

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

**ROLL CALL:**

<b>Councilwoman Albanese</b> _____	<b>Councilman Mazarella</b> _____
<b>Councilman Barr</b> _____	<b>Councilman O'Connor</b> _____
<b>Councilman Kazanowski</b> _____	<b>Councilman Smith</b> _____
	<b>Council President Toal</b> _____

**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 ORDINANCES:**

Supplemental Debt Statement has been properly filed by the CFO

- 1. BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW ENTRANCE ROAD AND THE MAKING OF PARKING IMPROVEMENTS AT VALLEY ROAD SCHOOL FOR JOINT SCHOOL AND MUNICIPAL USE AND PUBLIC SAFETY PURPOSES IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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**
- 2. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE IMPROVEMENTS AND ACQUISITION OF EQUIPMENT TO CLARK SWIM POOL FACILITIES, INCLUDING IN GROUND VOLLEYBALL COMPLEX; ELECTRICAL REPLACEMENTS; UMBRELLAS AND TABLES AND GAME TABLES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$21,969.55 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL OUTLAY OF THE TOWNSHIP OF CLARK SWIM POOL UTILITY**

**RESOLUTIONS:**

- 3. Award of Contract to Hull-Vicci Construction for the Raritan Road Fire House Addition in the base bid amount of \$85,900.00**
- 4. Authorizing release of Performance Guarantees to Quick Chek for site improvements at 186 Westfield Avenue**

**5. Council as the Board of Health**

- A.** Authorizing the Business Administrator and the Health Officer to enter into a Memorandum of Agreement with the City of Elizabeth for TB Reactor Services
- B.** Authorizing the Business Administrator and the Health Officer to enter into a Memorandum of Agreement with the City of Elizabeth for Sexually Transmitted Disease Services

**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

Intro 1

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

Adopted \_\_\_\_\_

Introduced: April 7, 2014 Public Hearing: April 21, 2014

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

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

**BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW ENTRANCE ROAD AND THE MAKING OF PARKING IMPROVEMENTS AT VALLEY ROAD SCHOOL FOR JOINT SCHOOL AND MUNICIPAL USE AND PUBLIC SAFETY PURPOSES IN, BY AND FOR THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$400,000 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, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey (the "Township"), is hereby authorized to construct a new entrance road and make parking improvements at Valley Road School for joint school and municipal use and public safety purposes in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$400,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). 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 benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said 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 \$400,000, and (4) \$20,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$380,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000, which is estimated to be necessary to finance the cost of such 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 moneys exceeding \$20,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Township, are now available to finance said purpose. The sum of \$20,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the Township of an aggregate principal amount not exceeding \$380,000 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 \$380,000 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 bond anticipation 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 \$380,000 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, 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 improvements described in Section 1 of this 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 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: May 15, 2014

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

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

Ord14/4-7BondOrd\$400,000ValleyRdSch	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Smith	_____
Toal	_____

TOWNSHIP OF CLARK

Intro 2

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

Adopted \_\_\_\_\_

Introduced: April 7, 2014 Public Hearing: April 21, 2014

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

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

**CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE IMPROVEMENTS AND ACQUISITION OF EQUIPMENT TO CLARK SWIM POOL FACILITIES, INCLUDING IN GROUND VOLLEYBALL COMPLEX; ELECTRICAL REPLACEMENTS; UMBRELLAS AND TABLES AND GAME TABLES AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$21,969.55 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL OUTLAY OF THE TOWNSHIP OF CLARK SWIM POOL UTILITY**

**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 make improvements and acquisition of equipment to the Clark Swim Pool facility, including in ground volleyball complex; electrical replacements; umbrellas and tables and game tables and any ancillary costs related thereto.

**Section 2.** The sum of \$21,969.55 is hereby appropriated for the improvements and acquisition of equipment as mentioned heretofore to the Clark swim pool facility and ancillary costs related thereto, as described in section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from Capital Outlay of the Township of Clark Swim Pool Facility for the payment of the cost of said capital purpose.

**Section 3.** Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

**Section 4.** The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

**Section 5.** This Ordinance shall take effect at the time and in the manner provided by law.

Effective Date: May 14, 2014

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**BRIAN P. TOAL**  
Council President

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

Ord14/4-7CapitalOutlayPool

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 7, 2014

3

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

**WHEREAS** Resolution 14-41 rejected all bids for the Building Addition at Fire Station No. 2 (865 Raritan Road) which were opened on March 5, 2014 and also granted authorization to re-bid the project; and

**WHEREAS** the Governing Body re-advertised for bids and received five (5) bid proposals on March 19, 2014 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** as a result of further review of the facility a determination has been made to forgo the alternate bid, as the specifications of the work required to be included in the base bid is sufficient to meet the needs of the Township; and

**WHEREAS** the three (3) lowest responsible bidders were Hull-Vicci Construction Corp. with a base bid in the amount of \$85,900.00, Fine Wall Corporation with a base bid in the amount of \$87,000.00, and K & D Contractors, LLC with a base bid in the amount of \$92,100.00; and

**WHEREAS** Hull-Vicci Construction Corp., 107 Walnut Avenue, Cranford, NJ 07016 submitted the lowest responsible base bid in the amount of \$85,900.00 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 14-01 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 Hull-Vicci Construction Corp.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to Hull-Vicci Construction Corp. in the amount of \$85,900.00; 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

Res14/4-7AwardFireStation2

Aye Nay Abstain Absent

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 7, 2014

4

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

**WHEREAS** Quick Chek has requested the release of Performance Guarantees posted for site work at 186 Westfield Avenue in Clark in the amount of Seventy Five Thousand, Seven Hundred Sixty Four Dollars and Thirty Eight Cents (\$75,764.38); 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 Quick Chek to be Eight Thousand, Four Hundred Twenty Nine Dollars and Thirty Eight Cents (\$8,429.38) to be held for one year; and

**WHEREAS** Quick Chek may direct the Township, in writing, to retain the cash portion \$8,429.38 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 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 Performance Guarantees in the amount of \$75,764.38 to Quick Chek upon receipt or conversion of a Maintenance Guarantee in the amount of \$8,429.38 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

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/4-7ReleasePerfBond-QuickChek

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 7, 2014

5 A

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator and Health Officer to execute a Memorandum of Agreement with The City of Elizabeth enabling the Township to receive TB Reactor Services, effective retroactively from January 1, 2014 to December 31, 2014.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/4-7AgrmntCityofElizTBServices

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

TOWNSHIP OF CLARK

Resolution \_\_\_\_\_

April 7, 2014

5 B

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

**BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator and Health Officer to execute a Memorandum of Agreement with The City of Elizabeth enabling the Township to receive Sexually Transmitted Disease (STD) Services, effective retroactively from January 1, 2014 to December 31, 2014.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
BRIAN P. TOAL  
Council President

Res14/4-7AgrmntCityofElizSTDServices

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