

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK NJ
September 6, 2022**

ROLL CALL:

Present: Council Members Albanese, Hund, Mazzarella, O'Connor, Smith, Toal, Minniti

Also Present: Mayor Sal Bonaccorso; Mark Dugan, Township Attorney; Edith Merkel, Township Clerk

Absent: James Ulrich, Business Administrator

The Special Meeting of the Municipal Council of the Township of Clark was called to order at 7:30 pm by Council President Minniti. He asked all present to participate in a moment of silence, following the salute to the Flag.

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.

ORDINANCE, APPROPRIATIONS AND CLAIMS:
INTRODUCTION OF PROPOSED ORDINANCES:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF
THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING**

BE IT ORDAINED, by the Governing Body of the Township of Clark, County of Union, New Jersey, that Chapter 306, Article V, entitled Wildlife Feeding is hereby deleted in its entirety and replaced as follows:

SECTION 1:

306-26 Purpose.

The purpose of this article is to prohibit the feeding of unconfined wild animals or stray animals in or on any public or private property within the Township of Clark so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

Findings.

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMUNITY CAT

Any free-roaming, feral or barn cat that may be cared for by one or more residents of the immediate area and which has no discernable form of ownership identification.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wild or stray animals, including, but not limited to, purposely or knowingly leaving or storing any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or bird seeds, fruit, or grain in a manner that would constitute an attractant to any wild animal or waterfowl. Feeding does not include baiting in the legal taking of fish or game.

FERAL CAT

A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized or

(ii) is a formally owned cat that had been abandoned and is no longer socialized.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STRAY ANIMAL

Shall mean and include any dog or cat that is not licensed to a Township of Clark resident pursuant to the Code of the Township of Clark and kept and maintained on the resident's property. The definition of stray animal will not include "Community Cat(s)."

WILD ANIMAL

Any animal which is not normally domesticated in this state, including but not limited to deer, fox, raccoons, opossum, groundhogs, rabbits, hare, squirrels, chipmunks, skunks, mice, rats, bats, and waterfowl. "Wild animal" shall not include stray animals, birds other than waterfowl, or fish. "Deer" means a ruminant animal having deciduous antler, or antlers, usually in a male only.

SECTION 2: 306-27 Prohibited Conduct.

- A. The keeping, maintenance, or feeding of wild animals is prohibited. The maintenance or feeding of privately owned cats or dogs in such a manner as to create unsanitary conditions, attract vermin, or be potentially detrimental to health or create a public health nuisance is hereby prohibited. No person shall feed, on any public or private property on or in the Township of Clark, any wild animal or stray animal, excluding community cat(s) or wild animals which are confined lawfully for commercial or scientific purposes (for example, wild animals confined in zoos, enclosures at a municipally licensed circus or other exhibitions, or rehabilitation centers, or wild animals at research facilities, environmental education centers, or farm animals).

- B. No person shall feed on any public or private property any wild animal as described and set forth in subsection B of this Article.
- C. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, or grain in a manner that would constitute an attractant to any wild animal.
- D. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food sources or attractants after being directed by the Township to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food.
- E. Feeding of birds shall be permitted outdoors at such times and in such numbers that:
 - (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property;
 - (2) Such feeding does not create an accumulation of droppings on the property and surrounding properties;
 - (3) Such feeding does not become an attractant for rodents and/or other wild animals; and
 - (4) Bird feeders are placed at least four (4) feet above the ground.

SECTION 3: 306-28 Enforcement

The Township of Clark Health Department and the Police Department are each given full power and authority to enforce this Article. Any other person may also enforce this Article by filing a complaint with the Township Health Department. Any person found to be in violation of this Article shall be ordered to cease the feeding immediately.

SECTION 4: 306-29 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to the following penalties:

- A. First offense. For a violation of a provision of this Article, the violator of said provision will be issued a written warning.
- B. Second offense. Subsequent to the issuance of a written warning, for a violation of a provision of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$500 and/or to a period of community service not to exceed 30 days.
- C. Third and subsequent offense(s). For any subsequent violation of the provisions of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$1,000 and/or to a period of community service not to exceed 90 days.
- D. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation of this Article.

SECTION 5:

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 6:

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7:

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 8:

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 9:

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Moved and seconded by the Entire Council

Discussion:

Mayor Bonaccorso: gave a brief summary of the amended Ordinance, he thanked the ladies who came forward to help educate and work with Council.

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazarella, O’Connor, Smith, Toal, Minniti

Public Hearing September 19th

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING CREATING A NEW SUBSECTION B ENTITLED COMMUNITY CATS.

BE IT ORDAINED, by the Governing Body of the Township of Clark, County of Union, New Jersey, that Chapter 306, Article V, entitled Wildlife Feeding is hereby Supplemented and Amended to include a new Subsection B entitled “Community Cats,” and includes the following:

SECTION 1:

306-30 Purpose.

The purpose of this article is to create and implement a Community Cat Program (CCP) in the Township of Clark for the purpose of reducing the population of Feral and Free Roaming Cats, benefitting the public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

Findings.

It has been well established that the creation of a Community Cat Program will reduce the population of Feral and Free Roaming Cats, benefitting the public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMUNITY CAT

Any free-roaming, feral or barn cat that may be cared for by one or more residents of the immediate area and which has no discernable form of ownership identification.

COMMUNITY CAT CAREGIVER

A person who may provide care, including food, water, shelter, or medical care to a community cat.

A

community caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper, of a community cat.

COMMUNITY CAT COLONY

A group of Community Cats that congregates, more or less, together as a unit.

EAR TIPPING

The removal of the one-quarter (1/4) inch tip of the Community Cat’s left ear, performed while the Community Cat is under anesthesia by a licensed veterinarian and designed to be an indication that The Community Cat has been sterilized and Vaccinated for rabies.

FERAL CAT

A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized or (ii) is a formally owned cat that had been abandoned and is no longer socialized.

SECTION 2: 306-31 COMMUNITY CAT REQUIREMENTS

- F. Community Cats may be cared for on private property of the caregiver or upon property of another with the written permission of the owner or property manager.
- G. All Community Cat Caregivers shall make reasonable efforts to have all free-roaming cats within their care sterilized, vaccinated against rabies, and ear-tipped for easy identification.
- H. All Community Cat Caregivers are required to make reasonable efforts to provide certain necessities to each Community Cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water, and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the Community Cat to suffer.
- I. Community Cat Caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- J. Feeding Community Cats is permitted during daylight hours only, for a two (2) hour period of time. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after the Community Cats have

eaten, must be removed before dark or at the conclusion of the two (2) hour period of time for feeding.

- K. Community Cats meeting the requirements of this section are exempt from any licensing provisions.
- L. Animal Services or the Board of Health shall have the right to remove or authorize the removal of any Community Cat due to immediate public health or safety concerns.
- M. No Community Cat shall be released at any governmentally owned or managed park, natural area, area deemed as an environmentally sensitive land or on any easement adjacent to such lands without written approval from the Township of Clark.
- N. Healthy Community Cats that have been trapped by Animal Services in accordance with this Ordinance, shall be considered to be “on the property of the owner” and thus not stray (off the property of the owner) to be impounded. Healthy Community Cats shall be immediately returned to the location at which they were found or released to a Caregiver. Notwithstanding the foregoing, whenever such Community Cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such Community Cat cannot be expeditiously cured and returned to the field, the Community Cat shall be transferred to a humane society or private animal nonprofit organization or placed in foster care, then the Animal Service, acting in good faith and upon reasonable belief, may humanely euthanize the Community Cat upon the advice of a licensed veterinarian.

SECTION 3: 306-32 Enforcement

The Township of Clark Health Department and the Police Department are each given full power and authority to enforce this Article. Any other person may also enforce this Article by filing a complaint with the Township Health Department. Any person found to be in violation of this Article shall be ordered to cease the feeding immediately.

SECTION 4 306-33 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to the following penalties:

- E. First offense. For a violation of a provision of this Article, the violator of said provision will be issued a written warning.
- F. Second offense. Subsequent to the issuance of a written warning, for a violation of a provision of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$500 and/or to a period of community service not to exceed 30 days.
- G. Third and subsequent offense(s). For any subsequent violation of the provisions of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$1,000 and/or to a period of community service not to exceed 90 days.
- H. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation of this Article.

SECTION 5:

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 6:

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7:

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 8:

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 9:

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Moved and seconded by the Entire Council

Discussion:

Mayor Bonaccorso: explained this is to put an ordinance in place for TNR (trap-neuter- return)

- feels it’s an ordinance that can be used statewide
- stated with TNR it will help curb the cat population
- mentioned the town will be using the clinic in Hillside and the town will be applying for grants to be able to help pay for this
- received a call today from the owner of Clark Commons, who donated \$1,000.00 towards the beginning of this
- we will be looking for organizations in town for their help and hopefully from some citizens as well
- congratulated the Legislative Committee for a good meeting and the rest of the council for always keeping an open mind working on things
- also thanked Senator Lesniak

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazarella, O’Connor, Smith, Toal, Minniti

Public Hearing September 19th

AN ORDINANCE AMENDING ORDINANCE 22-12 AND AUTHORIZING THE SALE OF CERTAIN LAND, KNOWN AS BLOCK 38.02 AND LOT 13.01, IN THE TOWNSHIP OF CLARK TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)

WHEREAS, the Township Council has determined that certain municipally owned land designated as Block 38.02 Lot 13.01 on the Tax Map of the Township of Clark (hereinafter the "subject property" or the "property"), consisting of one undersized parcel of land, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5); and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use; and

WHEREAS, the Township Council has previously adopted Ordinance Number 22-12, which inadvertently authorized the sale of certain land, known as Block 38 and Lot 13.01, when the proper parcel of land should have been Block 38.02 and Lot 13.01.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council that the subject property shall be sold by private sale. The property is being sold by the Township "as is"; and

BE IT FURTHER ORDAINED, in accordance with N.J.S.A. 40A:12-13(b)(5) and with N.J.S.A. 40A:12-13.2, the subject property is being offered to the adjacent property owners as it is an undersized lot; and

BE IT FURTHER ORDAINED, the following terms and conditions shall apply:

SECTION 1:

The prior approval, contained in Ordinance 22-12, to authorize the sale of certain land, known as Block 38 and Lot 13.01 is hereby voided.

SECTION 2:

1. The subject property being sold is subject to the express condition that it shall be added to and become a part of the adjacent lands of the purchaser and it shall for all future purposes be considered as one parcel.

2. The Township Council reserves the right to reject all bids.

3. The minimum bid the Township will consider is \$2,000.00, plus the cost of recording the deed, agrees that deeds shall be recorded by the purchaser, and shall be responsible for all Township cost associated with the sale of the property. Including, but not limited to, attorney cost and any and all advertisement fees.

4. All bids shall be submitted as sealed bids clearly indicating on the face of the envelope it is a "Bid for Block 38.02, Lot 13.01", and shall be submitted within twenty (20) days after advertisement of sale required by N.J.S.A. 40A:12-13(b)5.

5. Potential Bidders are advised:

A. To conduct all necessary title searches prior to the date of the sale

B. That the description of the property is intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Clark

as to the conditions of the property; the premises are being sold in their present conditions "as is".

C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Clark.

D. That no employee, agent or officer of the Township of Clark has any authority to waive, modify or amend any of the conditions of the sale.

E. That offers for the property must be made for a sum equal or greater to the minimum bid price of \$2,000.00.

F. The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the property to be conveyed.

6. Additional Terms the Successful Bidder must comply with:

A. Bidder shall deposit cash, check, or money order in the amount of not less than 10% of the bid price within 10 days of notice of acceptance of their bid. In the event the bidder fails to timely deposit 10% of the bid price, the Township may re-auction the subject property.

B. The property purchased shall be merged with the bidder's existing property.

C. The successful bidder shall pay at the time of closing: (1) The balance of the purchase price and (2) The cost of recording deeds and agrees that deeds shall be recorded by the purchaser.

D. To pay prorated real estate taxes for the balance of the current year as of the date of closing.

E. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

F. That the failure to close title as agreed shall forfeit to the Township of Clark any and all money deposited with the Township.

G. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other property.

H. That the title shall close on or before October 31, 2022, and that date shall be

considered time of the essence. The Township reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.

I. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

J. All sales are subject to final approval by the Township Council.

K. Parties interested in submitting bids and who require additional information, should contact Edie Merkel, Township Clerk, Municipal Building, 430 Westfield Avenue, Clark, New Jersey 07066.

7. The Township does not warrant or certify title to the property and in no event shall the Township of Clark be liable for any damages to the purchaser/successful bidder if title is found unmarketable for any reason and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Township, the sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.

8. Acceptance of the bids shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms of conditions of the sale herein contained.

9. The sale is subject to all of the terms and conditions as provided for in the Notice of Sale.

SECTION 3:

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 4:

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 5:

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance

which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6:

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 7:

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Moved and seconded by Entire Council

Discussion:

Mayor Bonaccorso: gave a brief explanation of the Ordinance

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O’Connor, Smith, Toal, Minniti

Public Hearing September 19th

AN ORDINANCE TO AMEND CHAPTER 347 ENTITLED “VEHICLES AND TRAFFIC” SECTION 36A ENTITLED “LEFT TURNS” OF THE CODE OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey 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: Section 347-36 entitled “Turn Prohibitions” is hereby supplemented as follows:

From	Onto
The Driveways located on Terminal Avenue for the business complexes located at 315 Central Avenue	Terminal Avenue

SECTION 2: 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 3: Effective Date:

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

Moved by Councilman Smith, seconded by Councilman Mazzarella

Discussion:

Mayor Bonaccorso: explained this ordinance is in regard to stopping left hand turns going onto Terminal Avenue coming out of Dunkin Donuts due to some accidents that have occurred.

Councilman O'Connor: responded that he is not a fan of this, stated he prefers “don’t block the box”, he does understand that because of the way Smoothie King’s drive thru is cars can get backed up.

Mayor Bonaccorso: mentioned he sat on the Planning Board when that strip mall was voted on and it was definitely a big improvement of what was there, we didn’t have the vision or the foresight to figure what the lines would be like at Smoothie King and Dunkin Donuts.

Council President Minniti: questioned there’s two driveways on that side, is this for both of the driveways or just for one.

Mayor Bonaccorso: replied it’s for both, he added it puts more traffic onto Central but feels at this point it’s a good move.

No further discussion

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O’Connor, Smith, Toal, Minniti

Public Hearing September 19th

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 310 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “STREETS AND SIDEWALKS.”

BE IT ORDAINED by the Governing Body of the Township of Clark, County of Union, New Jersey that Chapter 310 of the Code of the Township of Clark Entitled “Streets and Sidewalks” Section 310-3 Entitled “Public Utilities” is hereby amended and supplemented in the following particulars:

SECTION 1: Section 310-3 entitled “Public Utilities” is hereby supplemented to add a new Subsection C as follows:

C. In the case of utility work undertaken by a private or public utility, which work involves placing new or replacing or repairing of utility infrastructure, including, but not limited to, gas lines, water lines, electrical lines, storm and sanitary sewer lines, where the area to be trenched if greater than fifty (50) linear feet, upon completion or within a reasonable amount of time, as determined by the Township of Clark Engineer, the utility company shall mill and repave the entire pavement surface from edge to edge or curb to curb for the entire length of the excavation plus a minimum of twenty-five (25) feet beyond the excavation limits, in accordance with the Township of Clark specifications.

SECTION 2: **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 3: **Effective Date:**

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

Moved by Councilman Mazzarella, seconded by Councilman Smith

Discussion:

Mayor Bonaccorso: gave a detailed explained of the Ordinance.

Councilman Smith: questioned; it says it’s a percentage of the roads, if they do a small area in front of a home, they are not obligated to do the curbs and do the whole strip.

Mayor Bonaccorso: replied if they replace a service that’s right in front of your home, two or three on the block they are going to fix the service, if they do a main replacement down the whole road, then they are obligated to do that.

No further discussion

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O’Connor, Smith, Toal, Minniti

Public Hearing September 19th

RESOLUTIONS:

Resolution 22-135

WHEREAS Clark Developers, LLC has requested release of the Performance/Maintenance Cash Bond in the amount of One Hundred Ninety-Six Thousand, Six Hundred Ninety-One Dollars and Fifty-Seven Cents (\$196,691.57) and any remaining funds in escrow for the Woodcrest Apartments; and

WHEREAS the Township Engineer has deemed the project complete and in compliance with Township Standards and recommends release of the Performance/Maintenance Guarantee(s) and escrow; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby concurs with the Engineer and authorizes release of the Performance/Maintenance Guarantee(s) and remaining escrow as stated herein for the abovementioned project.

Moved by Councilman Hund, seconded by Councilwoman Albanese

Discussion: none

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O'Connor, Smith, Toal, Minniti

PUBLIC COMMENTS:

Summary (Council Meeting minutes can be viewed on our website www.ourclark.com)

Each person addressing the Council shall first give their 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.

Council President Minniti opened the public portion of the meeting

Delia Collins, 72 Georgia St.:

- mentioned she frequents the library and sees many police cars and SUVs parked in the lot; she's seen other towns that have problems with traffic that they leave a police car on the side of the road
- Mayor responded by putting a police car on the side of the road kind of works for the first and second time, also mentioned that the police in town have stepped up radar
- talked about pedestrian hawk lights
- thanked everyone for the change in the ordinance regarding wildlife and community cats
- questioned to her knowledge when the town collects money for dog and cat licenses it goes to the State, mentioned she hasn't looked into where that money goes
- she recalls when she was on the board of People for Animals, they use to get money from the State for their spayed and neutered clinic through that fund

- Mayor stated everything is going to be reviewed all the avenues for funding and taking donations

Seeing no one else coming forward Councilwoman Albanese made a motion to close the public portion of the meeting, seconded by Councilman Toal

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O'Connor, Smith, Toal, Minniti

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso:

- mentioned he and the BA met with Tony DiGiovanni from Wilf Brothers who built Woodcrest and Walnut Avenue
- they talked about when he'll start on the old A&P; probably the start will be spring time due to a lot of issues on supply chain and cost
- Mr. DiGiovanni mentioned he would like to talk to the owner of the Knights of Columbus to see if they can maybe co-build together to try to save cost and try to match the look of the two buildings

Councilwoman Albanese: no comment.

Councilman Hund: no comment.

Councilman Mazzarella: no comment this evening.

Councilman O'Connor: with the animal issues, thanked the women for coming again and showing the Council their support for all the work they have helped with

Councilman Smith: no comment.

Councilman Toal: no comment.

Council President Minniti: no comment.

ADJOURNMENT:

Motion to adjourn was made by Councilman Toal, seconded by Councilwoman Albanese

Council President Minniti directed roll call:

Aye: Albanese, Hund, Mazzarella, O'Connor, Smith, Toal, Minniti

APPROVED

JAMES MINNITI
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk