

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
November 16, 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

Color Guard: Xander Cistaro, Dante Cistaro, Nick Merola and Ryan Crowley

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.

Regular Order of Business suspended:

Mayor's presentation honoring Nate Clee and Ted McKeown of Boy Scout Troop 145

Regular Order of Business resumes.

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 ORDINANCE:

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

- 1. 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**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through November 13, 2020 in the amount of \$393,470.00

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. Authorizing the appropriate Township Official(s) to execute a Contract with BMI Janitorial, Inc. to provide commercial cleaning services for the Municipal Building and Police Department
3. Appointing Nicholas Tome as a member of the Clark Volunteer Fire Department

CONSENT AGENDA RESOLUTIONS:

4. Authorizing the Chief Financial Officer to refund overpayment of 2020 taxes in the amount of \$1,958.72
5. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$55,825.20
6. Authorizing the Chief Financial Officer to refund overpayment of 2020 sewer fees in the amount of \$435.40
7. Appointing Special Police Officers effective January 1, 2021
8. Authorizing the Police Chief to issue Clothing Bin Permits for the year 2021

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:

PH 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 Council, 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: December 9, 2020

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

SALVATORE BONACCORSO
Mayor

Ord20/10-19 20-21 Auth Financial Agrmt-Clark Walnut Developers Urban Renewal LLC

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

2

TOWNSHIP OF CLARK
Resolution 20-136
November 16, 2020

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, that it hereby authorizes the appropriate Township Official(s) to execute a Contract with BMI Janitorial, Inc. to provide commercial cleaning services for the Municipal Building and Police Department, to commence on December 1, 2020.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/11-16 AuthContractBMIJanitorial

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

TOWNSHIP OF CLARK
Resolution 20-137
November 16, 2020

3

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that Nicholas Tome is hereby appointed as a Member of the Clark Volunteer Fire Department effective this 16th day of November 2020.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/11-16AppointFireFighter-Tome

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

TOWNSHIP OF CLARK
Resolution 20-138
November 16, 2020

CA 4

WHEREAS in accordance with a request from the Tax Collector for authorization to refund 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) in accordance with the following schedule:

CLARK TOWNSHIP									
TAX REFUNDS-2020									
BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	AMT TRNS	TRANS FROM	TRANS TO
104	2		Antonia Maggiore	24	Broadway	1958.72			
TOTAL						1958.72			

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/11-16TaxRefund(s)

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

TOWNSHIP OF CLARK
Resolution 20-139
November 16, 2020

CA 5

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

Res20/11-16 SewerAdj

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

TOWNSHIP OF CLARK
Resolution 20-140
November 16, 2020

CAG

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 Refunds 2020					
REF	Acct #	Name	#	Address	Reason	Refund	
20	27	4589-0	Sortino, Joseph	45	St Germain Dr	Overpayment	\$ 60.90
20	28	2262-0	1119 Realty LLC	1119	Raritan Rd	Overpayment	\$ 75.00
20	29	1436-0	Butterly, Paul & Mary Ellen	135	Fairview Rd	Overpayment	\$ 159.50
20	30	341-0	Loalbo, Rich	187	Hawthorne Rd	Overpayment	\$ 140.00
Total							\$ 435.40

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/11-16SewerRefund(s)

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

TOWNSHIP OF CLARK
 Resolution 20-141
 November 16, 2020

CA 7

BE IT RESOLVED by the Governing Body of the Township of Clark pursuant to P.L. 1985 and Chapter 3, Section 3-29N of the Code of the Township of Clark, that it does hereby appoint the following named individuals as Class 1B and Class II Special Law Enforcement Officers to serve for the period commencing January 1, 2021 and concluding December 31, 2021.

Class 1B

Beceiro, Anthony R.
 Buczynski, Thomas
 DeMarzo, Victor
 DeVre, Arthur
 Flicek, Francis
 Grossmith, Ryan
 Tarantino, Robert

Class II

Bauer, Albert C.
 Brocato, Carmen F.
 Ehling, John
 Hilongos, Julian
 Leonardis, Richard
 Parnes, Kenneth

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK J. O'CONNOR
 Council President

Res20/11-16SpecialPolice2021

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

TOWNSHIP OF CLARK
Resolution 20-142
November 16, 2020

CAS

WHEREAS, it is necessary and desirable in order to ensure the general health and welfare of the residents of the Township of Clark to provide uniform procedures for administering the issuance, renewal and revocation of licenses for the placement of clothing bins within the Township; and

WHEREAS, Chapter 117, Section 10 of the Code of the Township of Clark provides for enforcement by the Police Department and the Construction Code Official.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following clothing bin operators having met all the requirements of Chapter 117 of the Code of the Township of Clark are hereby approved in accordance with the law; and

BE IT FURTHER RESOLVED that the Police Chief is hereby authorized and directed to issue permits to the vendors listed as follows to be displayed according to law effective January 1, 2021 through December 31, 2021.

2021

Clothing Bin Operators

Location of Bins

American Recycling Technologies, Inc.
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

78 Westfield Avenue (2 bins)

Carecycle, Inc.
625 Wortman Avenue
Brooklyn, NY 11208
Attn: Peter Salm (866-931-0232)

76 Central Avenue (2 bins)

American Recycling Technologies, Inc.
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

315 Westfield Avenue (2 bins)

American Recycling Technologies, Inc.
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

1060 Raritan Road (2 bins)

The Read Foundation
655 Amboy Avenue, S-407
Woodbridge, NJ 07095
Attn: Jacqueline Mancuso (848-250-0336)

6 Broadway (2 bins)

We Collect Clothes for a Cause
625 Wortman Avenue
Brooklyn, NY 11208
Attn: Peter Salm (866-468-7228)

52 Westfield Avenue (2 bins)

American Recycling Technologies
98 Cutter Mill Road, S-290N
Great Neck, NY 11021-3010
Attn: Bruce Binler (917-939-5275)

140 Central Avenue (2 bins)

Giving Will LLC
PO Box 329
Woodbridge, NJ 07095
Attn: Anthony Cruz (732-731-9002)

1074 Raritan Road (2 bins)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK J. O'CONNOR
Council President

Res20/11-16ClothingBins2021

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