

**AGENDA**  
**SPECIAL COUNCIL MEETING**  
**430 WESTFIELD AVE., CLARK, NJ 07066**  
**May 6, 2013**  
**Municipal Building, Room 30**  
**7:30 PM**

**ROLL CALL:**

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

**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.

**INTRODUCTION OF PROPOSED ORDINANCE:**

(The Supplemental Debt Statement has been filed with the Division of Local Government Services as required by law prior to the Introduction of the Bond Ordinance)

- 1. BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2013 CAPITAL ROAD IMPROVEMENT PROGRAM AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,145,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.**

Public Hearing May 20<sup>th</sup>

**RESOLUTIONS:**

- 2. Authorizing Final payment to GSP Construction for the School Street Drainage project in the amount of \$3,702.52**
- 3. Release of Performance Bond to Target Corporation for site work on Central Avenue**
- 4. Release of Performance Guarantees to US Pavement Services for paving of the Target parking lot on Central Avenue**

**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 ORD.

TOWNSHIP OF CLARK

Ordinance No. \_\_\_\_\_

# 1

Adopted \_\_\_\_\_

Introduced: May 6, 2013 Public Hearing: May 20, 2013

Motion: \_\_\_\_\_ Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_ Seconded: \_\_\_\_\_

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE 2013 CAPITAL ROAD IMPROVEMENT PROGRAM AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,145,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.

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

Section 1. The Township of Clark, in the County of Union, State of New Jersey (the "Township") is hereby authorized to undertake the 2013 Capital Road Improvement Program and to acquire new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and

4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the 2013 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:

Poplar Terrace  
Plymouth Road  
Schmidt Lane  
Clauss Road

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").

Appropriation and Estimated Cost	\$ 800,000
Down Payment Appropriated	\$ 40,000
Bonds and Notes Authorized	\$ 760,000
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of (i) a truck with roll on/roll off hoist for the use of the Department of Public Works and (ii) an SUV for the use of the Office of Emergency Management.

Appropriation and Estimated Cost	\$ 265,000
Down Payment Appropriated	\$ 15,000
Bonds and Notes Authorized	\$ 250,000
Period of Usefulness	5 years

C. Acquisition of new communication and signal systems equipment consisting of 9-1-1 communications equipment for the use of the Police Department.

Appropriation and Estimated Cost	\$ 80,000
Down Payment Appropriated	\$ 4,000
Bonds and Notes Authorized	\$ 76,000
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$1,145,000
Aggregate Down Payment Appropriated	\$ 59,000
Aggregate Amount of Bonds and Notes Authorized	\$1,086,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$55,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding \$59,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$59,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$1,086,000 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,086,000 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 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and 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 bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute 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 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.84 years computed from the date of said bonds.

Section 11. 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 said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,086,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. 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 such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

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. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the 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 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Effective Date: June 13, 2013

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**EDITH L. MERKEL, RMC**  
Township Clerk

\_\_\_\_\_  
**PATRICK O'CONNOR**  
Council President

\_\_\_\_\_  
**SALVATORE BONACCORSO**  
Mayor

Ord13/5-6MultipurposeBondOrd  
Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK  
Resolution \_\_\_\_\_  
May 6, 2013

2

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** GSP Construction, Inc. has completed work on the School Street Drainage Improvements; and

**WHEREAS** the Township is in receipt of a one year Maintenance Bond in the amount of \$8,737.80 (30% of \$29,126.00); and

**WHEREAS** the Township Engineer recommends payment in the sum of Three Thousand Seven Hundred Two Dollars and Fifty Two Cents (\$3,702.52); and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in the Target Escrow Account 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 GSP Construction, Inc., 3010 Bordentown Ave., Parlin, New Jersey 08859 in the amount of \$3,702.52

ATTEST:

APPROVED:

\_\_\_\_\_  
EDITH L. MERKEL, RMC  
Township Clerk

\_\_\_\_\_  
PATRICK O'CONNOR  
Council President

Res13/5-20FinalPaymentGSP SchoolStDrainage

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

**CERTIFYING FUNDS FOR THE FULL AMOUNT OF A CONTRACT IN THE  
CURRENT FISCAL YEAR CERTIFICATION OF AVAILABILITY OF FUNDS**

DATE: April 23, 2013

As required by NJSA 40A:4-57, NJAC 5:30-14.5, and any other applicable requirements, I Terance O'Neill, Chief Financial Officer of the Township of Clark, New Jersey have ascertained that there are available sufficient uncommitted appropriations to award a payment/contract to GSP Construction, Inc. in the amount of \$3,702.52 for Final Payment - School Street Drainage Project.

Funds for certification are therefore being made available and certified against the appropriation for the Department of \_\_\_\_\_  
Account No. Target Escrow Account or Ordinance No. \_\_\_\_\_



\_\_\_\_\_  
Terance O'Neill  
Chief Financial Officer

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 6, 2013

3

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** Target Corporation has requested the release of the Performance Bond posted for site work at the Target building on Central Avenue in Clark in the amount of Ninety Six Thousand, Five Hundred Dollars and Zero Cents (\$96,500.00); 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 Bond; 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 Bond; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Target Corporation to be Nine Thousand, Six Hundred Sixteen Dollars and Zero Cents (\$9,616.00); and

**WHEREAS** Target has submitted a Maintenance Bond in the proper amount 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 Maintenance Bond 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 Bond and will retain the Maintenance Bond 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 President

Res13/5-6ReleasePerfBndTarget

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

May 6, 2013

4

Motion \_\_\_\_\_ Second \_\_\_\_\_

**WHEREAS** US Pavement Services, Inc. has requested the release of the Performance Bond posted for paving work at the Target building on Central Avenue in Clark in the amount of Four Hundred Twenty Two Thousand, Five Hundred Fifty Four Dollars and Eighty Cents (\$422,554.80) and cash in the amount of Forty Seven Thousand, One Hundred Forty Nine Dollars and Twenty Cents (\$47,149.20); 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 Bond; 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 Bond; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by US Pavement Services, Inc. to be Forty Six Thousand, Nine Hundred Fifty Dollars and Sixty Cents (\$46,950.60); and

**WHEREAS** US Pavement Services, Inc. has submitted a Maintenance Bond in the proper amount for a one year period; and

**WHEREAS** at the end of the one year period, a re-inspection will be performed at which time the Maintenance Bond 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 Guarantees and will retain the Maintenance Bond 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 President

Res13/5-6ReleasePerfBndUSPavement(Target)

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