

**MINUTES OF THE REORGANIZATION WORKSESSION MEETING
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

JANUARY 7, 2019

The Reorganization Meeting of the Municipal Council was held at the Municipal Complex on Monday, January 7, 2019. The Meeting was called to order at 6:03 p.m. by the Township Attorney, followed by the Pledge of Allegiance.

Present were Councilmembers Coyle, Diehl, Gomez, Lombardi, Patil and Sendelsky.

Councilmember Joshi entered meeting at 6:35pm.

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney Northgrave, Business Administrator Ruane, Health Director Elliott, Township Engineer O'Brien, Tax Assessor Jimenez, Public Works Director Russomanno, Police Chief Bryan, Deputy Fire Chief Toth and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by a Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 1, 2018 and posted in the Main Lobby of the Municipal Complex on the same date.

NOMINATIONS FOR POSITION OF COUNCIL PRESIDENT

Mr. Northgrave opened the nominations for President of Council.

Councilmember Lombardi then nominated Alvaro Gomez. This nomination was seconded by Councilmember Sendelsky.

There being no other nominations, on a motion made by Councilmember Lombardi seconded by Councilmember Diehl and duly carried, the nominations were closed.

Mr. Northgrave then asked for a Roll Call for the nomination of Alvaro Gomez for Council President.

AYES – Councilmembers Coyle, Diehl, Gomez, Lombardi, Patil and Sendelsky

ABSENT: Councilmember Joshi

NAYS – None

Mr. Northgrave then administered the Oath of Office to Council President Gomez.

STATEMENT OF COUNCIL PRESIDENT

Council President Gomez thanked all his Council Colleagues and is looking forward to 2019 to be another great year.

NOMINATION FOR POSITION OF COUNCIL VICE PRESIDENT

Council President Gomez opened the nominations for Vice President of Council.

Councilmember Lombardi nominated Ajay Patil. This nomination was seconded by Councilmember Coyle

There being no other nominations, on a motion made by Councilmember Diehl seconded by Councilmember Lombardi and duly carried, the nominations were closed.

Council President Gomez then asked for a Roll Call for the nomination of Ajay Patil for Council Vice President.

AYES - Councilmembers Coyle, Diehl, Lombardi, Patil, Sendelsky and Council President Gomez

ABSENT – Councilmember Joshi

NAYS – None

Michael Lombardi, ESQ then administered the Oath of Office to Council Vice President Patil.

STATEMENT OF COUNCIL VICE PRESIDENT

Council Vice President Patil wished everyone a Happy New Year. He is humbled by the support of his council colleagues for Vice President. Best of Luck to Council President Gomez, wished him much success. He offered his assistance to Council President Gomez to help in any way possible. I urge all the councilmember to continue your dialog so we can make real progress. Continue to serve our residents to improve their quality of life, evaluate our spending and smart growth with good business.

PROPOSED RESOLUTIONS

Council President Gomez opened the meeting for comments on the Resolutions.

None

The public hearing was closed on a motion made by Councilmember Diehl, seconded by Councilmember Lombardi with all in favor.

Councilmember Coyle pulled for separate vote R.010-012019.

Councilmember Lombardi pulled for separate vote R.012-012019.

The following Resolution R.001-012019 through R.009-012019 and R.011-012019 and R.013-012019 through R.018-012019 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Sendelsky.

RESOLUTION R.001-012019

AUTHORIZING THE ADOPTION OF A CASH MANAGEMENT PLAN FOR THE TOWNSHIP OF EDISON

WHEREAS, Chapter 148 of the Public Laws of 1997 requires the Governing Body to adopt an annual Cash Management Plan; and

WHEREAS, the following banks are authorized depositories for Municipal Funds consistent with the Governmental Unit Depository Protection Act and may be used by the Chief Financial Officer for the deposit of Township funds:

- TD Bank – North Edison, NJ
- Bank of New York/Chase, National Community Division, Edison, NJ
- Capital One Bank/North Fork Bank, Edison, NJ
- Provident Bank, Edison, NJ
- PNC Bank, Edison, NJ
- Bank of America, Edison, NJ
- Columbia Savings Bank, Edison, NJ
- Metuchen Savings Bank, Metuchen, NJ
- Ocean First Bank, Monroe, NJ
- Valley National Bank, So. Plainfield, NJ
- Investor’s Savings Bank, Edison, NJ
- State of New Jersey, Cash Management Fund
- U.S. Bank, Morristown, NJ
- Fulton Bank of NJ, Edison, NJ
- Unity Bank, Edison, NJ
- Indus American Bank, Iselin, NJ
- J.P. Morgan Chase Bank

,and

WHEREAS, the Chief Financial Officer is directed to use this cash management plan as a guide in depositing and investing the funds of the Township of Edison, and

WHEREAS, the following investments are permitted for use by the Chief Financial Officer:

1. Interest bearing bank accounts and certificates of deposit in authorized banks for deposit of local unit funds.

2. Government money market mutual funds that comply with N.J.S.A. 40A:5-15.1 (e).
3. Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
4. Bonds or other obligations of the local unit or school district of which the local unit is a part.
5. Any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments of the Department of the Treasury for investment by local units.
6. Local government investment pools which comply with N.J.S.A. 40A:5-15.1 (e) and conditions set by the Division of Local Government Services.
7. New Jersey State Cash Management Fund.
8. Repurchase agreements of fully collateralized securities, which comply with N.J.S.A. 40A:5-15 (a).

,and

WHEREAS, the priority of investment policies shall be, in order of descending importance: security, liquidity, and yield with funds managed to meet the Township of Edison's cash flow needs.

NOW, THEREFORE, IT IS RESOLVED by the Council of the Township of Edison, Middlesex County, New Jersey that the foregoing shall serve as the cash management plan of the Township of Edison for the year **2019**.

RESOLUTION R.002-012019

BE IT RESOLVED, by the Municipal Council of the Township of Edison that the following are hereby designated as the official newspapers of Edison Township for the purpose of publication of all legal notices, to the extent permitted by law, and to the extent each publication complies with the legal requirements for official newspapers for municipalities:

The Home News Tribune, Neptune, New Jersey
The Star Ledger, Newark, New Jersey
The Sentinel, Freehold, New Jersey
Gujarat Samachar, Edison, New Jersey
Desi Talk, Jersey City, New Jersey
News India Times, Jersey City, New Jersey

RESOLUTION R.003-012019

Fixing Rate of Interest, Grace Period, and Year End Penalty for Tax and Sewer

WHEREAS, pursuant to N.J.S.A. 54:4-66.1, taxes in municipalities operating under a calendar based fiscal year shall be payable for the first quarterly installment of the year on February 1, for the second quarterly installment on May 1, for the third quarterly installment on August 1, and for the fourth quarterly installment on November 1; and

WHEREAS, N.J.S.A. 54:4-67 provides that the governing body may fix the rate of interest to be charged for the non-payment of taxes, assessments &/or other municipal liens or charges; and

WHEREAS, N.J.S.A. 54:4-67(a), further provides that taxes shall not be subject to interest charges if payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, N.J.S.A. 54:4-67 (c), provides that within the current fiscal year if any delinquency is in excess to \$10,000.00, a penalty not to exceed 6% may be charged; and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:4-66 et seq, the rate of interest to be charged on delinquent taxes and all other municipal liens or charges for the first, second, third and fourth quarterly installments of year **2019** shall be eight percent (8%) per annum on the first \$1,500.00 of delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment to the collector is received provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which same became payable; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid sewer utility for **2019** bills shall be eighteen percent (18%) per annum on any delinquency to be calculated from the date the bill was payable until the date of actual payment, provided that no interest shall be charged if payment of any bill is made within thirty (25) calendar days following the billing date or before the tenth calendar day following the date upon which same became payable, whichever is later; and

BE IT FURTHER RESOLVED, that a penalty of six percent (6%) be charged on all delinquent municipal charges in excess of \$10,000.00 that are not paid prior to the end of **2019** calendar year.

RESOLUTION R.004-012019

EXPLANATION: This Resolution awards a Professional Services Contract to McManimon, Scotland & Baumann, LLC and designates William W. Northgrave, Esq. of the firm to represent the Township of Edison as Township Attorney.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, McManimon, Scotland & Baumann, LLC (“**Counsel**”) has an excellent reputation in the area of municipal government, including, but not limited to, the areas of public finance, redevelopment, environmental law, and more particularly local unit general counsel services, and has extensive legal staff and resources and the multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time in the Township; and

WHEREAS, William W. Northgrave, Esq., a partner at Counsel, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend William W. Northgrave, Esq. for the position of Township Attorney and seek to enter a contract for legal services with Counsel for 2019 (“**Services Contract**,” as attached hereto as Exhibit A) to provide for same; and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, William W. Northgrave, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, compensation for local unit general counsel services included under the Services Contract shall be rendered at the flat rate of \$330,000.00, payable in twelve (12) monthly installments at the first Municipal Council meeting of each month, and shall include advising the Municipal Council; preparing routine resolutions and ordinances; rendering opinions; attending Municipal Council meetings and other matters as defined and delineated by Sections 2-71.2 thru 2.71.7 of the Township Code and the Services Contract; and

WHEREAS, compensation for the professional services outside of the scope of local unit general services, including, but not limited to, matters relating to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*; litigation; and bond and note financing, shall be billed at the blended hourly rate of \$190 for attorneys, or other rates as provided in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel, whereby William W. Northgrave, Esq. shall represent the Township as Township Attorney.
2. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2018 calendar year.
4. No payments in excess of the “not-to-exceed” amount of \$330,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

5. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
7. The Services Contract shall, for all purposes, be deemed a New Jersey contract and any provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
8. This Resolution shall take effect immediately.

RESOLUTION R.005-012019

Explanation: This Resolution awards a Professional Services Contract to Roth D'Aquanni, LLC and designates the firm to represent the Township of Edison as Township Labor Counsel.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, Roth D'Aquanni, LLC (“**Counsel**”) has an excellent reputation in the area of employment law and has sufficient legal staff to handle employment law matters which may arise from time to time in the Township; and

WHEREAS, Allan C. Roth, Esq., managing member of Counsel, has an excellent reputation in the area of employment law, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Township Labor Counsel and seek to enter a contract for legal services with Counsel for 2019 (“**Services Contract**,” as attached hereto as *Exhibit A*) to provide for same; and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, Allan C. Roth, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to general personnel advice, employment disputes, labor negotiations, litigation defense, layoffs and privatization efforts, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for employment law services included under the Services Contract shall be rendered at the hourly rate of \$150.00 per hour, payable monthly, as set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Township Labor Counsel.
2. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2018 calendar year.

4. No payments in excess of the “not-to-exceed” amount of \$265,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
7. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
8. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.
9. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.
10. This Resolution shall take effect immediately.

RESOLUTION R.006-012019

EXPLANATION: This Resolution awards a Professional Services Contract to Apruzzese, McDermott, Mastro & Murphy, P.C. and designates the firm to represent the Township of Edison as Special Labor Counsel.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, Apruzzese, McDermott, Mastro & Murphy, P.C. (“**Counsel**”) has an excellent reputation in the area of labor law and has sufficient legal staff to handle such matters which may arise from time to time in the Township; and

WHEREAS, Arthur R. Thibault, Jr., Esq., of the firm has an excellent reputation in the area of labor law, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Special Labor Counsel and seek to enter a contract for legal services with Counsel for 2019 (“**Services Contract**”) to provide for the representation of the Township with respect to collective bargaining negotiations; and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, Arthur R. Thibault, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee of the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to collective bargaining negotiations, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for special labor counsel services included under the Services Contract shall be rendered at the hourly rate of \$200.00 per hour for attorneys, payable monthly, and as further set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Special Labor Counsel.
3. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
4. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2017 calendar year.
5. No payments in excess of the “not-to-exceed” amount of \$30,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
7. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
8. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as **Exhibit A**, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.
9. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
10. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.
11. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.
12. This Resolution shall take effect immediately.

RESOLUTION R.007-012019

EXPLANATION: This Resolution awards a Professional Services Contract to Maser Consulting P.A. to provide general engineering services for the period from January 2019 to December 2019, to the Township of Edison.

WHEREAS, there exists a need for engineering services in the Township of Edison (the “**Township**”); and

WHEREAS, Maser Consulting P.A. (“**Company**”) is skilled at and experienced in performing municipal engineering services, and has recently served as interim Township Engineer; and

WHEREAS, the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, the municipal council of the Township (“**Municipal Council**”) seeks to authorize the Company to provide municipal engineering services to the Township from January 2019 until December 2019, and any other services as may be reasonably required to effectuate same, pursuant to the proposal for services attached hereto as Exhibit A (the “**Services Proposal**”); and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, the Company will have completed and submitted a Business Entity Disclosure Certification to the Township, which certifies that no individual with a ten percent (10%) interest or larger in the Company has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10%) interest or larger in the Company from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract shall not be awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, compensation to the Company for engineering and related services shall be paid pursuant to the Services Contract, and not to exceed One Hundred Eighty Thousand Dollars (\$180,000.00); and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
2. The Municipal Council hereby authorizes the Company to perform municipal engineering services to the Township from January 2019 until December 2019, and any other services as may be reasonably required to effectuate same pursuant to the Services Contract.
3. The Mayor, or his designee, is hereby authorized to execute a contract for services consistent with the terms herein, attached hereto as Exhibit A, and in a form approved by the Township Attorney.
4. The contract for services described in the Services Proposal is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
5. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as Exhibit B, stating the nature, duration, service and amount of the contract for services authorized for execution herein, which notice shall state that a copy of this Resolution and the contract for services is on file and available for public inspection in the office of the Township Clerk.
6. The contract for services has been awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5* without competitive bidding. Total compensation to be paid under the contract for services will exceed \$17,500.
7. A copy of this Resolution, the contract for services and the Company’s completed Business Entity Disclosure Certification shall be available for inspection in the office of the Township Clerk.
8. This Resolution shall take effect immediately.

RESOLUTION R.008-012019

EXPLANATION: This Resolution names and authorizes the Township Engineer to execute treatment works approval (TWA) applications and temporary discharge approval (TDA) applications on behalf of the Township of Edison for the purpose of approval of sanitary sewer extensions and/or temporary discharge approvals to Edison’s sanitary sewer system.

WHEREAS, under certain parameters promulgated by the New Jersey Department of Environmental Protection (“**NJDEP**”), it is necessary that an application be submitted with an Edison Township endorsement to the aforesaid agency for treatment works approvals and/or extensions to the Edison Township sanitary sewer system; and

WHEREAS, pursuant to State Law, it is a requirement that the applicants gain approval of the aforementioned Edison Township sanitary sewer system extension from the Middlesex County Utilities Authority (“**MCUA**”) and the New Jersey Department of Environmental Protection (“**NJDEP**”); and

WHEREAS, the required approval for the Edison Township sanitary sewer extensions, and/or temporary discharges to the Edison Township sanitary sewer system, will not be approved unless the applications bear the signature of the Edison Township Engineer, Carl P. O’Brien, P.E., to indicate his approval.

NOW, THEREFORE, BE IT RESOLVED, by Municipal Council of the Township of Edison that the Edison Township Engineer, Carl P. O’Brien, P.E., be and is hereby authorized to sign the required applications for treatment works approval (“**TWA**”) for extensions to the Edison Township sanitary sewer system, and for applications for temporary discharge approval (“**TDA**”), as the case may be, for submission to the MCUA and/or the NJDEP.

RESOLUTION R.009-012019

EXPLANATION: This Resolution awards a Professional Services Contract to James P. Nolan & Associates and designates the firm to represent the Township of Edison as Tax Appeal Counsel, and, if the need should arise, Special Counsel.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, James P. Nolan & Associates (“**Counsel**”) has an excellent reputation in the area of tax appeal law and has sufficient legal staff to handle tax appeal matters which may arise from time to time in the Township; and

WHEREAS, James P. Nolan, Jr., Esq., managing member of Counsel, has an excellent reputation in the area of tax appeals, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Township Tax Appeal Counsel, and, if the need should arise, Township Special Counsel for matters where a conflict arises or other matters as they may arise, and seek to enter a contract for legal services with Counsel for 2019 (“**Services Contract**,” as attached hereto as Exhibit A) to provide for same; and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, James P. Nolan, Jr., Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to tax appeals and special litigation matters, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for employment law services included under the Services Contract shall be rendered at the hourly rate of \$140.00 per hour, payable monthly, as set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Township Tax Appeal Counsel, and, if the need should arise, Township Special Counsel.

2. The Services Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.

3. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Acting Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2018 calendar year.

4. No payments in excess of the “not-to-exceed” amount of \$190,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

5. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

6. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.

7. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

8. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.

9. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.

10. This Resolution shall take effect immediately.

RESOLUTION R.011-012019

EXPLANATION: A Resolution authorizing the appointment of Francis M. Womack III, Esq., as Lead Prosecutor, and David R. Spevack, Esq. and Danielle M. Lozito, Esq. as Prosecutors for the Edison Township Municipal Court.

WHEREAS, there exists a need for prosecutors in the Township of Edison (the “**Township**”) for the Edison Township Municipal Court (the “**Municipal Court**”); and

WHEREAS, there is a desire to appoint Francis M. Womack III, Esq. as Lead Prosecutor at an annual rate of pay of \$29,000.00, and David R. Spevack, Esq. and Danielle M. Lozito, Esq. each at an annual rate of pay of \$26,000.00 and also as prosecutors, in accordance with *N.J.S.A. 2B:25-4*, for a term of one (1) year, effective of even date; and

WHEREAS, Mr. Womack, Mr. Spevack and Ms. Lozito have a proven record of professionalism while appearing in the Municipal Court on numerous occasions and meets the necessary qualifications as set forth in law; and

WHEREAS, these appointments are being made as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, the Township Purchasing Agent has determined and certified in writing that the value of the contract could exceed \$17,500; and

WHEREAS, Mr. Womack, Mr. Spevack and Ms. Lozito have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township in the previous year, and that the contracts will prohibit Mr. Womack, Mr. Spevack and Ms. Lozito, respectively, from making any reportable contributions through the term of the contracts; and

WHEREAS, the Municipal Council of the Township (the “**Municipal Council**”) accepts the recommendation of such appointment as described herein and desires to approve the entering of a professional services contracts each with Mr. Womack, Mr. Spevack and Ms. Lozito, respectively.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, as follows:

1. Francis M. Womack III, Esq., is hereby appointed as Lead Prosecutor for the Township for a term of one (1) year, effective of even date at an annual rate of pay of \$29,000.00.
2. David R. Spevack, Esq., is hereby appointed as Prosecutor for the Township for a term of one (1) year, effective of even date at an annual rate of pay of \$26,000.00.
3. Danielle M. Lozito, Esq., is hereby appointed as Prosecutor for the Township for a term of one (1) year, effective of even date at an annual rate of pay of \$26,000.00.
4. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Mr. Womack, Mr. Spevack and Ms. Lozito as described herein. Payments under the contract shall not exceed the amount of \$29,000.00 as to Mr. Womack, and \$26,000.00 as to Mr. Spevack and Ms. Lozito, in the aggregate without further authorization of the Municipal Council.
5. The contracts with Mr. Womack, Mr. Spevack and Ms. Lozito are awarded as a “Professional Service” in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, because it is for services to be performed by person(s) authorized by law to practice a recognized profession.
6. The contract is awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5 et seq.*
7. The Business Disclosure Entity Certifications for Mr. Womack, Mr. Spevack and Ms. Lozito, and the Township Purchasing Agent’s Determination of Value, shall be placed on file with this Resolution.
8. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-5* and in compliance with Local Public Contracts Law guidelines. This Resolution and the contracts with Mr. Womack, Mr. Spevack and Ms. Lozito shall remain on file and available for public inspection in the office of the Township Clerk.
9. This Resolution shall take effect immediately.

RESOLUTION R.013-012019

WHEREAS, a recommendation was made by Mayor Thomas Lankey to reappoint Jacob Rieder to the position of 1st Alternate Member of the Edison Planning Board; and

WHEREAS, the Municipal Council wishes to confirm this appointment.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Jacob Rieder of 6 Cliff Street be reappointed to the Edison Planning Board, term to expire December 31, 2020.

RESOLUTION R.014-012019

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO HODULIK AND MORRISON, P.A. FOR INDEPENDENT AUDITOR SERVICES TO THE TOWNSHIP FOR THE AUDIT OF FISCAL YEAR 2018 AND ADDITIONAL SERVICES AS NEEDED IN 2019

WHEREAS, the Township is in need of auditing services as well as additional accounting/finance services; and

WHEREAS, the Township recommends Hodulik and Morrison, P.A., 1102 Raritan Avenue, PO Box 1450, Highland Park, NJ 08904 for the position of Township Auditor; and

WHEREAS; Hodulik and Morrison, P.A has submitted a proposal to provide such services at the amount of \$112,200.00 for the fiscal 2018 audit, as well as an amount not to exceed \$35,000.00 for additional services needed in 2019; and

WHEREAS, Hodulik and Morrison, P.A's hourly rates are \$140.00 per hour for Principal, \$130.00 per hour for Senior Accountant and \$120.00 per hour for Junior Accountant; and

WHEREAS, such services are professional services which, pursuant to N.J.S.A. 40A:11-5, may be awarded without competitive bidding; and

WHEREAS, this Contract is not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, before entering into a contract, Hodulik and Morrison, P.A., will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit Hodulik and Morrison, P.A. from making any reportable contributions through the term of this one year contract; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

1. The Township is hereby authorized to execute contracts and any other necessary documents, with Hodulik and Morrison, P.A., 1102 Raritan Avenue, PO Box 1450, Highland Park, NJ 08904, in amounts not to exceed \$112,200.00 for the fiscal year 2018 audit, and not to exceed \$35,000.00 for additional services as needed in 2019, as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.015-012019

EXPLANATION: This Resolution awards a Professional Services Contract to Cleary, Giacobbe, Alfieri, Jacobs LLC and designates the firm to represent the Township of Edison as Special Labor Counsel.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“**Local Contracts Law**”) to contract for “professional services” as it may require; and

WHEREAS, Cleary, Giacobbe, Alfieri, Jacobs LLC (“**Counsel**”) has an excellent reputation in the area of labor law and has sufficient legal staff to handle such matters which may arise from time to time in the Township; and

WHEREAS, Matthew J. Giacobbe, Esq., of the firm has an excellent reputation in the area of labor law, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Special Labor Counsel and seek to enter a contract for legal services with Counsel for 2019 (“**Services Contract**,” a copy of which is attached hereto as Exhibit A) to provide for the representation of the Township with respect to collective bargaining negotiations; and

WHEREAS, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, allows for the awarding of a contract for “professional services” without public advertising for bids; and

WHEREAS, prior to the execution of the Services Contract, Matthew J. Giacobbe, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee of the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to collective bargaining negotiations, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for special labor counsel services included under the Services Contract shall be rendered at the hourly rate of \$165.00 per hour for partners and counsel and \$150.00 per hour for associates, payable monthly, and as further set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Special Labor Counsel.
3. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
4. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2019 calendar year.
5. No payments in excess of the “not-to-exceed” amount of \$75,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
7. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
8. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township a brief notice, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

9. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

10. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.

11. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.

12. This Resolution shall take effect immediately.

RESOLUTION R.016-012019

EXPLANATION: This Resolution authorizes the Mayor to appoint Chirag D. Mehta, Esq. and Ellen M. Fisher, Esq. as Alternate/Conflict Municipal Prosecutors for a one (1) year term, beginning on January 1, 2019 and concluding December 31, 2019.

WHEREAS the Township of Edison (the “Township”), pursuant to N.J.S.A. 2B:25-4b, may employ an attorney-at-law as a Municipal Court Prosecutor for the term of one (1) year from the date of appointment and until a successor is appointed; and

WHEREAS, in the event of a conflict of interest or in the absence of an appointed Municipal Prosecutor, an Alternate/Conflict Municipal Prosecutor would be required; and

WHEREAS, Chirag D. Mehta, Esq. and Ellen M. Fisher, Esq. have the necessary experience and qualifications to perform the duties of Township Alternate/Conflict Prosecutor, and the Mayor so nominates, and the Township Council so advises and consents, to their appointment as the Township’s Alternate/Conflict Municipal Prosecutor for a one (1) year term; and

WHEREAS, funds will be available for this purpose as the Alternate/Conflict Prosecutor will be compensated on a *per diem* basis by the Municipal Prosecutor for whom they substitute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Council of the Township of Edison, County of Middlesex, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. That the Mayor and Township Council hereby appoint Chirag D. Mehta, Esq. and Ellen M. Fisher, Esq. as the Township’s Alternate/Conflict Municipal Prosecutor for a one (1) year term, beginning on January 1, 2019 and concluding December 31, 2019 in accordance with N.J.S.A. 2B:25-4, to be assigned in the discretion of the Chief Municipal Prosecutor.

RESOLUTION R.017-012019

EXPLANATION: This Resolution authorizes the Mayor to appoint Punita Amin Esq. as Alternate/Conflict Municipal Prosecutor for a one (1) year term, beginning on January 1, 2019 and concluding December 31, 2019.

WHEREAS the Township of Edison (the “Township”), pursuant to N.J.S.A. 2B:25-4b, may employ an attorney-at-law as a Municipal Court Prosecutor for the term of one (1) year from the date of appointment and until a successor is appointed; and

WHEREAS, in the event of a conflict of interest or in the absence of an appointed Municipal Prosecutor, an Alternate/Conflict Municipal Prosecutor would be required; and

WHEREAS, Punita Amin Esq. has the necessary experience and qualifications to perform the duties of Township Alternate/Conflict Prosecutor, and the Mayor so nominates, and the Township Council so advises and consents, to her appointment as a Township Alternate/Conflict Municipal Prosecutor for a one (1) year term; and

WHEREAS, funds will be available for this purpose as the Alternate/Conflict Prosecutor will be compensated on a *per diem* basis by the Municipal Prosecutor for whom they substitute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Council of the Township of Edison, County of Middlesex, State of New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. That the Mayor and Township Council hereby appoint Punita Amin Esq. as a Township Alternate/Conflict Municipal Prosecutor for a one (1) year term, beginning on January 1, 2019 and concluding December 31, 2019 in accordance with N.J.S.A. 2B:25-4, to be assigned in the discretion of the Chief Municipal Prosecutor.

RESOLUTION R.018-012019

WHEREAS, a recommendation was made by Mayor Thomas Lankey to reappoint Mark Daniele to the position of Class I member of the Edison Planning Board; and

WHEREAS, the Municipal Council wishes to confirm this appointment.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Mark Daniele of 32 Oak Hills Road be reappointed to the Edison Planning Board, term to expire December 31, 2019.

AYES - Councilmembers Coyle, Diehl, Lombardi, Patil, Sendelsky, Council President Gomez

ABSENT – Councilmember Joshi

NAYS - None

The following resolutions were voted on separately.

Councilmember Coyle made a motion to adopt Resolution R.010-012019. This motion was seconded by Councilmember Sendelsky.

RESOLUTION R.010-012019

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO HEYER, GRUEL & ASSOCIATES FOR COMMUNITY PLANNER/CONSULTANT SERVICES TO THE TOWNSHIP FOR THE YEAR 2019

WHEREAS, the Township has a need for professional services for Community Planner/Consultant Services; and

WHEREAS, this contract shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Township recommends Heyer, Gruel & Associates, 236 Broad St., Red Bank, NJ 07701 for the position of Community Planner/Consultant for 2019 in an amount not to exceed \$35,000.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, prior to the execution of the contract, Heyer, Gruel & Associates will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Heyer, Gruel & Associates has made any reportable contributions to a political or candidate committee of the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Heyer, Gruel & Associates from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

5. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Heyer, Gruel & Associates, 236 Broad St., Red Bank, NJ 07701 in the amount not to exceed \$35,000.00 for services related Community Planner/Consultant Services as described herein.
6. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq.
7. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
8. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

AYES - Councilmembers Coyle, Diehl, Lombardi, Patil, Sendelsky, Council President Gomez

ABSENT – Councilmember Joshi

NAYS - None

RESOLUTION R.012-012019

EXPLANATION: A Resolution authorizing the appointment of Anthony Sarno, Jr. Esq. and John Kwasnik, Esq. as Public Defenders for the Edison Township Municipal Court.

WHEREAS, there exists a need for Public Defenders in the Township of Edison (the “**Township**”) for the Edison Township Municipal Court (the “**Municipal Court**”); and

WHEREAS, there is a desire to appoint Anthony Sarno, Esq. and John Kwasnik, Esq. as Public Defenders in accordance with *N.J.S.A. 2B:24-3*, for a term of one (1) year effective as of even date, each at an annual rate of pay of \$13,500.00; and

WHEREAS, Mr. Sarno and Mr. Kwasnik have proven records of professionalism while appearing in the Municipal Court on numerous occasions and meets the necessary qualifications as set forth in law; and

WHEREAS, these appointments are being made as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, the Township Purchasing Agent has determined and certified in writing that the value of the contract could exceed \$17,500; and

WHEREAS, Mr. Sarno and Mr. Kwasnik have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous year, and that the contract will prohibit Mr. Sarno and Mr. Kwasnik from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council of the Township (the “**Municipal Council**”) accepts the recommendation of such appointment as described herein.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, as follows:

1. Anthony Sarno, Jr., Esq., is hereby appointed as a Public Defender for the Township for a term of one (1) year effective of even date, at an annual rate of pay of \$13,500.00.
2. John Kwasnik, Esq., is hereby appointed as a Public Defender for the Township for a term of one (1) year effective of even date, at an annual rate of pay of \$13,500.00.
3. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Mr. Sarno and Mr. Kwasnik as described herein. Payments under the contract shall not exceed the amount of \$13,500.00 in the aggregate without further authorization of the Municipal Council.
4. The contracts with Mr. Womack, Mr. Sarno and Mr. Kwasnik are awarded as a “Professional Service” in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, because it is for services to be performed by person(s) authorized by law to practice a recognized profession.
5. The contract is awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5 et seq.*

6. The Business Disclosure Entity Certifications for Mr. Sarno and Mr. Kwasnik, and the Township Purchasing Agent's Determination of Value, shall be placed on file with this Resolution.

7. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-5* and in compliance with Local Public Contracts Law guidelines. This Resolution and the contracts with Mr. Sarno and Mr. Kwasnik shall remain on file and available for public inspection in the office of the Township Clerk.

8. This Resolution shall take effect immediately.

Councilmember Diehl made a motion to adopt Resolution R.012-012019. This motion was seconded by Councilmember Sendelsky.

AYES - Councilmembers Coyle, Diehl, Patil, Sendelsky, Council President Gomez

ABSTAIN- Councilmember Lombardi

ABSENT – Councilmember Joshi

NAYS - None

Council President Gomez then opened the meeting for oral petitions and remarks:

Maria Orchid, 83 Jefferson Blvd, Congratulations. Clara Barton Preservation Meeting for tomorrow is canceled. She asked what is the Season Budget for the Clara Barton area. She asked if we could consider putting our Meeting on face book.

Council President Gomez, there is nothing specific in the budget.

Council President Gomez asked Chief Bryan to update on the Speedway incident.

Chief Bryan the crime was not related to the area. He explained the robbery and that the two suspects were from out of state. He is proud of our detectives, and the county great police work. We have 6 districts out on road 24-7 and we just hired nine new police officers that will be going out on the road shortly.

Councilmember Lombardi added if you want to set up a program for your neighborhood or business watch you can reach out to Lt. Dudash.

Ms. Ruane will look into posting meeting on face book.

Council Vice President Patil added post on the Township face book page.

Elizabeth Conway, 20 Netherwood Circle, wished everyone a happy and healthy new year. She asked if there are any events going to be scheduled at the north end of town.

Councilmember Sendelsky, explained we have had the tree lighting at the Edison tower, Trail of Horror and on January 19th the Martin Luther King is at Minnie B. Veal.

Bruce Diamond, 74 Calvert Avenue ,Congrats and Happy New Year. He asked if anyone went to look at the liter on the construct sites on Calvert. Is there any update regarding the swale between Abbot and Calvert. I hope you aren't going to re-appoint Mr. Errico to the Zoning Board, it not right his flip flop decisions. Looking for explanation on the Open Space Ordinance, he believes the money should go into the Open Space fund until the bond is paid off.

Mr. O'Brien will check with code enforcement to see if anyone went to the sites on Calvert. Regarding the swale Plans were forwarded to the attorney for the residents to sign off on then the DEP permit can be done, put out the bid for the work.

Ms. Ruane explained that ordinance had a sunset.

Councilmember Diehl thanked Mr. O'Brien for the information on the swale, however when will the residents have in their hands. It is 2019 and we don't want another summer to go by.

Mr. Northgrave, by end of week he will have it out.

Hearing no further comments from the public Councilmember Lombardi made a motion to close the public hearing, which was seconded by Councilmember Sendelsky and duly carried.

6. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Coyle on behalf of Beautification he met with Ms. Ruane to go over code enforcement, meeting was successful and is looking forward to 2019.

7. FROM THE BUSINESS ADMINISTRATOR:

a. Council Vice President Patil asked what year is this for.

Ms. Ruane, this year

b. through g. No comments were made.

8. FROM THE DEPARTMENT OF FINANCE:

a. through g. No comments were made.

9. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. and b. No comments were made.

10. FROM THE DEPARTMENT OF PUBLIC WORKS:

a. Council Vice President, noted this is for one property who pays for this and who should people reach out to.

Mr. Russomanno, we have a sidewalk fund, they should call Public Works Office.

11. FROM THE CHIEF OF POLICE:

a. No comments were made.

12. FROM THE TOWNSHIP CLERK:

a. No comments were made.

13. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

None

14. DISCUSSION ITEMS:

Council President Gomez:

a. None

Councilmember Coyle:

a. Thanked the administration for meeting with him before the meeting to go over issues .

Councilmember Diehl

a. Deer Update

Jay will be starting the count on Thursday – 5pm to midnight he will have a map on website.

b. Top Golf update

Mr. Northgrave received word from all post install should come to end by end of January .

c. Kearney Avenue Update

Mr. Russomanno, P.S.E. & G are non- responsive. We want them to defrag the ditch.

He asked Mr. Northgrave will follow up tomorrow with P.S. E & G.

Councilmember Joshi

a. Congratulated Council President Gomez and Council Vice President Patil

b. He asked Mr. Russomanno if he can continue to build on the list of equipment inventory prior to purchasing new equipment.

Councilmember Lombardi

a. Recycling program.

Mr. Russomanno reported on cardboard we are receiving \$150.00 per ton. Please put all cardboard on the outside of the recycling can. There is a truck that comes behind to pick up cardboard. The other recycling items we have to pay to get rid of .

Councilmember Diehl asked what type of cardboard.

Mr. Russomanno, corrugated cardboard. We have the county flyer on our website.

b. He thanked Mr. Diamond for the article on tax appeals.

Councilmember Sendelsky isn't it based on income and expenses.

Ms. Jimenez , the property owner is income and expense.

Councilmember Patil

- a. None

Councilmember Sendelsky

- a. Graffiti on Rt. 287 overpass .

Mr. Russomanno was in touch with DOT.

- b. Reminded everyone you can put the Recycle coach app on your phone.
- c. Brookhill Road house update.

Mr. Elliot, it is in the hand of our Construction Official.

There being no further business, on a motion made by Councilmember Diehl seconded by Councilmember Patil the meeting was adjourned at 6:56 p.m.

Alvaro Gomez
Council President

Cheryl Russomanno, RMC
Municipal Clerk