ 118.05
20	18	2608-0	Wysocki, Stephanie	35	Plymouth Road	refund	\$ 140.35
20	19	3459-0	Mullin, Vincent	180	Liberty Street	refund	\$ 10.11
20	20	5297-0	Kolenut, Kevin	49	Brant Ave, Unit #5	refund	\$ 119.84
20	21	3461-0	Coutinno, Adriano	192	Liberty Street	refund	\$ 82.00
20	22	335-0	Robert Kielbus	987	Lake Avenue	refund	\$ 280.00
20	23	1348-0	Coimbra, Adilia	473	Madison Hill Rd	refund	\$ 20.00
20	24	2733-0	Carapola,	16	Kathryn Street	refund	\$ 140.00
20	25	3294-0	Greenbush	27	Runnymede Road	refund	\$ 379.99
20	26	214-0	Petrowsky	53	Rutgers Road	refund	\$ 25.00
TOTAL							\$ 1,750.34

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/10-19SewerRefund(s)

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

TOWNSHIP OF CLARK
 Resolution 20-131
 October 19, 2020

CAG

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby approve the Meeting Calendar for the Year 2021 as outlined below.

CLARK MUNICIPAL COUNCIL 2021 MEETING DATES
Reorganization Meeting Monday, January 1, 2021
315 Westfield Ave. – Noon

WORKSHOP MEETINGS 7:30 PM

430 Westfield Avenue
 Room 30

February 1
 March 1
 April 5
 May 3
 June 7
 July 6 (Tuesday)
 August 2
 September 7 (Tuesday)
 October 4
 November 1
 December 6

PUBLIC MEETINGS 7:30 PM

315 Westfield Avenue
 Council Chambers

January 19 (Tuesday)
 February 16 (Tuesday)
 March 15
 April 19
 May 17
 June 21
 July 19
 August 16
 September 20
 October 16
 November 15
 December 20

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/MeetingDates2021

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

TOWNSHIP OF CLARK
Resolution 20-132
October 19, 2020

CA 7

BE IT RESOLVED by the Governing Body of the Township of Clark that the following dates, in addition to one floating holiday of each employee's choosing, will constitute the official Township employee holiday calendar for the year 2021.

New Year's Day	Friday	01/01/2021
Martin Luther King Jr. Day	Monday	01/18/2021
Presidents Day	Monday	02/15/2021
Good Friday	Friday	04/02/2021
Memorial Day	Monday	05/31/2021
Independence Day	Monday	07/05/2021
Labor Day	Monday	09/06/2021
Columbus Day	Monday	10/11/2021
Veteran's Day	Thursday	11/11/2021
Thanksgiving Day	Thursday	11/25/2021
Day after Thanksgiving	Friday	11/26/2021
Christmas Day	Friday	12/24/2021

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/MeetingDates2021

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