

This Notice is for reference purposes, as per the Open Public Meetings Act Requirements, N.J.S.A. 10:4-8 and N.J.S.A. 10:4-18.

**AGENDA  
COUNCIL MEETING  
315 WESTFIELD AVE., CLARK, NJ 07066  
August 20, 2018  
7:30 pm**

**ROLL CALL:**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG: MOMENT OF SILENCE**

This meeting is in compliance with the Open Public Meetings Act (Chapter 231, P.L.1975) 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 TAP into Clark, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the proper filing of said Notice. Formal action may be taken at this meeting.

**COMMUNICATIONS FROM THE MAYOR AND REPORTS OF TOWNSHIP OFFICERS:**

**Mayor:**

**Township Officers:** Reports given this evening will be available in the Clerk's office and on the township website [www.ourclark.com](http://www.ourclark.com)

**REPORT OF COUNCIL COMMITTEES:**

**ORDINANCES, APPROPRIATIONS AND CLAIMS:**

**PUBLIC HEARING ON PROPOSED ORDINANCES:**

(No objections have been received in connection with the proposed Ordinances)

- 1. 18-19 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF THE TOWNSHIP OF CLARK IN PARTICULAR CHAPTER 57 ENTITLED "SEWERAGE AUTHORITY" AND CHAPTER 279 ENTITLED "SEWERS"**
- 2. 18-20 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY 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 \$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.**

### **PAYMENT OF CLAIMS:**

Councilman O'Connor, Chairman of Finance Committee will give a report on Current and Capital expenditures received and encumbered through August 13, 2018 in the amount of \$286,009.42

### **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.

**The Public may speak on any agenda item that does not have its own public hearing**

### **RESOLUTIONS:**

3. Award of Contract to Messercola Excavating for the Collection and Disposal of Leaves at a rate of \$3.48 per cubic yard, not to exceed \$40,000.00
4. Authorizing the Mayor to sign an agreement with Union County for Leaf Composting at a rate of \$2.00 per yard, not to exceed \$32,000.00
5. Award of Contract to P & A Construction, Inc. in the amount of \$332,991.12 for the 2018 NJDOT Lake Avenue Roadway Improvements from Oak Ridge Road to the Woodbridge Township border
6. Authorizing Final Payment to Fieldturf USA for the ALJ Multipurpose Field and Track Replacement in the amount of \$159,229.35
7. Authorizing Final Payment to Top Line Construction for the 2017 Capital Roadway Improvements in the amount of \$10,411.94

### **CONSENT AGENDA RESOLUTIONS:**

8. Authorizing the Tax Collector to refund overpayment of 2018 taxes in the amount of \$8,493.85
9. Authorizing the Chief Financial Officer to apply sewer account balance adjustments as credit in the amount of \$930.00
10. Authorizing the Tax Collector to make the proper adjustments for 100% property tax exemption of Block 38.08 Lot 7 in accordance with a directive of the U.S. Department of Veterans Affairs
11. Authorizing the purchase of one Emergency Generator for the Department of Public Works in the total amount of \$63,336.00 through the Sourcewell National Cooperative Pricing System

### **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:**

PH 1

TOWNSHIP OF CLARK

Ordinance No. 18-19

Adopted \_\_\_\_\_

Introduced: July 16, 2018 Public Hearing: August 20, 2018

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODE OF THE TOWNSHIP OF CLARK IN PARTICULAR CHAPTER 57 ENTITLED "SEWERAGE AUTHORITY" AND CHAPTER 279 ENTITLED "SEWERS"**

**BE IT ORDAINED** by the Governing Body of the Township of Clark that Chapters 57 and 279 of the Code of the Township of Clark being the same are amended as follows:

**SECTION 1:** Section 57-6 of Chapter 57 is supplemented so as to provide the following paragraph:

"Flow rights are granted to member communities by the Rahway Valley Sewerage Authority (RVSA). By agreement, the Township has been granted sewer flow rights for the municipality. The total flow rights to end users is finite and limited and assigned developers, upon purchase at the time of the sanitary sewer application. All completed applications for sewer permits shall be approved on a first-come, first-served basis. The obligation of the Authority or the Township to approve applications for sewer permits is contingent upon the availability of capacity, both at the Rahway Valley Sewerage Authority Treatment Plant, and in the Mains that are owned and maintained by the RVSA and the Township of Clark. If sufficient flow rights are not available from the Township, it shall be the sole responsibility of the developer to acquire sufficient flow rights from another source to accommodate its development as follows: "If Clark does not already possess adequate flow rights in order for the Developer to proceed with the development, Clark may, in its sole discretion, choose to negotiate with another Member for the purchase of additional flow rights All negotiations must be between Members Only. Developer must reimburse the Township of Clark for the cost of such rights in accordance Chapter 57-6 of the Township Code." Construction permits shall not be issued unless and until the developer provides adequate evidence of its acquisition of flow rights sufficient to serve the proposed development."

**SECTION 2:** Chapter 279, Sub-Section 2, entitled "Discharge to Sanitary Sewers Prohibited" is supplemented so as to provide Section D as follows:

D. "Any changes in use of any existing property or facility or any physical additions to or expansions of existing property or facility shall be subject to review and re-evaluation of the sewer service and the amount of flow rights assigned by the Township. Any increase shall subject the Applicant to additional fees.

Flow rights are granted to the Township of Clark and other member communities by the Rahway Valley Sewerage Authority (RVSA). By agreement, the Township has been granted sewer flow rights for the

municipality. Flow rights available for purchase are finite and limited and assigned upon purchase at time of sanitary sewer application. Flow rights are not guaranteed. Therefore, all completed applications for sewer permits shall be approved on a first-come, first-served basis. The obligation of the Authority and/or the Township to approve applications for sewer permits is contingent upon the availability of capacity both at the Rahway Valley Sewerage Authority Treatment Plant and in the Mains that are owned and maintained by the RVSA and the Township of Clark. If sufficient flow rights are not available from the Township, it shall be the sole responsibility of the developer to acquire sufficient flow rights from another source to accommodate its development as follows: "If Clark does not already possess adequate flow rights in order for the Developer to proceed with the development, Clark may, in its sole discretion, choose to negotiate with another Member for the purchase of additional flow rights All negotiations must be between Members Only. Developer must reimburse the Township of Clark for the cost of such rights in accordance Chapter 57-6 of the Township Code." Construction permits shall not be issued unless and until the developer provides adequate evidence of its acquisition of flow rights sufficient to serve the proposed development."

**SECTION 3: Inconsistent Ordinances:** Any ordinances of the Township of Clark which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4: Effective Date:** This Ordinance shall take effect upon adoption and publication, according to law.

Effective Date: September 12, 2018

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
 Council President

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

Ord18/7-16Ch57and279SewerFlowRights

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Albanese					✓			
Barr		✓			✓			
Hund					✓			
Mazzarella	✓				✓			
O'Connor					✓			
Toal					✓			
Smith					✓			
<b>TOTAL</b>					<b>7</b>			

PHZ

TOWNSHIP OF CLARK

Ordinance No. 18-20

Adopted \_\_\_\_\_

Introduced: August 6, 2018 Public Hearing: August 20, 2018

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY 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 \$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, 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 make various public improvements and to acquire new additional or replacement equipment and machinery 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. Acquisition of new additional or replacement equipment and machinery and new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$328,000
Down Payment Appropriated	\$ 16,570
Bonds and Notes Authorized	\$311,430
Period of Usefulness	5 years

B. Upgrading of traffic signals and signage at various locations.

Appropriation and Estimated Cost	\$ 72,000
Down Payment Appropriated	\$ 3,430
Bonds and Notes Authorized	\$ 68,570
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$400,000
Aggregate Down Payment Appropriated	\$ 20,000
Aggregate Amount of Bonds and Notes Authorized	\$380,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$10,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. 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 said Township, are now available to finance said purposes. The sum of \$20,000 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 \$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 8. To finance said purposes, bond anticipation notes of said 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 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 5.90 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 \$380,000 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: September 13, 2018

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**WILLIAM F. SMITH**  
 Council President

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

Ord18/8-6BondOrd400,000DPW&TrafficEquip

	Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
Albanese					✓			
Barr					✓			
Hund								✓
Mazzarella	✓				✓			
O' Connor		✓			✓			
Toal					✓			
Smith					✓			
<b>TOTAL</b>					<b>6</b>			<b>1</b>

TOWNSHIP OF CLARK  
Resolution 18-110  
August 20, 2018

**WHEREAS** the Governing Body of the Township of Clark advertised on July 19, 2018 and received three (3) bids for the Collection and Disposal of Leaves on August 8, 2018 at 10:00 a.m.; and

**WHEREAS** the three (3) lowest responsible bidders were

<u>Bidder</u>	<u>Amount per cubic yard (with Disposal)</u>	<u>Amount per cubic yard (without Disposal)</u>
Britton Industries, Lawrenceville, NJ	\$8.50	\$8.50
Messercola Excavating, Plainfield, NJ	No bid submitted	\$3.48
Riversedge Contracting, Phillipsburg, NJ	\$8.00	\$6.00

**WHEREAS** it is in the best interest of the township to award the contract without disposal fees; and

**WHEREAS** the lowest responsible bidder was Messercola Excavating, Inc., 549 East Third Street, Plainfield, NJ 07060 in the amount of \$3.48 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, Inc.; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2018 Municipal Budget, Account Number 26-306-223, not to exceed \$40,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it does hereby award a contract to Messercola Excavating, Inc., in the amount of \$3.48 per cubic yard, not to exceed \$40,000.00, subject to review of the bid by the Township Attorney who will draw up the contract.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/AwardLeaves

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 18-111  
August 20, 2018

**WHEREAS** the Governing Body of the Township of Clark, County of Union, New Jersey desires to enter into a Memorandum of Understanding and a Hold Harmless Agreement with the County of Union for leaf composting; and

**WHEREAS** leaf composting at the Union County Facility is charged at the rate of \$2.00 per yard loose or \$4.00 per yard compacted; and

**WHEREAS** the Chief Financial Officer has ascertained funds are available in the 2018 Municipal Budget, Account Number 26-306-223, not to exceed \$32,000.00.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that it hereby directs the Mayor to sign the agreement for leaf composting at the Union County Facility on behalf of the Township of Clark.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20LeafCompostingUCAgreement

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 18-112  
August 20, 2018

5

**WHEREAS** the Governing Body of the Township of Clark has advertised for bids on July 19, 2018 for the 2018 NJDOT Road Improvements to Lake Avenue from Oak Ridge Road to the Woodbridge Township border; and

**WHEREAS** five (5) bid proposals were received on August 1, 2018 in accordance with specifications prepared by the Township Engineer; and

**WHEREAS** the three (3) lowest responsible bidders were

<u>Contractor</u>	<u>Amount</u>
P & A Construction, Inc., Colonia, NJ	\$332,991.12
Black Rock, Enterprises, LLC, Old Bridge, NJ	\$343,734.70
D.L.S. Contracting, Fairfield, NJ	\$360,416.50

**WHEREAS** P & A Construction, Inc., PO Box 28, Colonia, NJ 07067 submitted the lowest responsible bid in the amount of \$332,991.12 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 18-14 in the amount of \$332,991.12 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 P & A Construction, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby awards a contract to P & A Construction, Inc. in the amount of \$332,991.12; 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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20Award2018NJDOT-LakeAve

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 18-113  
August 20, 2018

**WHEREAS** Fieldturf USA, Inc. has completed work on the ALJ Multipurpose Field and Track Replacement and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of One Hundred Fifty-Nine Thousand, Two Hundred Twenty-Nine Dollars and Thirty-Five Cents (\$159,229.35) including Change Order No. 1 which increases the adjusted contract amount by Thirteen Thousand, Nine Hundred Sixty-One Dollars (\$13,961.00); and

**WHEREAS** the Chief Financial Officer has determined sufficient funds are available in Ordinance 17-20 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 Fieldturf USA, Inc., 175 North Industrial Blvd, Calhoun, GA 30701 in the amount of \$159,229.35.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20FinalPymtALJField&Track

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK  
Resolution 18-114  
August 20, 2018

**WHEREAS** Top Line Construction Corp. has completed work on the 2017 Capital Roadway Improvements and has requested Final Payment; and

**WHEREAS** the Township Engineer recommends payment in the sum of Ten Thousand, Four Hundred Eleven Dollars and Ninety-Four Cents (\$10,411.94) including final quantities change order which decreases the adjusted contract amount by Twelve Thousand, Four Hundred Fifty-Three Dollars and Thirty-Six Cents (\$12,453.36); and

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in Capital Account C 04-16-001-001 as attached hereto as a "Certification of Availability of Funds"; 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 Final Payment; and

**WHEREAS** the Township Engineer has determined the amount of the Maintenance Guarantee required to be posted by Top Line Construction Corp. to be Forty-Eight Thousand, Six Hundred Forty-Eight Dollars and Nine Cents (\$48,648.09); and

**WHEREAS** Top Line Construction Corp. has submitted a Maintenance Bond in the amount of \$48,648.09.

**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 Top Line Construction Corp., 22 Fifth Street, Somerville, New Jersey 08876 in the amount of \$10,411.94 including final quantities change order and release of the Performance Guarantee.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20FinalPymt2017CapitalRoads-TopLine

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

CA 8

TOWNSHIP OF CLARK  
Resolution 18-115  
August 20, 2018

WHEREAS in accordance with a request from the Tax Collector for authorization to refund overpayment of 2018 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 refund(s) in accordance with the following schedule:

BLOCK	LOT	QUAL.	NAME	#	ADDRESS	REFUND
174	3		Dennis, Michael & Gabriell	414	Valley Road	\$ 1,737.90
14.01	38		Ginesi Builders	276	Willow Way	\$ 1,739.67
192	6		Fagan, John	12	Glenwood Terrace	\$ 286.91
66	5		Krimmel, Jeffrey & Michele	44	Dawn Drive	\$ 1,986.17
64	5		Pineiro, John	10	Dawn Drive	\$ 250.00
33.03	778	C778	Behr, John & Eileen	778	Featherbed	\$ 2,493.20
					<b>Total Refunds</b>	<b>\$ 8,493.85</b>

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20TaxRefund(s)

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

CA 9

TOWNSHIP OF CLARK  
Resolution 18-116  
August 20, 2018

**WHEREAS** the Treasurer/CFO has certified that sewer utility account(s) require balance adjustments; and

**WHEREAS** the Business Administrator has reviewed and approved the sewer fee adjustment(s).

**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.

REF	#	Acct #	Name	#	Address	Reason	Original	Revised	Credit	Addl	
18	44	1351-0	Diamond, Andrew	5	Ridge Road	water issue	\$ 930.00	\$ 280.00	\$ 650.00		2017
18	45	1592-0	Hand, Michael	136	Hayes Avenue	water issue	\$ 659.85	\$ 379.85	\$ 280.00		
						<b>Total Credit</b>			<b>\$ 930.00</b>		

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20SewerAdj

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

CA 10

TOWNSHIP OF CLARK  
Resolution 18-117  
August 20, 2018

**WHEREAS**, the Tax Assessor has certified that U.S. Department of Veterans Affairs has deemed Robert Kowalski to be 100% permanently disabled effective May 18, 2016, in accordance with N.J.S.A. 54:4-3.30 et. seq.; and

**WHEREAS**, Robert Kowalski owns the property listed in the tax duplicate as 125 Dorset Drive, Clark, NJ, Block 38.08 Lot 7, and is entitled to one hundred percent of the taxes for this property exempt; and

**WHEREAS**, Robert Kowalski has paid his 3<sup>rd</sup> & 4<sup>th</sup> quarter 2016 taxes, amounting to \$6,204.33; 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> quarter of 2017 taxes, amounting to \$12,279.71; and 1<sup>st</sup> & 2<sup>nd</sup> quarter 2018 taxes, amounting to \$5,899.14, therefore, a refund will be issued to Robert Kowalski, in the amount of \$24,383.18 and the 3<sup>rd</sup> & 4<sup>th</sup> Quarter taxes of 2018, and 1<sup>st</sup> & 2<sup>nd</sup> quarter of 2019 will be cancelled; and

**WHEREAS**, one hundred percent of the taxes on this property will be entitled to exemption for as long as Robert Kowalski is an owner of the property.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Clark, County of Union, New Jersey that the Tax Collector is hereby authorized to make the proper adjustments to exempt this property as indicated above.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
WILLIAM F. SMITH  
Council President

Res18/8-20DisabledVeteranTaxExemption

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						

TOWNSHIP OF CLARK  
 Resolution 18-118  
 August 20, 2018

*CA11*

**WHEREAS** the Department of Public Works has requested that the Township Council authorize the appropriate Township Officials to approve the purchase of one (1) Emergency Generator System to power the fuel pump for the Township as well as the operation of the Department of Public Works Facility; and

**WHEREAS** the Business Administrator has recommended that the Township use nationally approved cooperative pricing through Sourcewell, formerly National Joint Powers Alliance (NJPA) as authorized by resolutions 17-149 and 18-83 for the purchase of Capital Equipment from organizations that have generated quality control and quantity price reductions:

Pricing of the Generator through Sourcewell Cooperative Pricing System:

Vendor: Foley Inc., 855 Centennial Ave., Piscataway, NJ 08855-1555

Funded by: Account Nos. c-04-17-002-001, c-04-15-004-001 and c-04-18-004-001

One (1) Model DG80-2, Natural Gas Fueled, rated 80kw, standby power, 120/240-volt, 1 phase, 3 wire, 1,800 RPM, 60 hertz, Caterpillar Emergency Generator System

Total equipment price \$63,336.00

**WHEREAS** the Chief Financial Officer has ascertained there are available sufficient uncommitted appropriations in the amount of \$63,336.00 funded by Account Nos. c-04-17-002-001, c-04-15-004-001 and c-04-18-004-001 as attached hereto as a "Certification of Availability of Funds."

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Clark that it hereby authorizes the Business Administrator to purchase One (1) Emergency Generator from Foley Inc., of Piscataway, New Jersey.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
 WILLIAM F. SMITH  
 Council President

Res18/8-20PurchaseDPWGenerator-Co-op

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese						
Barr						
Hund						
Mazzarella						
O'Connor						
Toal						
Smith						
TOTAL						