

**SPECIAL COUNCIL MEETING, 430 WESTFIELD AVE., CLARK, NJ
September 2, 2014**

ROLL CALL:

Present: Council Members Albanese, Barr, Mazzarella, O'Connor, Smith, Soyka, Toal

Also Present: Mayor Sal Bonaccorso, John Laezza, Business Administrator; Howard Lesnik, Acting Township Attorney; Edith L. Merkel, Township Clerk

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

PLEDGE OF ALLEGIANCE TO THE FLAG - MOMENT OF SILENCE

This meeting is in compliance with the "Open Public Meetings Act" as adequate notice of this meeting has been provided by sending written advanced notice of at least 48 hours to the 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.

RESOLUTIONS:

Resolution 14-122

WHEREAS the Governing Body of the Township of Clark advertised and received one (1) bid for the Collection and Disposal of Leaves on August 20, 2014 at 10:00 a.m.; and

WHEREAS the Business Administrator recommends that the bid be rejected in the best interest of the Township and seeks authorization to re-bid the project; and

WHEREAS Resolution 14-22 authorizes the Administration/Township Clerk to advertise for Bids for all necessary government operations.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it hereby rejects the bid for the Collection and Disposal of Leaves and grants authorization to re-bid said project.

Moved by Councilman Mazzarella, seconded Councilwoman Soyka

Discussion:

John Laezza: I thought the bids were too high. There was only one bidder. Last year it was 2.78 and this year he wanted 3.48, that's a pretty big jump. We're giving them another shot.

Mayor Bonaccorso: John was it the same group that bid last year?

John Laezza: Yes.

Councilwoman Soyka: Where do they store the leaves when they pick them up? Because I remember years ago there was a problem by the high school. Do they still do that?

John Laezza: We store them in the DPW yard. We have huge containers that we put them in and then they haul them away.

Councilwoman Soyka: Oh you have containers, okay.

Councilman Smith: Are there many other companies who do this and they just elected not to bid on it or do you have any idea why?

John Laezza: Yes I think they have better deals than the garbage men.

No further discussion

Council President Toal directed roll call:

Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Soyka, Toal

Resolution 14-123

WHEREAS William Krame, of Krame Development Company, Inc. (the Developer) has requested partial release of the Performance Guarantee originally posted for site work in the amount of Seven Million Five Hundred Seventy Five Thousand Dollars (\$7,575,000.00) to guarantee site work at the Clark Commons site on Raritan Road; and

WHEREAS through negotiations with the Developer, the Township Engineer and the Business Administrator are agreeable to reducing the Performance Guarantee to Four Million, Six Hundred Twenty Eight Thousand, Seven Hundred Fifty Dollars (\$4,628,750.00) based on inspections of all work completed to date and acknowledge that the work has been completed according to the approved plan; and

WHEREAS the reduced performance guarantee has been accepted as follows: \$4,250,000.00 in additional cash and \$378,750.00 as previously posted in cash; and

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

WHEREAS the Township has determined this amount to be sufficient to guarantee full performance and installation of all requisite improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the acceptance of the reduced performance guarantee as set forth herein and said performance guarantee to be further reduced only upon reductions authorized by the Township Engineer.

Moved by Councilman O’Connor, seconded by Councilman Mazzarella

Discussion:

John Laezza: As this project is progressing along the original estimate for doing this onsite work was seven million five hundred and seventy-five thousand dollars. Since the time period of that start until the present time the amount of work that has been done is adequate so that four million six twenty-eight seven hundred thousand would be adequate to complete the job should somebody fall down and not do it. So we’d rather have the man not give us seven million dollars when he already spent three million of his own money to get where he is on the project.

Council President Toal: So your recommendation is to release.

John Laezza: Reduce it.

No further discussion

Council President Toal directed roll call:

Aye: Albanese, Barr, Mazzarella, O’Connor, Smith, Soyka, Toal

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.

Council President Toal opened the meeting to the public

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

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Soyka, Toal

MAYOR, COUNCIL AND PROFESSIONAL COMMENTS:

Mayor Bonaccorso: Nothing; I will wait till later.

Councilwoman Albanese: No comment.

Councilman Barr: No comment.

Councilman Mazzarella: No comment.

Councilman O'Connor: No comment.

Councilman Smith: No comment

Councilwoman Soyka: No comment.

Council President Toal: No comment.

ADJOURNMENT

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

Council President Toal directed roll call:
Aye: Albanese, Barr, Mazzarella, O'Connor, Smith, Soyka, Toal

APPROVED

BRIAN P. TOAL
Council President

ATTEST:

EDITH L. MERKEL, RMC
Township Clerk

