

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2011-307

Council Meeting Date: 11-28-2011

Date Adopted: 11-28-2011

TITLE: RESOLUTION APPROVING PARTIAL PAYMENT #1 TO CMS CONSTRUCTION INC. IN THE AMOUNT OF \$22,099.10 FOR THE PROJECT COMMONLY KNOWN AS "DOWNTOWN STREETScape PROJECT PHASE 2 – BANNER POLES"

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Vyzas.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that the Borough Engineer AND consulting engineer recommend approval of partial payment #1 to CMS Construction Inc., 152 Sherman Avenue, Newark, N.J. 07114, in the amount of \$22,099.10 for the project commonly known as "Downtown Streetscape Project Phase 2 – Banner Poles".

APPROVED, this 28<sup>th</sup> day of November, 2011.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO	X			
LESNEWICH	X			
MUÑOZ			X	
VYZAS	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 28<sup>th</sup> day of November, 2011

Wendi B. Barry, Borough Clerk

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**MEMORANDUM**

To: Doug Marvin, Borough Administrator

From: Mark Demareski, Assistant Borough Engineer *mc*

CC: Wendi Barry, Borough Clerk (w/attachments)  
Andrew R. Hipolit, P.E., Borough Engineer

Dated: November 22, 2011

**RE: Resolution for Partial Payment #1  
Downtown Streetscape Project Phase 2 - Banner Poles**

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With reference to the above captioned project, I hereby transmit Partial Payment #1 in the amount of \$22,099.10 for approval through Resolution by the Mayor and Council. CMS Construction Inc. has completed the Downtown Streetscape Project Phase 2 - Banner Poles Project that includes the furnishing and installation of two (2) pairs of banner poles on Springfield Avenue and South Street for display of the Downtown Alliance, Borough of New Providence and also Union County events.

Attached is David Clark, Suburban Consulting Engineers letter dated November 22, 2011 review and approval of CMS Construction Payment Request #1 (Attachment #1). David Clark performed all of the required construction inspections of the banner poles that were installed by CMS Construction Inc. including foundations, grounding and the final banner pole and wire height per Suburban Consulting Engineers Downtown Banner Poles Drawings.

Final closeout documents for CMS Construction Inc. are pending to be received:

1. Maintenance Bond
2. Affidavit
3. Release

Based on review of the work completed and approval by David Clark, Suburban Consulting Engineers, I recommend the Mayor and Council approve Partial Payment #1 to CMS Construction Inc. in the amount of \$22,099.10.

Attached are copies for your reference.

File: Downtown Streetscape Project Phase 2 / Banner Poles  
Capital Account # 15--251-908-4-42001



SUBURBAN CONSULTING ENGINEERS, INC.

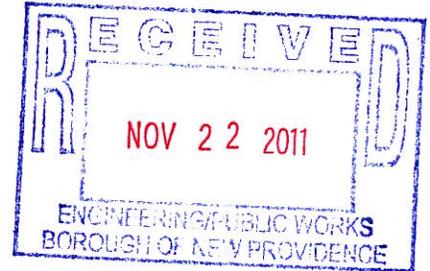
November 22, 2011

*Via Electronic Mail (Mark.Demareski@newprov.org) and Regular Mail*

Borough of New Providence  
360 Elkwood Avenue  
New Providence, New Jersey 07974

Attn.: Mr. Mark Demareski, PE  
Assistant Borough Engineer

Re: Borough of New Providence, County of Union, State of New Jersey  
Downtown Streetscape Project – Banner Poles Project  
Contractor Payment Request #1  
Our Project No.: SCE-2457.1



Dear Mr. Demareski:

Enclosed is Payment Recommendation #1 for the above-referenced project. We have reviewed the request and recommend payment to CMS Construction, Inc. (CMS) in the amount of \$22,099.10, which represents the invoiced amount of \$24,554.56 less 10% retainage. Suburban Consulting Engineers, Inc. (SCE), has included an itemized breakdown of the recommended payment costs. Required documentation from CMS, including certified payroll reports, shall be forwarded from CMS directly to the Borough of New Providence.

If there are any questions, please contact me.

Very truly yours,  
Suburban Consulting Engineers, Inc.

David A. Clark, PE, CME  
Project Manager

Attachments

cc: Carlos DeSilva, CMS Construction, Inc., Via Email (Carlosrlos5@aol.com)

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Suburban Consulting Engineers, Inc.  
 Engineer's Payment Form: CMS Construction, Inc.  
 SCE-2457.1 Banner Poles  
 Borough of New Providence, Union County, New Jersey

11/22/11  
 and

Item #	DESCRIPTION	Quantity	Unit	Unit Price	Amount	FIRST PAYMENT Adult	Ext. Price	% Total
1	BANNER POLES AND SPAN WIRE INSTALLATION	2	UNIT	\$ 10,500.00	\$ 21,000.00	2	\$21,000.00	100%
2	POLICE TRAFFIC DIRECTORS (ALLOWANCE \$1,600)	1	UNIT	\$ 1,304.56	\$ 1,304.56	1	\$1,304.56	100%
3	TOPSOILING, 4" THICK	1	L.S.	\$ 1,550.00	\$ 1,550.00	1	\$1,550.00	100%
4	FERTILIZING, SEEDING AND MULCHING TYPE "A"	1	L.S.	\$ 700.00	\$ 700.00	1	\$700.00	100%

TOTAL \$ 24,554.56  
 SUBTOTAL \$24,554.56 TTL CONTRACT TO DATE  
 LESS 10% RET. \$2,455.46 TTL RETAINAGE TO DATE  
 1ST PAYMENT \$22,099.10 TTL PAYMENTS TO DATE

*[Signature]*  
 Dewi A. Clark, PE, CME  
 Suburban Consulting Engineer, Project Manager

RECOMMENDED PAYMENT THIS PERIOD \$22,099.10 ✓

**INVOICE**

November 11 2011  
CMS Construction, Inc.  
152 Sherman Avenue  
Newark, NJ 07114  
Phone : 973-277-2399  
Fax : 973-718-4005  
carlosrlos5@aol.com

**TO:** borough of new providence

**RE:** 360 Elkwood Ave New providence NJ Phone 908-665-1129 Fax 908-665-8361  
Banner Poles in the Downtown Improvement Area Springfield Ave & South Street  
Mark Demareski

**ATT:** Mark.Demareski@newprov.org



Item	Description	QT	UNIT	Unit Price	% complete	Total Price
1	Banner Poles and Span Wire Instalation	2	UNIT	\$10,500.00	100%	\$21,000.00
2	Police traffic Directors (Allowance \$1,600)	16	HOURS	\$1,600.00	100%	\$1,304.56
3	Topsoiling 4" Thick	1	LS	\$1,550.00	100%	\$1,550.00
4	Fertizing Seeding and Mulching Type "A"	1	LS	\$700.00	100%	\$700.00

✓  
✓  
✓  
✓  
✓

\$ 24,554.56  
10% Retainage (-) \$ 2,455.46  
11/22/11 PPI \$22,099.10  
AMD

TOTAL \$24,554.56  
TWENTY FOUR THOUSAND FIVE HUNDRED FIFTY FOUR DOLLARS 56 CENTS

CONTRACTOR: CMS CONSTRUCTION INC.  
CARLOS DASILVA  
CARLOS DASILVA  
PRESIDENT