

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
August 20, 2012
7:30 PM**

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazzarella _____
Councilman Barr _____	Councilman O'Connor _____
Councilman Kazanowski _____	Councilman Toal _____
	Council President Whiting _____

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 mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police and Fire Reports for the month of July 2012 are on file in the Clerk's office

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

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

- 1. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

INTRODUCTION OF PROPOSED ORDINANCES:

- 2. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT, POLICE DEPARTMENT, DEPARTMENT OF PUBLIC WORKS, AND THE VOLUNTEER FIRST AID SQUAD AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$ 70,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK**
- 3. AN ORDINANCE TO AMEND CHAPTER 170, SECTION 170-4 OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED RETAIL FOOD ESTABLISHMENT LICENSING**

PAYMENT OF CLAIMS:

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 15, 2012 in the amount of \$ 229,858.62

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.

RESOLUTIONS:

4. Authorizing the Mayor and/or Business Administrator to enter into an agreement with Monmouth Telecom for telephone services
5. Authorizing the Chief Financial Officer to cancel inactive grants

CONSENT AGENDA RESOLUTIONS:

6. Seeking approval of the Director of the Division of Local Government Services for insertion of a Special Item of Revenue in the amount of \$18,654.00 for the 2012 Municipal Alliance Grant
7. Authorizing the submission of an application for the Municipal Alliance Grant for 2013 in the amount of \$14,740.00
8. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$12,318.73
9. Authorizing the Chief Financial Officer to refund overpayment of 2012 taxes in the amount of \$3,074.03
10. Authorizing the Chief Financial Officer to refund \$75.00 to ADT Security Services for voided construction permit #12-555
11. Authorizing Final Payment for the 2011 Capital Road Improvement Program for Westfield Avenue, Old Raritan Road and Featherbed Lane in the amount of \$121,297.06 including Final Quantities Change Order and release of the Performance Bond to S. Brothers Construction
12. Authorizing Final Payment for the 2011 Capital Road Improvement Program for Ivy Street, Joseph Street and Acken Drive in the amount of \$109,424.38 including Final Quantities Change Order to S. Brothers Construction
13. Authorizing Final Quantities Change Orders for the 2011 Capital Road Improvement Program for the Municipal Parking Lot Expansion, Sewer Improvements in connection with the Parking Lot and Green Vehicle Wash payable to Stilo Excavation Inc.
14. Authorizing release of the performance guarantee for site work at ShopRite in the amount of \$234,600.00
15. Appointing Ed Ruth as a Regular Member of the Board of Adjustment filling the unexpired term of John Passuth ending December 31, 2014

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:

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: July 16, 2012 Public Hearing: August 20, 2012

Motion: Toal Motion: _____

Seconded: Barr Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2012 CAPITAL ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to undertake the 2012 Capital Road Improvement Program (including roadway reconstruction and resurfacing and the undertaking of the following, where necessary: repair of the storm drainage system, reconstruction of curbs, sidewalks and driveway aprons and the making of landscaping improvements) at the following locations in the Township (entire lengths unless otherwise noted):

- Liberty Street (from Broadway to Valley Road)
- Canterbury Drive
- Jupiter Street
- Featherbed Lane

Depending upon the contract price and other exigent circumstances, and upon approval by the Township Council, there may be additions to or deletions from the aforesaid list. It is hereby

determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$1,500,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof. Said sum so appropriated shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of the Township, and (2) it is necessary to finance said purpose by the issuance of obligations of the Township pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,500,000, and (4) \$210,000 of said sum is to be provided by a State grant hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,290,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$200,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$210,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the Township of an aggregate principal amount not exceeding \$1,290,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the

Director of Revenue and Finance who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township, and that such statement so filed shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,290,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 10. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose (other than the State grant hereinbefore appropriated, which shall be applied to the cost of said purpose but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of said purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 11. The Township intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of such bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
 Township Clerk

PATRICK O'CONNOR
 Council Vice President

SALVATORE BONACCORSO
 Mayor

Ord12/7-16BondOrd1.5million			
	Aye	Nay	Abstain Absent
Albanese .	_____	_____	_____
Barr	_____	_____	_____
Kazanowski	_____	_____	_____
Mazzarella	_____	_____	_____
Toal	_____	_____	_____
Whiting	_____	_____	_____
O'Connor	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey in accord with the provisions of N.J.S.A 40A:11-5(1)(f) that a contract for communications services is hereby awarded to Monmouth Telecom, 10 Drs. James Parker Blvd., Suite 110, Red Bank, New Jersey 07701 for telephone services.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized and directed to enter into an agreement with Monmouth Telecom as hereinabove stated.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20MonmouthTelecom

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS the financial records of the Township contain several inactive grants;
and

WHEREAS the Township auditor has recommended that inactive grants be cancelled by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the inactive grants on the financial records of the Township be cancelled.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20CancelInactiveGrants
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
Toal _____
Whiting _____
O'Connor _____

TOWNSHIP OF CLARK

Resolution _____

August 20, 2012

Motion _____ Second _____

**Resolution Requesting Approval of Items of Revenue and Appropriation
NJS 40A:4-87
(with matching funds for grants)**

WHEREAS NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an appropriation for the equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Clark, in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the amount of \$18,654.00, which is now available as a revenue from the County of Union pursuant to the provision of the statute; and

BE IT FURTHER RESOLVED that the like sum of \$18,654.00 is hereby appropriated under the caption Municipal Alliance Grant – Local Share; and

BE IT FURTHER RESOLVED that the sum of \$4,664.00 representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year 2012 under the caption Matching Funds for Grant \$4,621.00 and Recreation Trust Fund \$43.00; and is hereby appropriated under the caption of Municipal Alliance Grant – Local Share.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O’CONNOR
Council Vice President

Res12/Chapt159MunicipalAlliance

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____
O’Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS the Governing Body further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS the Governing Body has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby recognizes the following:

1. The Governing Body does hereby authorize submission of an application for the Clark Municipal Alliance grant for calendar year 2013 in the amount of \$14,740.00.
2. The Governing Body acknowledges the terms and conditions for administering the Municipal Alliance grant, including the required amounts of 25% cash in the amount of \$3,685.00 and 75% in-kind matches in the amount of \$11,055.00, and the administrative compliance and audit requirements.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20MunicipalAllianceFor2013
Aye Nay Abstain Absent
Albanese _____
Barr _____
Kazanowski _____
Mazzarella _____
Toal _____
Whiting _____
O'Connor _____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Treasurer/CFO for authorization to refund overpayment of 2012 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 following refunds as per the attached schedule.

**CLARK TOWNSHIP
SEWER REFUNDS - 2012**

REF	#	Account #	Name	#	Address	Reason	Refund
12	21R	882-0	Elliot Friedman General Motors	1168	Lake Avenue Unit 7	overpayment	\$ 9.70
12	22R	5226-1	Corp	1300	Raritan Road	Overpayment	\$ 225.08
12	23R	1618-0	County of Union	675	Madison Hill Rd	overpayment	\$12,083.95

\$12,318.73

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20SewerRefunds
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK
 Resolution _____
 August 20, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 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 the following refunds:

TAX REFUNDS -2012						
BLOCK	LOT	Qtr.	NAME	#	ADDRESS	REFUND
30.04	72	1 st	Anindya Dixit	544	Oak Ridge Road	\$2,000.00
77	31	1 st	Marcos Esteves	32	King Street	\$ 503.54
8.02	2	3 rd & 4 th	R. Pontoriero	56	Rutgers Road	\$ 570.49
			Total Refund Amount			\$3,074.03

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 PATRICK O'CONNOR
 Council Vice President

Res12/8-20TaxRefunds

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS ADT Security Services, 21 Northfield Ave., Edison, New Jersey 08837 has requested a refund of Seventy Five Dollars (\$75.00) for voided Construction Permit #12-555 issued for 1 Ginesi Drive.

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 refund Seventy Five Dollars (\$75.00) to ADT Security Services.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20RefundConstPermitFee	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS S. Brothers Construction, Inc. has completed work on the 2011 Capital Road Improvement Program; Westfield Avenue, Old Raritan Road, Featherbed Lane; and

WHEREAS the Township Engineer recommends payment in the sum of One Hundred Twenty One Thousand Two Hundred Ninety Seven Dollars and Six Cents (\$121,297.06) including final quantities change order as per the attached schedule and release of the Performance Bond to S. Brothers Construction Inc. subject to the submission of a Maintenance Bond in the amount of Thirty Thousand Three Hundred Seventy One Dollars And Seventy Cents (\$30,371.70); and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Ordinance 11-12 as evidenced by the Certification of Availability of funds attached.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers Construction, Inc., P.O. Box 317, South River, NJ 08882 in the amount of \$121,297.06 including final quantities change order and release of the Performance Bond subject to the submission of a Maintenance Bond in the aforementioned amount.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20FinalPayment2011CapRoadsWestOldRarFeath

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

WHEREAS S. Brothers Construction, Inc. has completed work on the 2011 Capital Road Improvement Program; Ivy Street, Joseph Street and Acken Drive; and

WHEREAS the Township Engineer recommends payment in the sum of One Hundred Nine Thousand Four Hundred Twenty Four Dollars and Thirty Eight Cents (\$109,424.38) including final quantities change order as per the attached schedule; and

WHEREAS the Chief Financial Officer has determined sufficient funds are available in Ordinance 11-12 as evidenced by the Certification of Availability of funds attached.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, New Jersey that it does hereby authorize Final Payment to S. Brothers Construction, Inc., P.O. Box 317, South River, NJ 08882 in the amount of \$109,424.38 including final quantities change order in the amount of \$11,335.42.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20FinalPayment2011CapRoadsIvyJosephAcken
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

August 20, 2012

Motion _____ Second _____

WHEREAS Stilo Excavation, Inc. has contracted with the Township for work on the Municipal Parking Lot Expansion in the amount of \$228,772.65, Sewer Improvements to the Parking Lot in the amount of \$82,200.15 and Green Vehicle Wash in the amount of \$45,664.88 as part of the 2011 Capital Road Improvement Program; and

WHEREAS the Township Engineer recommends that the specifications be amended in accordance with the attached schedule; and

WHEREAS the aforesaid amendment to the specifications will result in increases over the original contract amounts, necessitating a change order authorization by the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby authorizes the attached Final Quantities Change Order; Municipal Parking Lot Expansion in the amount of \$38,079.72, Sewer Improvements to the Parking Lot in the amount of \$12,025.50 and Green Vehicle Wash in the amount of \$3,706.50 increasing the contract sums respectively, funded by Ordinance 11-12, payable to Stilo Excavation, Inc.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20FinalChgOrderStilo	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK

Resolution _____

August 20, 2012

Motion _____ Second _____

WHEREAS ShopRite has requested the release of the Performance Guarantee posted for site work at ShopRite on Central Avenue in Clark in the amount of Two Hundred Thirty Four Thousand, Six Hundred Dollars and Zero Cents (\$234,600.00); and

WHEREAS the Township Engineer has completed the final site inspections and has determined that all improvements have been installed and constructed in accord with State and Municipal design standards and requirements and therefore has no objection to the release of the Performance Guarantee; and

WHEREAS Section 195-84 of the Code of the Township of Clark requires the posting of a Maintenance Guarantee in an amount to be determined by the Township Engineer prior to the release of the Performance Guarantee; and

WHEREAS the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by ShopRite to be Twenty Three Thousand, Four Hundred Sixty Dollars and Zero Cents (\$23,460.00); and

WHEREAS ShopRite may direct the Township to retain \$23,460.00 of the Performance Guarantee and convert it to a Maintenance Guarantee for a one year period; and

WHEREAS at the end of the of the one year period, a re-inspection will be performed at which time the Cash Maintenance Guarantee may be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby concurs with the Township Engineer and directs the release of the Performance Guarantee upon receipt or conversion of cash to a Maintenance Guarantee in the amount of \$23,460.00 for a period of one year from the date of the release at which time, after re-inspection, any funds remaining in escrow will also be returned.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/8-20ReleasePerfBondShopRite
Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
Toal	_____
Whiting	_____
O'Connor	_____

TOWNSHIP OF CLARK
Resolution _____
August 20, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby appointed as a Regular Member of the Board of Adjustment.

Regular Member (4 year term)

TERM

Ed Ruth
8 Brentwood Road
Clark, New Jersey 07066

08/20/12 – 12/31/14
(filling the unexpired term of John Passuth)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

PATRICK O'CONNOR
Council Vice President

Res12/ZoningBdApt-Ruth

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____