

**MINUTES OF  
MUNICIPAL COUNCIL  
WORKSESSION AND REGULAR MEETING**

**February 10, 2016**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:09 p.m. by Council President Lombardi , followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Gomez, Karabinchak, Lombardi, Patil, Sendelsky and Shah

Also present were Township Clerk Russomanno, Deputy Township Clerk Kenny, Township Attorney Northgrave, Business Administrator Ruane, Health Director Elliott, Recreation Director Halliwell, Township Engineer Kataryniak, Fire Chief Latham 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 an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.

**4 REPORTS FROM ALL COUNCIL COMMITTEES**

Councilmember Diehl reported there was a Dismal Swamp meeting on Tuesday, February 9<sup>th</sup> regarding meets and bounds. He reported next Tuesday, February 16<sup>th</sup> there will be a Public Works Committee meeting.

Councilmember Gomez reported he will be scheduling a Public Safety and Finance Committee meetings soon.

**5. POINTS OF LIGHT :**

Council President Lombardi announced today is the start of Lent in the Catholic Faith, also Friday, February 12<sup>th</sup> is Lincoln Birthday and Monday, February 15<sup>th</sup> is Presidents Day.

**6. FROM THE BUSINESS ADMINISTRATOR:**

a. through c. No comments were made.

d. Removed from Agenda (R.118-022016)

**7. FROM THE DEPARTMENT OF FINANCE:**

a. through c. No comments were made.

**8. FROM THE DEPARTMENT OF LAW:**

a. through f No comments were made.

g. Councilmember Karabinchak has asked the administration for some information so he will like to table this resolution.

h. Mr. Northgrave said this is being referred to the planning board, wrong agreement sent over the first time.

i. Councilmember Karabinchak would like to table this also until information is received from administration.

**9. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**

a. Council President Lombardi said we will be removing R.089-022016 off the Agenda.

b. through d. No comments were made.

**10. FROM THE PUBLIC WORKS:**

a. No comments were made.

b. Councilmember Karabinchak asked if anything is in the contract that allows us to reduce prices we have now.

Mr. Northgrave explained we buy fuel at a mercantile rate, fuel will always fluctuate.

c. No comments were made.

- 11. FROM THE CHIEF OF FIRE:**  
a. No comments were made.

- 12. FROM THE CHIEF OF POLICE:**  
a. and b. No comments were made.

- 13. FROM THE TOWNSHIP CLERK:**  
a. Council President Lombardi said we will be removing R.102-022016 off the Agenda.  
b. No comments were made.

**14. FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

Councilmember Sendelsky reported the next meeting is scheduled for February 17, 2016. There are two small sub divisions and WardlawHartridge School has an additional on the Agenda.

**15. UNFINISHED BUSINESS:  
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:**

**O.1921-2016** No comments were made.

- 16. COMMUNICATIONS:**  
a. received as submitted.

**17. DISCUSSION ITEMS:**

**Council President Lombardi:**

- a. He asked the Engineer for an update on the turn lane at Rahway Road.

Mr. Kataryniak said he is looking into the condition and what alternatives.

**Councilmember Diehl:**

- a. He sees Dr. Prasad in the audience and wished him a happy new year.

**Councilmember Gomez:**

None

**Councilmember Karabinchak:**

- a. Oak Tree Road and Woodland Avenue Light.

He asked the Engineer for an update on the Light.

Mr. Kataryniak reported the acquisition of property has been accepted and transferred now it is in the County hands.

He asked if South Plainfield has met all their obligations.

Mr. Kataryniak will check with the County.

He stated the county is eager to go out to bid and get started.

- b. He asked the Engineer if he has scheduled a meeting with the owner of the property at 9 Taurus Court regarding her water problem.

Mr. Kataryniak said he is in contact with her and will be rescheduling a meeting to go out there.

- c. He asked for an update on the BAPS permit waivers.

Mr. Kataryniak said he is still in contact with their attorneys and looking to resolve by the next meeting.

**Councilmember Patil:**

- a. None

**Councilmember Sendelsky:**

- a. He asked if we considering a Shared Services agreement with the County regarding Police Radios.

Ms. Ruane said she is looking into and working on putting out a RFP.

Councilmember Gomez said the Finance committee has had discussion on the radios.

- b. After snow Storm continued Clean up he appreciates it.
- c. He said his wife fell at home he had to call 911 and the EMS responded very well and quickly along with the police.
- d. He said he has received complaints about truck traffic, 18 wheelers on our residential streets and he is happy to see our Police pulling them over.

**Councilmember Shah:**

- a. She wanted to wish some of our residents Happy Chinese New Year.
- b. She is still receiving calls about clean up from snow.
- c. Thank the Administration on the property issues on Oak Tree Road. John Soltesz got in touch with the owner.
- d. Construction behind Sulliman Road.
- e. There are various websites Air B & B, do we allow and do we receive taxes, renting rooms in homes and advertizing on line. If anyone has their home on line and you do not have permit get your home off there. She has spoken to very large apartment complex owners, say no permission to sublet ,but it is still being done.
- f. Animal Shelter thanked everyone for emails, shelter is doing some good things.
- g. Current event situation with the Lingerie Police Officer.

Mr. Northgrave advised we cannot discuss at public meeting it is a personnel matter.

Councilmember Shah said, more about policy issues, can speak on past issues.

Mr. Northgrave prefers she doesn't discuss.

Councilmember Shah said she will wait .

**18. COUNCIL PRESIDENT'S REMARKS:  
NONE**

**19. UNFINISHED BUSINESS  
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING**

The following Ordinances, which were introduced by Title on January 6, 2016 passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

**O.1921-2016 AN ORDINANCE ESTABLISHING THE NOT TO EXCEED SALERIES OF CERTAIN OFFICERS, DEPARTMENT HEADS AND EMPLOYEES OF THE TOWNSHIP FOR 2016.**

(The above Ordinance O.1921-2016 can be found in its entirety in Ordinance Book 26.)

Council President Lombardi declared the Public Hearing opened for O.1921-2016

Fred Wolke, 10 Peake Road, said although many residents will disagree, however he thinks this ordinance is long overdue. In order to attract the right type of people, we need to increase salaries. Councilmembers put in a lot of time and \$6,000 dollars is not enough, this is just a range of salaries.

Council President Lombardi stated this is not an automatic raise, it is a not to exceed.

Bruce Diamond, Calvert Avenue, West said he agrees with Mr. Wolke we do not have sufficient salaries to attract good employees and he has no objection to council increase.

Hearing no further comments, on a motion made by Councilmember Diehl, seconded by Councilmember Gomez and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Diehl seconded by Councilmember Karabinchak the Ordinance was adopted.

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

ABSENT:

NAYS - None

**PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS**

Council President Lombardi opened the meeting to the public for comments on Proposed Resolutions R.085-022016 through R.088-022016 and R.090-022015 through R.101-022016 and R.103-022016 through R.117-022016 and R.119-022016.

Lois Wolke, 10 Peake Road, on Resolution R.095-022016. asked for explanation. Resolutions R.109-022016 through R.112-022016, why two tax attorneys we are committed \$855,000 in fees. How much were last year legal bills?

Ms. Wolke, Resolution R.113-022016 not sure what they do, Resolution R.119-022016 Heyer & Gruel 2015 bills why for last year, R. 114-022016 who monitors to make sure we are paying correct fees.

Council President Lombardi asked Ms. Ruane to explain R.095-022016.

Ms. Ruane, this is the same company as last year, we pay to the Risk Manager.

Council President Lombardi explained the two tax attorneys, Hoagland is closing up tax appeals that were ongoing and Nolan is for current year.

Council President Lombardi, regarding Jaffee, we will take newsletter from Woodbridge and see if we can do it

Council President Lombardi, on R119 -022016 Hyer and Gruel went over last year approved amount need to pay overage.

There were no other comments from the public regarding Proposed Resolutions. On a motion made by Councilmember Diehl, seconded by Councilmember Karabinchak and duly carried, the public hearing was closed.

Councilmember Shah requested that Resolution R.112-022016 be pulled for separate vote.

Councilmember Karabinchak requested that Resolution R.114-022016 and R.119-022016 be pulled for separate vote.

The following Resolutions R.085-022016 through R.088-022016 and R.090-022016 through R.101-022016 and R.103-022016 through R.111-022016 and R.113-022016 and R.115-022016 through R.117-022016 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Karabinchak.

**RESOLUTION R.085-022016**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING FEBRUARY 4, 2016

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 4, 2016

FUND	AMOUNT
Current	\$12,657,153.40
Affordable Housing	34,169.89
Capital	967,440.09

Cash Performance	0.00
CDBG	50,106.76
Developers Escrow	19,633.50
Dog (Animal Control)	17,545.63
Federal Forfeited	983.70
Grant Funds	4,705.52
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	496,502.75
Sanitation Fund	103,987.12
Sewer Utility	6,429,027.68
Tax Sale Redemption	291,633.29
Tree Fund	0.00
Tree Planting	0.00
Trust	126,964.38
<b>TOTAL</b>	<b>\$21,199,853.71</b>

/s/ Nicholas C. Fargo  
Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, that the above-referenced disbursements report is hereby approved.

**RESOLUTION R.086-022016**

**WHEREAS**, at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

**WHEREAS**, the said tax sale certificates have been redeemed thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$383,211.59**.

EXPLANATION: A Resolution authorizing the refund of sewer charge overpayments to certain property owners in the Township.

**RESOLUTION R.087-022016**

**WHEREAS**, the tax collector, Lina Vallejo of the Township of Edison reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year 2015; and

**WHEREAS**, applications have been made to the Tax Collector for refunds of the aforesaid overpayments, and the Tax Collector advises that the property owners are entitled to refunds as provided for below; and

**WHEREAS**, the municipal council of the Township desires to authorize the refund of these sewer charge overpayments.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:**

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the appropriate official of the Township to draw and issue checks to the person(s) in the amounts provided for below, in satisfaction of sewer charge overpayments:

Property Owner:	SL Investment Group, LLC
Property Location:	1 Nixon Lane
Block/Lot/Qualifier	397/1.B2
Sewer Account:	8340-0
Amount to be Refunded:	\$ 80.68

<b>GRAND TOTAL:</b>	<b>\$ 80.68</b>
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3. This Resolution shall take effect immediately.

February 10, 2016

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to The ARC Middlesex County for repairs to a group home #3 located in Edison, as outlined in their application in the amount of \$18,500.

**RESOLUTION R.088-022016**

**WHEREAS**, by Resolution the Township Council approved, authorized and established an Emergency Repairs Program pursuant to N.J.A.C. 5:97-8.8(a), to assist eligible owner or rental property, sponsors of permanent supportive housing, shared living arrangements (group homes) and certain public housing units in the Township of Edison, to make eligible repairs/replacements to systems or items, that if neglected, pose threats to the health and/or safety of the current of prospective tenants, and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

**WHEREAS**, the Township Council also approved and adopted a Manual at that time for the Emergency Repairs Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such repairs under the Program; and

**WHEREAS**, an application to participate in the Program was submitted by The Arc Middlesex County for their group home located in Edison, was reviewed and deemed complete and in compliance with the Program requirements; and

**WHEREAS**, the Township Council desires to award a grant to The Arc Middlesex County in the amount of \$18,500.00 for the purposes set forth herein under the Township's Emergency Repair Program and to authorize the execution of an Agreement between the Township and The Arc Middlesex County, with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$18,500.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to The Arc Middlesex County for the purposes set forth herein and authorizes the execution of an Agreement with The Arc Middlesex County, 219 Black Horse Lane, Suite 1, North Brunswick, NJ 08902 with respect to such grant.
2. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

**RESOLUTION R.090-022016**

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to The ARC Middlesex County for repairs to a group home #2 located in Edison, as outlined in their application in the amount of \$11,800.

**WHEREAS**, by Resolution the Township Council approved, authorized and established an Emergency Repairs Program pursuant to N.J.A.C. 5:97-8.8(a), to assist eligible owner or rental property, sponsors of permanent supportive housing, shared living arrangements (group homes) and certain public housing units in the Township of Edison, to make eligible repairs/replacements to systems or items, that if neglected, pose threats to the health and/or safety of the current of prospective tenants, and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

**WHEREAS**, the Township Council also approved and adopted a Manual at that time for the Emergency Repairs Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such repairs under the Program; and

**WHEREAS**, an application to participate in the Program was submitted by The Arc Middlesex County for their group home located in Edison, was reviewed and deemed complete and in compliance with the Program requirements; and

**WHEREAS**, the Township Council desires to award a grant to The Arc Middlesex County in the amount of \$11,800.00 for the purposes set forth herein under the Township's Emergency Repair Program and to authorize the execution of an Agreement between the Township and The Arc Middlesex County, with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$11,800.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to The Arc Middlesex County for the purposes set forth herein and authorizes the execution of an Agreement with The Arc Middlesex County, 219 Black Horse Lane, Suite 1, North Brunswick, NJ 08902 with respect to such grant.
2. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

**RESOLUTION R.091-022016**

**EXPLANATION:** Resolution Refunding Cash Performance to V&R Realty for Application #P4947, Block 498, Lot 6-11 Account #7200025308

**WHEREAS**, the Township Engineer, recommends the release of the Cash Performance posted in the amount of **\$28,497.59**, plus accrued interest, if applicable on deposit in account #7200025308 with the Township of Edison, principal being V&R Realty, having offices at 295 N. Michigan Avenue, Kenilworth, NJ 07033 and acceptance of the subject improvements; and

**WHEREAS**, the Division of Engineering Services recommends the release of the Cash Performance Bond, in the amount of **\$28,497.59**, in account 7200025308

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON** that the aforementioned improvements are hereby complete and satisfactory and the Chief Financial Officer is hereby authorized to release the aforesaid Cash Performance; and

**BE IT FURTHER RESOLVED** that the the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$28,453.59** plus accrued interest, if applicable, on deposit in account #7200025308 to the applicant, V&R Realty, Co, Inc. 295 N. Michigan Avenue, Kenilworth, NJ 07033.

**RESOLUTION R.092-022016**

**EXPLANATION:** Resolution Refunding Inspection Fees to V&R Realty, Application # P4947, Block. 498, Lot: 6-11 Account #7200024784

**WHEREAS**, the Township Engineer advises that a final inspection was made on the above subject located in Block: 498 Lot: 6-11

**WHEREAS**, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

**WHEREAS**, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

**WHEREAS**, it is in now in order that the sum of \$202.89, which represents the amount due and owing the applicant, be returned to V&R Realty Co, Inc. 295 N. Michigan Avenue, Kenilworth, NJ 07033

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON** that the sum of \$202.89 plus accrued interest, if applicable, be refunded to the applicant, V&R Realty Co, Inc. 295 N. Michigan Avenue, Kenilworth, NJ 07033

**BE IT FURTHER RESOLVED** that the Director of Finance be and is hereby authorized to refund said sum of \$202.89, in account #7207200024784 to the applicant.

**RESOLUTION R.093-022016**

**EXPLANATION:** This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

**WHEREAS,** on March 30, 2015 a Construction Permit fee, check #608415, permit #2015-1087, was posted in the total amount of \$428.00 by the contractor, Somerville Aluminum Co., having offices at 20 County Line Road, Branchburg, NJ 08876; and

**WHEREAS,** the application was submitted for a Kitchen Remodel at 21 Rodak Circle, Edison, NJ 08817, by the hired contractor; Somerville Aluminum Co., who did not make known to the Construction Code Enforcement Division that the homeowner, Lawrence Normat, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

**WHEREAS,** appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$416.00, derived from the \$428.00 total construction permit fee less the \$12.00 DCA fee, be refunded to the contractor A.J. Perri ; and

**WHEREAS,** the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2015-1087, in the amount of \$416.00 for the referenced application;

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison that the sum not to exceed \$416.00 on construction permit fees posted by Somerville Aluminum Co. for 21 Rodak Circle be refunded to the contractor;

**BE IT FURTHER RESOLVED,** that the Director of Finance be and is hereby authorized to refund the said amount of \$416.00 from the Refund of Revenue Fund to the Contractor, Somerville Aluminum Co. at 20 County Line Road, Branchburg, NJ 08876.

**RESOLUTION R.094-022016**

**RESOLUTION TO RELEASE STREET OPENING ESCROW**

**WHEREAS,** the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

**WHEREAS,** notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON,** that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000174, to the following:

<b>Permit Number:</b>	<b>0679</b>
<b>Opening Location:</b>	<b>25 Grandview Avenue</b>
<b>Block/Lot:</b>	<b>708/4.A</b>
<b>Applicant's Name &amp; Address:</b>	<b>Stilo Excavation, Inc. 2907 Clinton Avenue South Plainfield, NJ 07080</b>
<b>Initial Deposit Date:</b>	<b>09/15/15</b>
<b>Deposit Amount:</b>	<b>\$800.00</b>

**Paid by & refunded to:**

**Attilio Grasso  
Mirta Grasso  
215 Arlington Ave.  
South Plainfield, NJ 07080-3203**

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

**RESOLUTION R.095-022016**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO ACRISURE, LLC, DBA FINANCIAL INSURANCE CONSULTANTS FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES**

**WHEREAS**, the Township of Edison has a need to renew the professional risk management consulting services as required in the bylaws of the Central Jersey Joint Insurance Fund for January 1, 2016 –December 31, 2016, and pursuant to N.J.S.A. 40A:10-36; and

**WHEREAS**, this 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 acquisition could exceed \$17,500.00; and

**WHEREAS**, ACRISURE, LLC, DBA FINANCIAL INSURANCE CONSULTANTS 1460 US Route 9 North, Suite 210, Woodbridge, NJ 07095, has submitted a proposal to provide such services for an amount not to exceed five point seventy five percent (5.75%) of Edison Township’s annual assessment as promulgated by the Fund not to exceed \$208,000.00; and

**WHEREAS**, ACRISURE, LLC, DBA FINANCIAL INSURANCE CONSULTANTS, has 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 ACRISURE, LLC, DBA FINANCIAL INSURANCE CONSULTANTS from making any reportable contributions through the term of the contract; 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 Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$208,000.00 and any other necessary documents with ACRISURE, LLC, DBA FINANCIAL INSURANCE CONSULTANTS, 1460 US Route 9 North, Suite 210, Woodbridge, NJ 07095 for professional risk management consulting services as described herein.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq.
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.

**RESOLUTUION R.096-022016**

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING OF DATA AND VOICE SERVICE WITH BUSINESS AUTOMATION TECHNOLOGIES D/B/A DATA NETWORK SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$25,000.00**

**WHEREAS**, BUSINESS AUTOMATION TECHNOLOGIES D/B/A DATA NETWORK SOLUTIONS, 116 Oceanport Avenue, Building 1, Little Silver, NJ 07739 was awarded Contract No. 15-01-23 Data and Voice Service, through Resolution R.284-052015 for the period July 9, 2015 to July 8, 2016 in the amount of \$30,000.00 and that amount has been depleted; and

**WHEREAS**, the Township recommends we add additional funds in the amount not to exceed \$25,000.00 to replenish and complete the one year term of the contract with Business Automation Technologies D/B/A Data Network Solutions, with all prices as well as all terms and conditions to remain the same until such as time the contract expires or we award a new contract; and

**WHEREAS**, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; 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 the Mayor, or his designee, is hereby authorized to amend and execute the contract in the amount not to exceed \$25,000.00, and any other necessary documents, with Business Automation Technologies D/B/A Data Network Solutions described herein.

**RESOLUTION R.097-022016**

**RESOLUTION ACCEPTING BID AND AWARING A CONTRACT TO FREEHOLD FORD, INC. FOR COLLISION REPAIRS**

**WHEREAS**, bids were received by the Township of Edison on January 6, 2016 for Public Bid No. 16-10-25-Collision Repairs; and

**WHEREAS**, FREEHOLD FORD, INC., 3572 Route 9, Freehold, NJ 07728, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$110,000.00, cannot be encumbered at this time; 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 and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid by FREEHOLD FORD, INC., 3572 Route 9, Freehold, NJ 07728 for Collision Repairs is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$110,000.00 and any other necessary documents, with FREEHOLD FORD, INC.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

**RESOLUTION R.098-022016**

**RESOLUTION ACCEPTING BID AND AWARING CONTRACT TO SPARTAN MOTORS USA INC. FOR THE PURCHASE OF ONE (1) RESCUE APPARATUS WITH EXTENDED WARRANTY FOR THE DIVISION OF FIRE**

**WHEREAS**, bids were received by the Township of Edison on October 21, 2015 for Public Bid No. 15-07-27 RESCUE APPARATUS for the Division of Fire; and

**WHEREAS**, SPARTAN MOTORS USA INC., 907 7<sup>TH</sup> Avenue North, Brandon, SD 57005, submitted the lowest, legally responsible, responsive bid; and

**WHEREAS**, the maximum amount of the purchase shall not exceed \$530,092.00 (\$515,463.00 for the apparatus and \$14,629.00 for the two year warranty extension); and

**WHEREAS**, funds in the amount of \$530,092.00 have been certified to be available in the Fire Rescue Truck and Equipment Account, number C-04-14-1872-265-000; and

**WHEREAS**, the Township Council accepts Edison Township’s recommendations as described herein and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by SPARTAN MOTORS USA INC., 907 7<sup>TH</sup> Avenue North, Brandon, SD 57005 for the purchase of one rescue apparatus with extended warranty for the Division of Fire, is determined to be the lowest, legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$530,092.00, and any other necessary documents, with SPARTAN MOTORS USA INC., as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$530,092.00** are available in Account No. **C-04-14-1872-265-000** for the above.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.099-022016**

Township of Edison

NOTICE OF SALE OF ABANDONED VEHICLES AS PROVIDED IN TITLE R.S. 39:10-A-1  
NOTICE IS HEREBY GIVEN that on Wednesday 02/24/2016 at 11:00 A.M. the TOWNSHIP OF EDISON will hold for auction (22) vehicles. The vehicles listed below came into possession of the TOWNSHIP OF EDISON through abandonment or failure of owners to claim and have been duly processed. For sale are the following vehicles with a Re-Sale application (NO LIEN)

Number	Make	Model	Year	Type VIN
12043675	Dodge	Charger	2007	2B3KA43G57H666431
15038048	Che	Bla	2002	1GNCT18W92K143174
15024234	Suz	For	2004	KL5JD52Z34K969695
15013308	Old	Sil	1999	1GHDX03E4XD308337
10014615	Mit	Gal	2000	4A3AA46L1YE023017
14037573	Mer	Mys	1999	1MEFM6538XK639907
09067368B	Dod	Car	2002	2B4GP44R12R651332
15016300	For	Foc	2001	1FAFP34P71W366590
14053105	Maz	Pro	1998	JM1BC1423W0208111
15035317	Toy	Cam	1997	4T1BG22K3VU134639
	Dod	Ram	1999	3B7HC13YXXM519002
15016308	Ford	Exped	1997	1FMFU18L8VLB45551
15033268	Jeep	Che	1999	1J4FF68SXXL613909
15012588	Gmc	Sav	2000	1GKFG15R6Y1179593
14007135	Chevy	Malibu	2005	1G1ZT5289F217106
12003778	Jeep	Com	2006	1J8HG48K26C245944
13051529	Sub	For	1999	JF1SF6554XG742519
15003523	Hyu	Acc	2006	KMHC9C46C76U032917
15042784	Dodge	Car	2001	2C8GD64L01R133898

For sale are the following vehicles with a JUNK TITLE (NO LIEN)

Number	Make	Model	Year	Type VIN
12037378A	Pon	GRN AM	2000	1G2NW52E6YC560856
15002653	Niss	MAX	1998	JN1CA21D3WM924041
15029773	Honda	ACC	1995	1HGCD5635SA122576

Vehicles may be inspected at the Edison Township Municipal Impound Yard in Edison at 745 New Durham Road the day of the sale from 8:30AM-10:00AM. (Direction can be requested – please email [RSzucs@edisonpd.org](mailto:RSzucs@edisonpd.org)). Vehicles must be removed within three (3) business days after sale. Payment is due at the time of the sale. Auction will be held at the Edison Township Municipal Complex at 100 Municipal Blvd., Edison NJ, at 11:00AM in the Edison Room, 3<sup>rd</sup> floor.

**RESOLUTION R.100-022016**

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO MORPHOTRAK, INC. FOR THE PURCHASE OF FINGERPRINT/PALMPRINT SCAN SYSTEM WITH PRINTER FOR THE POLICE DEPARTMENT**

**WHEREAS**, there is a need for a fingerprint/palmprint scan system with printer; and

**WHEREAS**, MORPHOTRAK, INC., 14 Columbia Circle Drive, Suite 102, Albany, NY 12203 has been awarded State Contract Number 81520 under G-9002-10 Print Live Scan System; and

**WHEREAS**, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

**WHEREAS**, funds in the amount of \$39,103.55 have been certified to be available in the Various Equipment for Police Department Account, Number C-04-15-1914-240-000; 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 Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$39,103.55, and any other necessary documents, with MORPHOTRAK, INC. as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 81520 under G-9002.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$39,103.55** are available for the above in Account No. **C-04-15-1914-240-000**.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.100-022016**

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO MORPHOTRAK, INC. FOR THE PURCHASE OF FINGERPRINT/PALMPRINT SCAN SYSTEM WITH PRINTER FOR THE POLICE DEPARTMENT**

**WHEREAS**, there is a need for a fingerprint/palmprint scan system with printer; and

**WHEREAS**, MORPHOTRAK, INC., 14 Columbia Circle Drive, Suite 102, Albany, NY 12203 has been awarded State Contract Number 81520 under G-9002-10 Print Live Scan System; and

**WHEREAS**, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

**WHEREAS**, funds in the amount of \$39,103.55 have been certified to be available in the Various Equipment for Police Department Account, Number C-04-15-1914-240-000; 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 Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$39,103.55, and any other necessary documents, with MORPHOTRAK, INC. as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 81520 under G-9002.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$39,103.55** are available for the above in Account No. **C-04-15-1914-240-000**.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.101-022016**

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO NATIONAL FUEL OIL, INC. FOR FUEL**

**WHEREAS**, bids were received by the Township of Edison on January 5, 2016 for Public Bid No. 15-12-06, Fuel; and

**WHEREAS**, NATIONAL FUEL OIL, INC., 175 Orange St., Newark, NJ 07103, submitted the lowest legally responsible, responsive bid for Ultra Low Sulfur Diesel Fuel, Ultra Low Sulfur Diesel Fuel Premium/WinterBlend Mix and the emergency allocation; and

**WHEREAS**, the total amount of this contract, not to exceed \$500,000.00 cannot be encumbered at this time; 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 and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by NATIONAL FUEL OIL, INC., 175 Orange St., Newark, NJ 07103 for Fuel, is determined to be the lowest legally responsible, responsive bid for Ultra Low Sulfur Diesel Fuel, the Ultra Low Sulfur Diesel Fuel Premium/WinterBlend Mix and the emergency allocation.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$500,000.00, and any other necessary documents, with NATIONAL FUEL OIL, INC. as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

**RESOLUTION R.103-022016**

**WHEREAS**, The ARC Middlesex County, North Brunswick, NJ has requested a waiver of any and all permit and/or application fees concerning the replacing of the Roof for a Group Home #2 in Edison.

**WHEREAS**, under the building code, The ARC Middlesex County as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by The ARC Middlesex County.

**RESOLUTION R.104-022016**

**WHEREAS**, The ARC Middlesex County, North Brunswick, NJ has requested a waiver of any and all permit and/or application fees concerning the replacing a rear deck for a Group Home #3 in Edison.

**WHEREAS**, under the building code, The ARC Middlesex County as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by The ARC Middlesex County.

**RESOLUTION R.105-022016**

**WHEREAS**, Housing Authority of the Township of Edison, NJ has requested a waiver of any and all permit and/or application fees concerning the installation of a Generator at Robert Holmes Gardens.

**WHEREAS**, under the building code, Housing Authority of the Township of Edison as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by Housing Authority of the Township of Edison.

**RESOLUTION R.106-022016**

**WHEREAS**, Housing Authority of the Township of Edison, NJ has requested a waiver of any and all permit and/or application fees concerning the installation of a Generator at Julius Engel Gardens.

**WHEREAS**, under the building code, Housing Authority of the Township of Edison as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by Housing Authority of the Township of Edison.

**RESOLUTION R.107-022016**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE ROCK SALT FROM ATLANTIC SALT INCORPORATED THROUGH THE MIDDLESEX COUNTY COOPERATIVE PRICING AGREEMENT – STATE COOP. #71-MCCPS**

**WHEREAS**, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the County of Middlesex hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

**WHEREAS**, ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852 has been awarded Bid No. B-15-560 through State Coop #71-MCCPS, Treated Rock Salt under Resolution Number 15-1879-R; and

**WHEREAS**, the total amount of this contract, not to exceed \$120,000.00, cannot be encumbered at this time; 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 Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$120,000.00 and any other necessary documents, with ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11 et seq. of the Local Public Contracts Law, Bid No. B-15-560 through Middlesex County Cooperative Pricing Agreement, Resolution No. 15-1879-R, State Coop #71-MCCPS.

**RESOLUTION R.108-022016**

**EXPLANATION:** A Resolution referring the Woodbridge Avenue Redevelopment Plan for Block 390.A, Lot 1.4A (844 King Georges Post Road) to the Edison Planning Board for review and comment, pursuant to the Local Redevelopment and Housing Law.

**WHEREAS,** the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

**WHEREAS,** to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal committee (“Municipal Council”) of the Township of Edison (the “Township”) must authorize the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

**WHEREAS,** on May 27, 2015, the Municipal Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known on the Township tax maps as Block 755.B, Lot 38 and Block 390.A, Lot 1.A4 and 4.0201 (collectively, the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment, which designation would authorize the Township and Municipal Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

**WHEREAS,** on October 19, 2015, the Planning Board held a public hearing in accordance with *N.J.S.A. 40A:12A-6* at which it reviewed the findings of a report prepared by Heyer, Gruel & Associates (“Planning Consultant”) entitled “Block 390.A, Lot 1.A4 & Block 755.B, Lot 38, Redevelopment Study” dated September 2015 (the “Redevelopment Study”) which determined that the Study Area met the criteria for designation as an “area in need of redevelopment” under the Redevelopment Law, and adopted a resolution which endorsed the findings of the Redevelopment Study and recommended to the Municipal Council, pursuant to *N.J.S.A. 40A:12A-6*, that the Study Area be designated as an “area in need of redevelopment”; and

**WHEREAS,** on October 28, 2015, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 390.A, Lot 1.A4 (also known as 844 King Georges Post Road) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law; and

**WHEREAS,** by commission of the Municipal Council, the Planning Consultant has prepared a redevelopment plan for the Redevelopment Area entitled the “Woodbridge Avenue Redevelopment Plan” (“Redevelopment Plan,” attached hereto as *Exhibit A*); and

**WHEREAS,** the Municipal Council desires to refer the Redevelopment Plan to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

**NOW THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that:

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

2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Municipal Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

**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.

**RESOLUTION R.109-022016**

**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., managing member of Counsel, has an excellent reputation in the area of municipal government 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 William W. Northgrave, Esq. for the position of Township Attorney and seek to enter a contract for legal services with Counsel for 2015 (“Services Contract”) 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 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**, compensation for local unit general counsel services included under the Services Contract shall be rendered at the flat rate of \$25,000.00, payable in 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 counsel 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 hourly rates 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 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, whereby William W. Northgrave, Esq. shall represent the Township as Township Attorney.
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 2016 calendar year.
5. No payments in excess of the “not-to-exceed” amount of \$290,000.00 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. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$290,000.00 are available in Account No: 6-01-20-0155-001-027.

/s/ Nicholas Fargo  
Chief Financial Officer

#### **RESOLUTION R. 110-022016**

**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 2016 ("Services Contract") 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 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 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:

11. The aforementioned recitals are incorporated herein as though fully set forth at length.
12. 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.
13. 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.
14. 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 2016 calendar year.
15. 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.
16. 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.
17. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
18. 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.
19. 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.
20. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.
21. Counsel shall notify the Township Attorney when eighty percent (80%) of the "not-to-exceed" amount is attained.
22. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$265,000.00 are available in Account No: 6-01-20-0155-001-027.

/s/Nicholas Fargo  
Chief Financial Officer

#### **RESOLUTION R.111-022016**

**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.

**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 seek to enter a contract for legal services with Counsel for 2016 ("Services Contract") 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 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 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:

23. The aforementioned recitals are incorporated herein as though fully set forth at length.
24. 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.
25. 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.
26. 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 2016 calendar year.
27. 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.
28. 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.
29. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
30. 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.
31. 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.
32. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.

33. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.
34. This Resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$190,000.00 are available in Account No:6-01-20-0155-001-027.

/s/ Nicholas Fargo  
Chief Financial Officer

**RESOLUTION R.113-022016**

**Explanation:** This Resolution awards an Extraordinary Unspecifiable Services Contract to Jaffe Communications Inc. for public relations consulting.

**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 a qualified communications firm, 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 “extraordinary unspecifiable services” as it may require; and

**WHEREAS**, Jaffe Communications Inc. (“Jaffe”) has an excellent reputation in the area of public relations and public affairs and has sufficient staff to handle communications issues which may arise from time to time in the Township; and

**WHEREAS**, for these reasons the Mayor and the Municipal Council recommend Jaffe as its public relations consultant and seek to enter a contract for services with Jaffe for 2016, on a month-to month basis (“Services Contract”) to provide for same; and

**WHEREAS**, the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5(1)(a)(ii)*, allows for the awarding of a contract for "extraordinary unspecifiable services" without public advertising for bids, which is applicable here considering the nature of the public awareness and image consulting services and the difficulty in drafting specifications for the fulfillment of same; and

**WHEREAS**, prior to the execution of the Services Contract, Jonathan Jaffe 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 Jaffe 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 Jaffe 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 services under the Services Contract may include, but are not limited to, public relations consulting; and

**WHEREAS**, compensation for the consulting services included under the Services Contract shall be rendered at the rate of \$3,600.00 per month, 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:

35. The aforementioned recitals are incorporated herein as though fully set forth at length.
36. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Jaffe for public relations consulting services.
37. The Services Contract is awarded without competitive bidding as an "extraordinary unspecifiable service" under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because of the nature of the work to be done and the difficulty in drafting specifications for same.
38. 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 2016 calendar year.

39. No payments in excess of the “not-to-exceed” amount of \$43,200.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
40. 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.
41. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
42. 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.
43. 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.
44. The designated administrative official of the Township shall file a certificate as required by *N.J.A.C. 5:34-2.3* which describes why the Services Contract meets the requires requirements of *N.J.S.A. 40A:11-5(1)(a)(ii)*, which shall be kept on file in the office of the Township Clerk.
45. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$43,200.00 are available in Account No:6-01-20-0100-006-029

/s/Nicholas Fargo  
Chief Financial Officer

#### **RESOLUTION R.115-022016**

**EXPLANATION:** This Resolution refers certain amendments to the “Redevelopment Plan for Salsburg Properties” (Block 1142, Lot 21.B; Block 1143, Lots 27.01 and 27.02; aka 1906 Route 27) to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal council (“Municipal Council”) of the Township of Edison (the “Township”) must authorize the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

**WHEREAS**, in November of 1995, the Municipal Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known on the Township tax maps as Block 1142, Lot 21.B; and Block 1143, Lots 27.01 and 27.02 (hereinafter the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment, which designation would authorize the Township and Municipal Council to use all those powers permitted by the Redevelopment Law; and

**WHEREAS**, following an investigation conducted by the Planning Board and a public hearing, the Municipal Council adopted a resolution designating the Study Area as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law; and

**WHEREAS**, the Municipal Council thereafter adopted by ordinance a redevelopment plan for the Redevelopment Area entitled “Redevelopment Plan for Salsburg Properties” as prepared by Sheehan Consulting Group and dated May 1996 (“Original Redevelopment Plan”); and

**WHEREAS**, the Municipal Council adopted a resolution on October 14, 2015 referring certain amendments to the Original Redevelopment Plan (“First Amended Redevelopment Plan”) to the Planning Board for review and comment pursuant to the Redevelopment Law; and

**WHEREAS**, on October 19, 2015, the Planning Board held a hearing at which it reviewed the First Amended Redevelopment Plan and adopted a resolution recommending its adoption; and

**WHEREAS**, on November 9, 2015, the Municipal Council adopted Ordinance O.1916.2015 which adopted the First Amended Redevelopment Plan; and

**WHEREAS**, the Municipal Council desires to refer certain additional amendments to the First Amended Redevelopment Plan ("Second Amended Redevelopment Plan" as attached hereto as *Exhibit A*) to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law..

**NOW THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Municipal Council hereby refers the Second Amended Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Second Amended Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.
3. The Clerk of the Township shall forward a copy of this Resolution and the Second Amended Redevelopment Plan to the Planning Board for review.
4. This Resolution shall take effect immediately.

**RESOLUTION R.116-022016**

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER FOR THE FURNISHING OF COLLISION REPAIRS**

**WHEREAS**, bids were received by the Township of Edison on January 6, 2016 for Public Bid No. 16-10-25-Collision Repairs; and

**WHEREAS**, CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER, 878 North Ave., Elizabeth, NJ 07201, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$80,000.00, cannot be encumbered at this time; 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 and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid by CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER, 878 North Ave., Elizabeth, NJ 07201 for Collision Repairs is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$80,000.00 and any other necessary documents, with CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

**RESOLUTION R.117-022016**

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT RACHLES/MICHELE'S OIL CO., INC. FOR FUEL**

**WHEREAS**, bids were received by the Township of Edison on January 5, 2016 for Public Bid No. 15-12-06, Fuel; and

**WHEREAS**, RACHLES/MICHELE'S OIL CO., INC., 116 Kuller Rd., Clifton, NJ 07011, submitted the lowest legally responsible, responsive bid for Gasoline-Regular and Unleaded and Gasoline Emergency Allocation; and

**WHEREAS**, the total amount of this contract, not to exceed \$425,000.00 cannot be encumbered at this time; 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 and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by RACHLES/MICHELE'S OIL CO., INC., 116 Kuller Rd., Clifton, NJ 07011 for Fuel is determined to be the lowest legally responsible, responsive bid for Gasoline-Regular and Unleaded and Gasoline Emergency Allocation.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$425,000.00, and any other necessary documents, with RACHLES/MICHELE'S OIL CO., INC. as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

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

NAYS - None

The following Resolutions will be voted upon separately:

**RESOLUTION R.112-022016**

**Explanation:** This Resolution awards a Professional Services Contract to Hoagland, Longo, Moran, Dunst & Doukas, LLP and designates the firm to represent the Township of Edison on ongoing matters.

**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**, Hoagland, Longo, Moran, Dunst & Doukas, LLP ("Counsel") has previously represented the Township as Township Attorney and as to other legal matters; and

**WHEREAS**, for these reasons the Mayor and the Municipal Council recommend Counsel to represent the Township on certain ongoing matters that Counsel is presently handling and seek to enter a contract for legal services with Counsel through June 30, 2016 ("Services Contract") 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, the Managing Partner of Counsel 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 tax appeals and certain ongoing 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:

46. The aforementioned recitals are incorporated herein as though fully set forth at length.
47. 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.
48. 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.
49. 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 2016 calendar year.
50. No payments in excess of the “not-to-exceed” amount of \$100,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
51. 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.
52. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
53. 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 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.
54. 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.
55. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.
56. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.
57. This Resolution shall take effect immediately.

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$100,000.00 are available in Account No:6-01-20-0155-001-027.

/s/ Nicholas Fargo  
Chief Financial Officer

A motion was made by Councilmember Karabinchak seconded by Councilmember Sendelsky to adopt this Resolution.

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

ABSTAIN: Councilmember Shah, she has retained on a personal matter.

NAYS - None

**RESOLUTION R.114-022016**

**Explanation:** This Resolution awards a Professional Services Contract to Heyer, Gruel & Associates for community planning consulting.

**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 a qualified community planning firm, 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**, Heyer, Gruel & Associates (“Heyer”) has an excellent reputation in the area of redevelopment, urban design and master planning and has sufficient staff to handle the community planning projects which may arise from time to time in the Township; and

**WHEREAS**, for these reasons the Mayor and the Municipal Council recommend Heyer as its planning consultant and seek to enter a contract for services with Heyer for 2016 (“Services Contract”) 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, Susan S. Gruel, P.P. 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 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 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 services under the Services Contract may include, but are not limited to, community planning and consulting; and

**WHEREAS**, compensation for the consulting services included under the Services Contract shall be rendered at the hourly rate of \$150.00 to \$175.00 per hour for principals; \$135.00 to \$145.00 per hour for senior planners; \$110.00 to \$130.00 per hour for associate planners/urban designers; and \$90.00 to \$110.00 per hour for assistant planners, 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:

58. The aforementioned recitals are incorporated herein as though fully set forth at length.
59. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Heyer for the community planning and consulting services.
60. 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.
61. 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 2016 calendar year.
62. No payments in excess of the “not-to-exceed” amount of \$80,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
63. 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.

- 64. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
- 65. 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.
- 66. 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.
- 67. This Resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$80,000.00 are available in Account No:6-01-20-0165-000-028

/s/Nicholas Fargo  
Chief Financial Officer

A motion was made by Councilmember Karabinchak, seconded by Councilmember Diehl to Table this Resolution.

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

NAYS - None

**RESOLUTION R.119-022016**

**Explanation:** This Resolution authorizes payment to the community planning firm of Heyer, Gruel & Associates for services rendered in year 2015.

**WHEREAS**, the community planning firm Heyer, Gruel & Associates (“Firm”) has previously provided redevelopment planning and design services to the Township of Edison (“Township”) on development projects pursuant to a professional services contract; and

**WHEREAS**, the Firm has submitted invoices relating to services performed in 2015 which remain outstanding; and

**WHEREAS**, the municipal council (“Municipal Council”) seeks to authorize payment to the Firm for services rendered in 2015 in an amount not to exceed \$8,000.00.

**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 Chief Financial Officer or his designee is hereby authorized to make payments to the Firm in the amount not to exceed for \$8,000 for services rendered, upon the receipt of proper invoices.
- 3. A certificate showing the availability of funds to pay the Firm 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 2016 calendar year.
- 4. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
- 5. This resolution shall take effect immediately.

**CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2016 calendar year, funds in the amount of \$8,000.00 are available in Account No: 5-01-20-0165-000-028

/s/ Nicholas Fargo  
Chief Financial Officer

A motion was made by Councilmember Karabinchak, seconded by Councilmember Diehl to Table this Resolution.

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

NAYS - None

**COMMUNICATIONS**

- a. Letter received from residents on Hamilton Avenue regarding residential parking permit.

On a motion made by Councilmember Diehl, seconded by Councilmember Karabinchak and duly carried, the above Communications were received.

**ORAL PETITIONS AND REMARKS**

Council President Lombardi opened the meeting for public comment.

Bruce Diamond, 74 Calvert Avenue, do we have an answer on Cablevision Franchise Fee?

Mr. Northgrave, the \$40,000.00 has nothing to do with the Franchise Fee. Franchise is required by cable and turned over to Edison.

Mr. Diamond, other towns identify where their Fire Hydrants are why can't we.

Council President Lombardi, we have contracts with the Water companies to clean hydrants.

Ms. Ruane, not sure that is accurate.

Council President Lombardi, Fire Departments does a lot of them and they have maps to show locations.

Mr. Diamond, Police Department has another article this week, confusion over erasing tapes, it doesn't make sense, when kept in house has appearance of inappropriate.

Mr. Northgrave, the statute requires us to have an Internal Affairs function. Middlesex County Prosecutor is Chief Law enforcement if they feel appropriate they can have Internal Affairs answer to them.

Mr. Diamond, he would like to see Council support Senator Barnes bill.

Walt Stochel, 2118 Oak Tree Road, tomorrow is Thomas Edison Birthday, Local History day is February 14<sup>th</sup>. He does not think our code allows Air B & B this should be looked into.

Councilmember Shah, Air B & B is a bigger issue, we are not getting re-rental fees and people are making money and we should get a part of that.

Fred Wolke, 10 Peake Road, requested information on use of the Boat Basin, doesn't see that this agreement has been memorialized by resolution. He asked several questions on the contract.

Council President Lombardi, Mr. Northgrave is conflicted out of this matter, who reviewed?

Ms. Ruane, no resolution ever sent to Council, will look into all other questions and get back.

Walt Shneer, Park Way, is there a law against multiple families in one home.

Mr. Northgrave, has represented college town and has had this questions before, towns cannot define a family as only physically related very difficult to enforce.

Mr. Shneer, picturesd putting up illegal signs during the day time.

Council President Lombardi, we have Mr. Zimmerman out on a regular basis cleaning up signs

Councilmember Gomez, people vacating property leaving garbage it is up to the owner to have removed, but if our DPW clean up we put a lien on the property.

Dr. Prasad, 10 Marion St. Edison, editorial on police, he took exception to the tone of the article. The tone against entire police department he disagrees with thrashing of the officer. He feels Council should ask that Edison Internal Affairs be monitored, this will enhance ability of Chief, time is now to ask Attorney General Office to monitor over Internal Affairs.

John Poyner, 40 Roosevelt Blvd., few questions, clarification what lowest responsive responsible bid entails, is there a percentage of Edison considered for redevelopment, body cam pilot program.

Mr. Northgrave explained Local Public Contract law for bids, and explained some of the locations that are declared areas in need of redevelopment.

Council President Lombardi, Body Cams, they are testing out different models, still in testing phase.

Esther Nemitz, 162B Fay Street, Bob Diehl said there was a Dismal Swamp meeting discussing meeting and bounds going on for many years.

Councilmember Diehl, the discussions have been going on for many years, we are a little closer than before. We cannot do a lot until meets and bounds are done.

Selina Myer, 2 Kitchen Court, issues on getting snow plowed, she was told street is private. She also heard they will not pave street until all homes are built, present there are three empty lots.

Mr. Kataryniak, Kitchen Court is part of a subdivision, goes back a ways, builder and bonding company all went under. There is no valid entity to develop project. We haven't taken over ownership of the road because no one to take it from.

Mr. Northgrave, the town is not at fault.

Councilmember Karabinchak, this is not the first time this has happened in Edison, he recommends there is a process where we can pave the road.

Councilmember Patil, they are paying taxes why are they not getting the services.

Mr. Northgrave, not sure they are being fully taxed.

Councilmember Karabinchak, we can't let residents be stuck because developer goes bust. Maybe we need to ask for Cash Bonds and only A+ Bond Companies. We can change the Ordinance.

Naushad Mulji, 14 Hayduk Drive, is also part of Woodlands Development, trash is accumulating and becoming a dangerous situation. What are the rights of the neighbors if undeveloped lots are next to them? What is the next step moving forward and will they receive a follow up.

Council President Lombardi asked Mr. Kataryniak to look into.

Councilmember Karabinchak, if no owners Edison should take lots and sell to offset cost of paving lots.

Councilmember Gomez, asked what is the standard for Bond Industry.

Councilmember Karabinchak, different ratings for bond companies, not sure in Edison

Lois Wolke, 10 Peake Road, Mr. Diamond has asked several times for the Council to support Senator Barnes bill to take over Internal Affairs, Council needs to take action. She asked for an answer by next council meeting.

Councilmember Gomez, he will take up with Public Safety Committee and then present to council.

Mr. Northgrave, Attorney General agrees this is a bad idea as written.

Council President Lombardi, commented Senator Barnes does not need our resolution to put forth this bill.

Mr. Diamond regarding illegal rental of empty houses call health department they will take care of it. Point of Resolution is not that Senator Barnes or Legislature needs it, but it shows where the council stands.

Mr. Stochel, there is a Developers Agreement for the Development in questions, if there is not developer how did the homes continue to go up.

Mr. Wolke added How can they get a CO for these homes. He talked to Senator Barnes he said he has been trying to get support from this council.

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

Having no further business to discuss, on a motion made by Councilmember Diehl seconded by Councilmember Karabinchak, the meeting was adjourned at 8:22 p.m.

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Michael R. Lombardi  
Council President

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Cheryl Russomanno,RMC  
Municipal Clerk