

**AGENDA
COUNCIL MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
October 15, 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.

Suspend the Regular Order of Business:

Police Promotions: Lieutenants Michael Pollock and Vincent Concina
Captains Pedro Matos and James Rapp
Little League Awards
Presentation to Mayor Bonaccorso by Richard O'Connor of Grotto Engineering

Resume the Regular Order of Business.

COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:

Mayor:

Township Officers: Police and Fire Reports for the month of September 2012 as well as the Clerk's Quarterly Financial Report are on file and are open to the public

REPORT OF COUNCIL COMMITTEES:

ORDINANCES, APPROPRIATIONS AND CLAIMS:

PUBLIC HEARING ON PROPOSED ORDINANCES:

PAYMENT OF CLAIMS:

Councilwoman Albanese, of the Finance Committee will give a report on Current and Capital expenditures received and encumbered through October 11, 2012 in the amount of \$195,097.87

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:

1. Award of Contract for the Collection and Disposal of Leaves to Messercola Excavating Co. Inc. in the amount of \$2.73 per cubic yard

CONSENT AGENDA RESOLUTIONS:

2. Authorizing the Tax Collector to settle a Tax Appeal authorized by the Union County Board of Taxation for the property located at 67 Walnut Ave. in the amount of \$2,906.82 for 2010 and \$1,838.34 for 2011
3. Authorizing the Chief Financial Officer to refund over payment of 3rd Quarter Taxes in the amount of \$2,595.99
4. Authorizing the Chief Financial Officer to refund overpayment of sewer fees in the amount of \$2,151.31
5. Authorizing the Chief Financial Officer to apply sewer account balance adjustments in the amount of \$20,215.96
6. Authorizing Release of Performance Guarantees for the CDBG year 37 ADA Curb and Ramp Improvements to S. Brothers, Inc.
7. Authorizing a partial release of Performance Guarantees in the amount of \$306,215.70 to Feil Clark Associates for Retro Fitness
8. Authorizing the Chief Financial Officer to refund voided construction permit #11-598 in the amount of \$2,673.00

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
Resolution _____
October 15, 2012

Motion _____ Second _____

WHEREAS the Governing Body of the Township of Clark advertised on September 27, 2012 and received one (1) bid for Collection and Disposal of Leaves on October 10, 2012 at 10:00 a.m.; and

WHEREAS the lowest responsible bidder was Messercola Excavating Co. Inc., 549 East Third., Plainfield, NJ 07060 in the amount of \$2.73 per cubic yard; and

WHEREAS the Business Administrator has reviewed all the documents required by the bid specifications and recommends award of contract to Messercola Excavating Co. Inc., not to exceed budget appropriation of \$40,950.00; and

WHEREAS the Chief Financial Officer has ascertained funds are available in the 2012 Municipal Budget, Account Number 26-306-223.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby award a contract to Messercola Excavating Co. Inc. in the amount of \$2.73 per cubic yard subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15AwardLeaves

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

CA 2

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

Motion _____ Second _____

BE IT RESOLVED, by the Governing Body of the Township of Clark that it does hereby authorize the Tax Collector to settle a Tax Appeal authorized by the Union County Board of Taxation for the following:

<u>Block/Lot</u>	<u>Address</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction</u>	<u>X</u>	<u>Rate</u>	<u>Refund</u>
155/8 (2010)	67 Walnut Ave.	\$3,266,200	\$2,850,200	\$416,000	X	5%	\$2,906.82
155/8 (2011)	67 Walnut Ave.	\$3,266,200	\$2,744,600	\$521,600	X	5%	\$1,838.34
Total Amount to be Refunded							\$4,745.16

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15TaxAppealJudgment

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

CA 3

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

Motion _____ Second _____

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of the 3rd quarter 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:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND	YEAR
43.01	30		GARCIA, MARIA	592	MADISON HILL RD	\$ 319.42	2012
							3RD QTR
193	2		MOGILA, STEPHEN	102	GLENWOOD TERR	\$2,276.57	2012
							3RD QTR
			TOTAL REFUND			\$2,595.99	

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15TaxRefunds

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

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

CA 4

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	24R	4173-0	James Rooney	22	Clauss Road	overpayment	\$ 13.00
12	25R	2259-0	Patricia Myska	4	Terry Lane	overpayment	\$ 25.00
12	26R	3449-0	Francisco Antunez	53	Fulton Street	overpayment	\$ 154.48
12	27R	3710-0	Annie Galiszewski	202	Broadway	overpayment	\$ 11.98
12	28R	1335-0	Richard Kotelnick	25	Canterbury Dr.	overpayment	\$1,396.14
12	29R	1285-0	Raya Falik	11	Meissner Way	overpayment	\$ 175.13
12	30R	2173-0	Arvin Dhansew	1793	Dakota Street	overpayment	\$ 28.58
12	31R	965-0	Edward Matthews	51	Briarwood Path	overpayment	\$ 79.50
12	32R	504-0	Nancy Pflug	7	Mountainview Rd	overpayment	\$ 267.50
Total Refunds							\$2,151.31

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15SewerRefunds

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

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

CA5

Motion _____ Second _____

WHEREAS the Treasurer/CFO has certified that sewer utility accounts require balance adjustments; and

WHEREAS the Business Administrator has reviewed the attached list and approved the sewer fee adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Clark, County of Union, State of New Jersey, that the Treasurer/CFO be authorized to apply the sewer account balance adjustments according to the attached schedule:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15SewerAdj

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

SEWER BILLING ADJUSTMENT 2012**CLARK TOWNSHIP**

REF	# Account # Name	# Address	Reason	Original	Revised	Credit
12	59 2154-0	Clark Developers	292 Terminal Avenue	demolished	225.00	- \$ 225.00
12	60 2154-1	Clark Developers	292 Terminal Avenue	demolished	225.00	- \$ 225.00
12	61 2159-0	Clark Developers	1245 Westfield Avenue	demolished	225.00	- \$ 225.00
12	62 2154-2	Clark Developers	292 Terminal Avenue	demolished	225.00	- \$ 225.00
12	63 2159-1	Clark Developers	1245 Terminal Avenue	demolished	225.00	\$ 225.00
12	64 2159-2	Clark Developers	1245 Terminal Avenue	demolished	225.00	\$ 225.00
12	65 3710-0	Annie Galiszewski	202 Broadway	demolished	225.00	100.00 \$ 125.00
12	66 1335-0	Richard Kotelnick	25 Canterbury Drive	water co error	3,969.64	588.68 \$ 3,380.96
12	67 504-0	Nancy Pflug	7 Mountainview Rd	water issue	1,305.00	385.00 \$ 920.00
12	68 519-0	Armen Mantashian	71 Hilltop Avenue	vacant	14,440.00	- \$ 14,440.00
Total Adjustments						\$ 20,215.96

TOWNSHIP OF CLARK

Resolution _____

October 15, 2012

CAG

Motion _____ Second _____

WHEREAS S. Brothers, Inc. has requested the release of the Performance Guarantee posted for the CDBG year 37 ADA Curb and Ramp Improvements in the amount of Fifteen Thousand Dollars (\$15,000.00) and Final Payment; 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 recommends the release of the Performance Guarantee and Final Payment including final quantities change order in the amount of Seventeen Thousand Dollars (\$17,000.00); 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 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 S. Brothers to be One Thousand, Seven Hundred Dollars (\$1,700.00); and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it concurs with the Township Engineer and hereby authorizes final payment in the amount of \$17,000.00 and directs the release of the Performance Guarantee in the amount of \$15,000.00 upon submission of a Maintenance Guarantee in the amount of \$1,700.00 for a period of one year from October 15, 2012 at which time, after re-inspection, the Maintenance Guarantee may be released.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15ReleaseCDBGYear37SBrothers

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

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

CA 7

Motion _____ Second _____

WHEREAS Feil Clark Associates, LLC has requested partial release of the Performance Guarantee originally posted for Retro Fitness in the amount of Four Hundred Thirty Seven Thousand Four Hundred Fifty One Dollars (\$437,451.00) to guarantee site work at 225 Terminal Avenue; and

WHEREAS the Township Engineer has performed an inspection of all work completed to date and acknowledges that 70% of the work has been completed according to the approved plan; and

WHEREAS the Township ordinance allows for a maximum reduction of Seventy Percent (70%) of the total Guarantee; and

WHEREAS there has been no previous reduction of Performance Guarantees for this project; and

WHEREAS Seventy Percent (70%) of Four Hundred Thirty Seven Thousand Four Hundred Fifty One Dollars (\$437,451.00) is Three Hundred Six Thousand Two Hundred Fifteen Dollars and Seventy Cents (\$306,215.70); and

WHEREAS the Township will retain on deposit performance guarantees in the amount of One Hundred Thirty One Thousand Two Hundred Thirty Five Dollars and Thirty Cents (\$131,235.30), which the Township Engineer has determined to be sufficient to guarantee full performance and installation of all requisite improvements; and

WHEREAS the Township Engineer has recommended the reduction of the Performance Guarantee in the amount of Three Hundred Six Thousand Two Hundred Fifteen Dollars and Seventy Cents (\$306,215.70) and the retention of performance guarantees in the amount of One Hundred Thirty One Thousand Two Hundred Thirty Five Dollars and Thirty Cents (\$131,235.30), which sum he has determined to be sufficient to guarantee final performance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize a partial release of performance guarantees in the amount of \$306,215.70 to Feil Clark Associates, LLC with the retention of performance guarantees in the amount of \$131,235.30 to guarantee the complete installation and construction of all improvements, said remaining performance guarantees to be released only upon final completion and approval by the Township Engineer together with posting of the requisite maintenance guarantee.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15ReducePerfGuarantee-Retro
Aye Nay Abstain Absent

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

CA 8

TOWNSHIP OF CLARK
Resolution _____
October 15, 2012

Motion _____ Second _____

WHEREAS Brandon Bennett, 304 Parkway Drive, Clark, New Jersey 07066 has requested a refund of Two Thousand Six Hundred Seventy Three Dollars (\$2,673.00) for voided Construction Permit #11-598;and

WHEREAS the Construction/Zoning Official 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 refund \$2,673.00 to Brandon Bennett.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/10-15RefundConstPermitFee	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____