

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
September 19, 2022
7:30 pm**

ROLL CALL:

Councilwoman Albanese _____ **Councilman O’Connor** _____
Councilman Hund _____ **Councilman Smith** _____
Councilman Mazzarella _____ **Councilman Toal** _____
Council President Minniti _____

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.

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:

1. 22-14 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING

2. 22-15 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING CREATING A NEW SUBSECTION B ENTITLED COMMUNITY CATS.

3. 22-16 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)

4. **22-17 AN ORDINANCE TO AMEND CHAPTER 347 ENTITLED “VEHICLES AND TRAFFIC” SECTION 36A ENTITLED “LEFT TURNS” OF THE CODE OF THE TOWNSHIP OF CLARK**
5. **22-18 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 310 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED “STREETS AND SIDEWALKS.”**

PAYMENT OF CLAIMS:

Councilman O’Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through September 13, 2022 in the amount of \$220,548.46

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall 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.

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

RESOLUTIONS:

6. Canceling the remaining balance in the 2021 – 2022 Municipal Alliance Grant
7. Rejecting all bids for the sale of Township owned property located at Block 21 Lot 10.01 and Authorizing the Township Clerk to advertise and re-bid the sale
8. Authorizing the Mayor to execute a Developer’s Agreement with The Tomarc Company for the property located at 45 and 77 Central Avenue

CONSENT AGENDA RESOLUTIONS:

9. Authorizing the Chief Financial Officer to refund overpayment of 2022 taxes in the amount of \$12,019.90 and transfer \$507.59
10. Authorizing the Tax Collector to refund overpayment of sewer fees in the amount of \$1,599.94
11. Authorizing the Tax Collector to apply sewer account balance adjustments as credit in the amount of \$5,140.00

NEW BUSINESS ON THE CALENDAR:

PUBLIC COMMENTS:

Each person addressing the Council shall 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.

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

PH 1

TOWNSHIP OF CLARK

Ordinance No. 22-14

Adopted _____

Introduced: September 6, 2022 Public Hearing: September 19, 2022

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.

TOWNSHIP OF CLARK
Ordinance No. 22-15
Adopted _____

PH 2

Introduced: September 6, 2022 Public Hearing: September 19, 2022

**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.

EARTIPPING

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

- A. 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.
- B. 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.

- C. 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.
- D. Community Cat Caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- E. 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.
- F. Community Cats meeting the requirements of this section are exempt from any licensing provisions.
- G. 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.
- H. 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.
- I. 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:

- 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.

TOWNSHIP OF CLARK
Ordinance No. 22-16
Adopted _____

PH 3

Introduced: September 6, 2022 Public Hearing: September 19, 2022

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.

TOWNSHIP OF CLARK
Ordinance No. 22-17
Adopted _____

PH 4

Introduced: September 6, 2022 Public Hearing: September 19, 2022

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.

Effective Date: October 12, 2022

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

SALVATORE BONACCORSO
Mayor

Ord22/9-622-17Ch347Sec36ANoLeftTurnDunkin

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

TOWNSHIP OF CLARK
Ordinance No. 22-18
Adopted _____

PH 5

Introduced: September 6, 2022 Public Hearing: September 19, 2022

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.

Effective Date: October 12, 2022

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

SALVATORE BONACCORSO
Mayor

Ord22/9-622-18Ch310PublicUtilities

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

TOWNSHIP OF CLARK
 Resolution 22-136
 September 19, 2022

6

WHEREAS the Township of Clark received a Municipal Alliance Grant from the County of Union for the period July 2021 – June 2022; 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 \$1,071.27; and

WHEREAS the Chief Financial Officer has requested that the remaining grant balance in the amount of \$1,071.27 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 2021 – 2022 Municipal Alliance Grant in the amount of \$1,071.27 is hereby cancelled.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res22/9-19CancelBalance2021-2022MunicipalAllianceGrant

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

TOWNSHIP OF CLARK
Resolution 22-137
September 19, 2022

7

WHEREAS the Governing Body of the Township of Clark advertised and received one (1) bid for the sale of Township owned property located at Block 21, Lot 10.01 on September 7, 2022 at 10:00 a.m.; and

WHEREAS the bidding process was defective which potentially prevented the submission of bids from all interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, pursuant to Paragraph 2 Section 1 of the Ordinance, that it hereby rejects all bids for the for the sale of Township owned property located at Block 21, Lot 10.01 and authorizes the Township Clerk to advertise and re-bid for the sale of said property.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

Res22/9-19Reject&Rebid-SaleB21L10.01

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

TOWNSHIP OF CLARK
 Resolution 22-138
 September 19, 2022

8

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 and Township Clerk to execute a Developer's Agreement with THE TOMARC COMPANY, LLP, a New Jersey corporation, having its principal office located at 1939 Oak Tree Road, Edison, New Jersey 08820 for the property identified as Block 70, Lots 7 and 28.01 on the Tax Maps of the Township of Clark, located at 45 and 77 Central Avenue.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res22/9-19AuthDevelopersAgreement-TheTomarcCompanyLLP

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

TOWNSHIP OF CLARK
 Resolution 22-139
 September 19, 2022

CA 9

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2022 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 attached schedule:

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res22/9-19TaxRefund(s)-Transfer(s)

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

TOWNSHIP OF CLARK
Resolution 22-140
September 19, 2022

CA 10

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2022 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.

Sewer Refund 2022							
REF	Acct #	Name	#	Address	Reason	Refund	
22	12R	4228-0	Digraci, Carol Ann & Frank	364	West Lane	refund overpayment	\$ 1,161.70
22	13R	2507-0	JRF REALTY	122	Central Avenue	refund overpayment	\$ 140.00
22	14R	3895-0	Ragharan	324	Carolina Street	refund overpayment	\$ 156.23
22	15R	5381-0	R&B Landscaping	92	Harding Avenue	refund overpayment	\$ 142.01
						Total Refunds	\$ 1,599.94

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

ANGEL ALBANESE
Council Vice President

Res22/9-19SewerRefund(s)

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

TOWNSHIP OF CLARK
 Resolution 22-141
 September 19, 2022

CA 11

WHEREAS the Tax Collector 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 Tax Collector be authorized to apply the sewer account balance adjustments according to the attached schedule.

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 ANGEL ALBANESE
 Council Vice President

Res22/9-19SewerAdj

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

SEWER BILLING ADJUSTMENT 2022

CLARK TOWNSHIP

REF	#	Account #	Name	#	Address	Reason	Original	Revised	Credit	Additional	Comments
22	67	4228-0	DiGraci, Frank & Carol	364	West Lane	leaky toilet	\$ 3,780.00	\$ 1,500.00	\$ 2,280.00		
22	68	2576-0	DWW Clark Developers	237	Westfield Avenue	water disconnected	\$ 280.00	\$ 140.00	\$ 140.00		
22	69	2577-0	DWW Clark Developers	241-245	Westfield Avenue	water disconnected	\$ 280.00	\$ 140.00	\$ 140.00		
22	70	2578-0	DWW Clark Developers	247	Westfield Avenue	water disconnected	\$ 280.00	\$ 140.00	\$ 140.00		
22	71	1763-0	Lukridge, James & Nancy	582	Madison Hill Rd	leaky toilet	\$ 1,130.00	\$ 430.00	\$ 700.00		
22	72	1642-0	Azevedo, Olivia	4	Rolling Hill Way	leaky toilet	\$ 930.00	\$ 430.00	\$ 500.00		
22	73	1642-0	Azevedo, Olivia	4	Rolling Hill Way	leaky toilet	\$ 2,480.00	\$ 1,240.00	\$ 1,240.00		2021
						Total Credit			\$ 5,140.00		