

AGENDA
SPECIAL COUNCIL MEETING
430 WESTFIELD AVE., CLARK, NJ 07066
June 2, 2014
Municipal Building, Room 30
7:30 PM

ROLL CALL:

| | |
|------------------------------------|-------------------------------------|
| Councilwoman Albanese _____ | Councilman Mazarella _____ |
| Councilman Barr _____ | Councilman O'Connor _____ |
| Councilman Kazanowski _____ | Councilman Smith _____ |
| | Council President Toal _____ |

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 Union County Local Source, NJTODAY.NET and Star Ledger, by posting such Meeting Agenda 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.

ORDINANCES, APPROPRIATIONS AND CLAIMS:

INTRODUCTION OF PROPOSED ORDINANCES:

- 1. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF IMPROVEMENTS TO THE INTERSECTION OF WESTFIELD AVENUE AND TERMINAL AVENUE IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$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**

(The Supplemental Debt Statement has been properly and timely filed in accordance with State Law)

Public Hearing June 16th

- 2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20" OF THE CODE OF THE TOWNSHIP OF CLARK ENTITLED "PROHIBITED ACTS" ADOPTED FEBRUARY 18, 2014**

Public Hearing June 16th

RESOLUTIONS:

- 3. Award of Contract for the Valley Road School Parking Lot Improvements to Reivax Contracting Corp. in the amount of \$413,133.56**
- 4. Award of Contract for the 2014 Capital Road Improvement Program to Black Rock Enterprises, LLC in the amount of \$444,485.19**

Council as Pool Utility:

- 5. Appointing Jennifer Freese as Alternate I member of the Pool Advisory Board filling the unexpired term of Robin Nazar**

PUBLIC COMMENTS:

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

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

ADJOURNMENT:

Intro #1

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: June 2, 2014 Public Hearing: June 16, 2014

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF IMPROVEMENTS TO THE INTERSECTION OF WESTFIELD AVENUE AND TERMINAL AVENUE IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$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 improvements to the intersection of Westfield Avenue and Terminal Avenue in, by and for the Township, including signalization improvements and roadway realignment. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$500,000 is hereby appropriated to the payment of the cost of making the improvements 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 improvements shall be made as general improvements 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 improvements (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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$500,000, and (4) \$195,000 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 \$305,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$70,000, 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 \$195,000 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 \$305,000 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 \$305,000 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 \$305,000 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: July 10, 2014

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord14/6-2BondOrd\$500,000

| | Aye | Nay | Abstain | Absent |
|------------|-------|-------|---------|--------|
| Albanese | _____ | _____ | _____ | _____ |
| Barr | _____ | _____ | _____ | _____ |
| Kazanowski | _____ | _____ | _____ | _____ |
| Mazzarella | _____ | _____ | _____ | _____ |
| O'Connor | _____ | _____ | _____ | _____ |
| Smith | _____ | _____ | _____ | _____ |
| Toal | _____ | _____ | _____ | _____ |

Intro #2

TOWNSHIP OF CLARK
Ordinance No. _____
Adopted _____

Introduced: June 2, 2014 Public Hearing: June 16, 2014

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
"AN ORDINANCE TO AMEND CHAPTER 248, SECTION 248-20"
OF THE CODE OF THE TOWNSHIP OF CLARK
ENTITLED "PROHIBITED ACTS"
ADOPTED FEBRUARY 18, 2014**

BE IT ORDAINED by the Governing Body of the Township of Clark that Ordinance No. 14-07 adopted on April 21, 2014 is hereby supplemented in the following particulars:

SECTION 1: Section 1 of the Ordinance entitled "Prohibited Acts" is supplemented so as to prohibit the activities referenced therein on all Federal holidays, in addition to existing prohibition on Sundays.

SECTION 2: **Inconsistent Ordinances:** Any ordinances of the Township of Clark 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 final adoption and publication, according to law.

Effective Date: July 9, 2014

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

SALVATORE BONACCORSO
Mayor

Ord14/6-2AmendCh248ProhibitedActsHolidays
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution _____

June 2, 2014

3

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on May 15, 2014 for the Valley Road School Parking Lot Improvements; and

WHEREAS five (5) bid proposals were received on May 28, 2014 in accordance with specifications prepared by the Township Engineer; and

WHEREAS the three (3) lowest responsible bidders were Reivax Contracting Corp. of Newark, NJ in the amount of \$413,133.56, Black Rock Enterprises, LLC of Old Bridge, NJ in the amount of \$468,713.50 and Stilo Excavation Inc. of South Plainfield, NJ in the amount of \$527,232.15; and

WHEREAS Reivax Contracting Corp., 356 Thomas Street, Newark, NJ 07114 submitted the lowest responsible bid in the amount of \$413,133.56 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinance 14-05 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Reivax Contracting Corp.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Reivax Contracting Corp. in the amount of \$413,133.56; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/6-2AwardValleyRdSchoolParking

| | Aye | Nay | Abstain | Absent |
|------------|-------|-------|---------|--------|
| Albanese | _____ | _____ | _____ | _____ |
| Barr | _____ | _____ | _____ | _____ |
| Kazanowski | _____ | _____ | _____ | _____ |
| Mazzarella | _____ | _____ | _____ | _____ |
| O'Connor | _____ | _____ | _____ | _____ |
| Smith | _____ | _____ | _____ | _____ |
| Toal | _____ | _____ | _____ | _____ |

TOWNSHIP OF CLARK

Resolution _____

June 2, 2014

4

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark has advertised for bids on May 15, 2014 for the 2014 Capital Road Improvement Program; Ayers Lane, Dawn Drive, Sheffield Way, Wilshire Way; and

WHEREAS five (5) bid proposals were received on May 28, 2014 in accordance with specifications prepared by the Township Engineer; and

WHEREAS Reivax Contracting Corp., the apparent low bidder, whose written statement is attached hereto and made a part hereof withdrew their bid due to a significant mathematical error which would have had a detrimental financial impact; and

WHEREAS the three (3) lowest responsible bidders were Black Rock Enterprises, LLC of Old Bridge, NJ with a base in the amount of \$444,485.19, Cifelli & Son General Construction, Inc. of Nutley, NJ with a base bid in the amount of \$490,616.50, and Top Line Construction Corp. of Somerville, NJ with a base bid in the amount of \$498,179.30; and

WHEREAS Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857 submitted the lowest responsible bid in the amount of \$444,485.19 which meets the needs of the Township as specified by the Township Engineer; and

WHEREAS the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Bond Ordinances 12-08 and 13-08 as attached hereto as a "Certification of Availability of Funds"; and

WHEREAS the Township Engineer has presented written approval for the award of the contract to Black Rock Enterprises, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby awards a contract to Black Rock Enterprises, LLC in the amount of \$444,485.19; and

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

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/6-02 Award 2014 Capital Road Imp

Aye Nay Abstain Absent

| | |
|------------|-------|
| Albanese | _____ |
| Barr | _____ |
| Kazanowski | _____ |
| Mazzarella | _____ |
| O'Connor | _____ |
| Smith | _____ |
| Toal | _____ |

5

TOWNSHIP OF CLARK
Resolution _____
June 2, 2014

Motion _____ Second _____

BE IT RESOLVED by the Township Council as the Municipal Pool Utility that the following individual is hereby appointed as the Alternate I Member of the Clark Community Pool Advisory Board effective June 2, 2014.

Alternate I Member:

Jennifer Freese
(Filling the unexpired
term of Robin Nazar)

63 Cornell Drive

06/02/14 – 12/31/15 (2 year)

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

BRIAN P. TOAL
Council President

Res14/6-2PoolAdvisoryBoardAltI

Aye Nay Abstain Absent

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