

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
March 6, 2017
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. 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 30, 2016 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Combined Meeting of February 22, 2017
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing the award of a non-fair and open contract for administration services for short term disability plan.
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through March 2, 2017
 - b. Resolution authorizing refund in the amount of \$132,839.15 for redemption of tax sale certificates.
 - c. Resolutions authorizing overpayment refund caused by Successful Tax Court Appeal.
 - d. Resolution authorizing refund for tax overpayments totaling \$14,643.24.
 - e. Temporary Emergency Appropriations
 - f. Resolution establishing a New Petty Cash Fund
 - g. Resolution authorizing a tax exemption/refund for a disabled veteran.
10. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution authorizing the Development and Submission of 2017 USFTA NJDOT/NJT/FTA grant.
11. **FROM THE DEPARTMENT OF LAW:**

- a. Ordinance amending Chapter 32 of the Township of Edison Code of General Ordinances to authorize the Township Engineer to review and approve permit for the removal of any topsoil or subsoil in the Township.
- b. Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with Pennrose Properties, LLC regarding the area in need of redevelopment known on the Township Tax maps as Block 3.E, Lot 3.013 (aka Road 2, 111 Truman Drive)
- c. Resolution authorizing the Township's entering and Mayor's execution of an agreement with the County of Middlesex with respect to the milling and resurfacing of Amboy Avenue.
- d. Resolution referring the proposed ordinance amending Chapter 37 to require a zoning permit with regard to mobile, temporary storage units on private property for a period greater than (30)days, but in no case greater than ninety (90) days per three hundred sixty (360) day period.
- e. Ordinance amends the Edison Township Code to revise and update the per gallon water rates the Township charges residential and non-residential users for the discharge of normal domestic sewage and the rates charged Significant Industrial Users of the Township's sewer system.

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

- a. Resolution provides refund of a construction permit.
- b. Resolution authorizing a Professional Services Contract for Legal Services to the Township Zoning Board of Adjustment.
- c. Award of a Professional Services Contract for Pump Station Repairs.
- d. Resolutions refunding Tree Maintenance Bonds
- e. Resolutions refunding Engineering Inspection fees.
- f. Resolutions releasing Performance Bond and refunding of Cash Performance Bonds
- g. Awarding of a Professional Services Contract for Sidewalk Improvements under the CDBG funded project for various streets.
- h. Award of Contract for RFP 17-01 Affordable Housing Planning and Consulting Services.

13. **FROM THE CHIEF OF FIRE:**

- a. Award of Contract/Purchase Order for Rescue Tools and Equipment.
- b. Award of Contracts for Public Bid No. 17-05-18, Fire Department Equipment and Tools- Supply and Repair.

14. **FROM THE CHIEF OF POLICE:**

- a. Award of Contract/Purchase Order for New Holsters and Accessories.
- b. Award of Contract/Purchase Order for Panasonic Toughbooks to outfit new police vehicles.

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

16. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.1963-2017 ORDINANCE AMENDING CHAPTER 37 OF THE TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES TO AMEND THE G-B AND G-GH GENERAL BUSINESS DISTRICTS TO INCLUDE A CONVENIENCE STORE WITH FUEL STATION AS A PERMITTED USE.

O.1964-2017 ORDINANCE AUTHORIZING THE PRIVATE SALE OF BLOCK 922, LOT 11.D ON THE TAX MAPS OF THE TOWNSHIP (LOCATED ON NICHOLSON AVENUE) AN UNDERSIZED LAND NOT NEEDED FOR PUBLIC USE PURSUANT TO N.J.S.A. 40A:12-13.

17. **COMMUNICATIONS:**

a. None

18. **DISCUSSION ITEMS:**

Council President Lombardi

a. None

Councilmember Coyle

a. None

Councilmember Diehl

a. None

Councilmember Gomez

a. None

Councilmember Patil

a. None

Councilmember Sendelsky

a. None

Councilmember Shah

a. None

19. **ADJOURNMENT**

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING MARCH 2, 2017

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 2, 2017.

FUND	AMOUNT
Current	\$14,650,660.36
Affordable Housing	628.93
Capital	31,773.47
Cash Performance	14,211.10
CDBG	1,048.84
Developers Escrow	0.00
Dog (Animal Control)	7,727.30
Federal Forfeited	0.00
Grant Funds	77,997.95
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	559,578.08
Sanitation Fund	88,098.73
Self Insurance	0.00
Sewer Utility	1,547,833.10
Tax Sale Redemption	476,154.34
Tree Fund	0.00
Tree Planting	0.00
Trust	124,422.31
Water Operating Fund	
TOTAL	\$17,580,134.51

/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

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that 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 aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$132,839.15**.

March 8, 2017

RESOLUTION

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments, and

WHEREAS, applications have been made to the Tax Collector for refunds of the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$14,643.24**.

RESOLUTION

**Authorizing Overpayment Refund caused by
Successful Tax Court Appeal**

WHEREAS, The Office of the Tax Collector has received a successful tax appeal judgment from the Tax Court of New Jersey for the case below:

TAXPAYER	PARIKH REAL ESTATE HOLDINGS LLC
PROPERTY LOCATION	1818 OAK TREE RD
BLOCK / LOT / QUALIFIER	546.MM/6

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the tax years below, as follows:

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
011560-2015	2015	676700	639700	(37000)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$1877.38** for the years as follows:

TAX YEAR	TAX AMOUNT
2015	1877.38

WHEREAS, pursuant to N.J.S.A. 54:3-27.2, “in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment.”

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$1877.38**.

RESOLUTION

**Authorizing Overpayment Refund caused by
Successful Tax Court Appeal**

WHEREAS, The Office of the Tax Collector has received a successful tax appeal judgment from the Tax Court of New Jersey for the case below:

TAXPAYER	NET LEASE FUNDING 2005 LP C/O NBI
PROPERTY LOCATION	OAK TREE RD
BLOCK / LOT / QUALIFIER	643.DD/27.H

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the tax years below, as follows:

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
013476-2014	2014	680000	643000	(37000)
011558-2015	2015	680000	643000	(37000)
009800-2016	2016	680000	643000	(37000)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$5652.12** for the years as follows:

TAX YEAR	TAX AMOUNT
2014	1822.62
2015	1877.38
2016	1952.12

WHEREAS, pursuant to N.J.S.A. 54:3-27.2, “in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment.”

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$5652.12**.

March 8, 2017

RESOLUTION

TEMPORARY EMERGENCY APPROPRIATION

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the Calendar year and the adoption of budget; and

WHEREAS, the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by March 20, 2017 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2017 Calendar Year Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following Temporary Emergency Appropriations be made and that a certified copy of this Resolution be transmitted to the Director of Finance for her record.

<u>CURRENT FUND</u>	<u>AMOUNT</u>
STREET & ROADS-Other Expenses	20,000.00
Parks & Trees-Other Expenses	8,000.00
PERS Expense	1,774,076.86
PFRS Expense	8,936,846.37
Highway Safety Fund Grant Program 2016	58,201.41
TOTAL CURRENT FUND	<u>10,797,124.64</u>

RESOLUTION

ESTABLISHING A NEW PETTY CASH FUND

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county of municipality by application and resolution and,

WHEREAS, it is the desire of the Township of Edison, County of Middlesex to establish such a fund for the Finance Department in the amount of \$600.00 and

WHEREAS, the custodian for the fund is Nicholas Fargo, Chief Financial Officer, who is bonded for the amount of \$1,000,000.; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE IT BE RESOLVED THAT THE TOWNSHIP OF EDISON hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION

Authorizing a tax exemption/refund for a disabled veteran for 20 Rosewood Rd.

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, **Inocencio Perez** is a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to **November 15, 2016**; and

WHEREAS, real estate taxes on this property known as Block **1101** Lot **17**, **20 Rosewood**, have been billed for **2016**; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

WHEREAS, as permitted by N.J.S.A. 54:4-3.32, Township Code Section 5-7(d) also authorizes the return of property taxes for the current year and prior year but not greater than for a twenty-four (24) month period in the aggregate, or, should the Veteran's Administration determine that a veteran's disability date is greater than twenty-four (24) months from the date the applicant submits his/her application with the Tax Assessor's office, the Township will only be obligated to return taxes for a period of no greater than twenty-four (24) months from receipt of a completed application to the Tax Assessor.

WHEREAS, pursuant to Township Code Section 5-7(d) the applicant is also due a refund of property taxes paid in prior year(s) from **November 15, 2016** to **March 31, 2017**, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on **1101** Lot **17**, assessed to **Inocencio Perez**, be cancelled for the **2nd, 3rd, and 4th** quarters of **2017** and also refunded for the municipal property taxes already paid for the time period of from November 15, 2016 thru March 31, 2017 in the amount of **\$2,326.71** and for the property taxes paid in prior year(s) from November 15, 2017 to March 31, 2017 in the amount of **\$2,326.71**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of **Inocencio Perez** for taxes already paid during the applicable exemption periods set forth above in the total amount of **\$2,326.71**.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO SUN LIFE ASSURANCE COMPANY OF CANADA FOR ADMINISTRATION SERVICES FOR SHORT TERM DISABILITY PLAN

WHEREAS, the Township of Edison has a need for administration services for management of its non workmen's compensation disability claims on a month to month basis for the year 2017; and

WHEREAS, SUN LIFE ASSURANCE COMPANY OF CANADA, One Sun Life Executive Park, Wellesley Hills, MA, 02481 has submitted a proposal to provide such services for the fee of \$3.12 per participating employee per month for an amount not to exceed \$25,000.00; and

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

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

WHEREAS, prior to entering into a contract, SUN LIFE ASSURANCE COMPANY OF CANADA will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit SUN LIFE ASSURANCE COMPANY OF CANADA 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 not to exceed \$25,000.00 and any other necessary documents with SUN LIFE ASSURANCE COMPANY OF CANADA, One Sun Life Executive Park, Wellesley Hills, MA, 02481 for administration services for management of its non workmen's compensation disability claims 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.

Explanation: Approval and authorization by the Municipal Council of the Township of Edison of the development and submission of a grant application to the 2016 USFTA NJDOT/NJT/FTA Section 5310 Bus-Related Equipment and Facilities Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU (80%) and NJ Transit (20%). The intent of this program is to improve mobility for seniors and individuals with disabilities by providing financial support to public and private transportation service providers, through programs planned, designed and carried out to meet the special transportation needs of these populations.

TOWNSHIP OF EDISON

MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Health and Human Services (EDHHS)/Division of Senior Services (DSS) operates an established and continuing passenger bus-services program for the transportation needs of local Senior and Disabled Citizens; and

WHEREAS, grant support of up to 80% is currently available from 2016 USFTA NJDOT/NJT Section 5310 Bus and Bus-Related Equipment and Facilities Grant Program, as funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, with a requisite 20% cash match from NJ Transit; and

WHEREAS, EDHHS DSS desires to apply for and obtain an estimated 80%/\$80,000 grant from the 2016 USFTA NJDOT/NJT Section 5310 Bus and Bus-Related Equipment and Facilities Program, with an estimated cash match of 20%/\$20,000 to be provided by NJ Transit, in order to purchase a new, fuel-efficient, high-mileage, lower-emissions, ADA-certified, gasoline-powered bus to serve the increasing transportation needs of local Senior and Disabled Citizens in the Township of Edison; and

WHEREAS, the Township of Edison is an active participant in the County of Middlesex Coordinated Human Services Transportation Plan (CHSTP), as required; and

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the Edison Department of Health and Human Services/Division of Senior Services to develop and submit said grant application to the 2016 USFTA NJDOT/NJT Section 5310 Bus-Related Equipment and Facilities Grant Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, at a regularly-scheduled Work Session on March 6, 2017 and subsequent Public Meeting on March 8, 2017.

EXPLANATION: An Ordinance amending Chapter 32 of the Township of Edison Code of General Ordinances to authorize the Township Engineer to review and approve permits for the removal of any topsoil or subsoil in the Township.

EDISON TOWNSHIP

ORDINANCE _____

WHEREAS, the Township of Edison (“**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Township’s Code of General Ordinances (the “**Code**”) in accordance with the terms provided for herein and;

WHEREAS, the Township Council has determined to amend Chapter 32 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 32 “Soil Removal” of the Code to read as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-1.2 Definitions

As used in this section:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

Appointed officer means the [Director of Public Works] Township Engineer as designated by the Township Council to act upon applications for permits under this section to enforce this section.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-1.3 Permit Required.

a. No owner, developer, excavator or other person shall move or cause, allow, permit or suffer to be moved or removed any topsoil or subsoil in the Township for use other than on the lot from which it shall be taken, except as otherwise defined or provided for in this section, unless and until after application to the [Director of Public Works] Township Engineer.

b. The [Director] Township Engineer shall first determine that the excavation, grading or removal of the amount of soil applied for is necessary and essential to the development or the improvement of the premises. Removal of soil from the Township shall only be permitted after the [Director] Township Engineer determines that there exists no alternative location for said topsoil within the Township. In determining whether there exists no alternative location, the [Director] Township Engineer shall ascertain from the other departments whether the Township has need to purchase a quantity of topsoil or, in the absence of such need, whether any other person or entity within the Township has, in writing, expressed a willingness to purchase a quantity of topsoil.

32-1.4 Compliance With Other Regulations.

Should the [Director of Public Works] Township Engineer find and determine that the excavation, grading or removal of the amount and type of soil applied for is necessary and essential to the development or improvement of the premises and that the applicant has complied with the provisions hereof and all other applicable ordinances, then the appropriate soil removal permit may be issued. If the lot is part of an approved subdivision or site plan presently under construction, then a permit shall be required only if the soil is to be removed from the subdivision premises or premises within the site plan.

32-1.5 Application for Permit.

Applications shall contain the following information in a form and to a degree to be determined by the [Director of Public Works] Township Engineer.

- a. The names and addresses of the applicant, the owner, the developer and the excavator.
- b. The lot and block numbers of the land from which soil is to be removed, as shown on the current Tax Map of the Township.
- c. The location to which soil is to be removed.
- d. The route to be taken during the removal operation.
- e. The reason for removing soil.
- f. The proposed dates for the commencement and completion of the soil removal, not to exceed three (3) months for any single application.
- g. A map of the lot showing the present contour lines and the proposed future contour lines resulting from the intended excavation or redistribution of soil and the location of streams, watercourses or other environmentally sensitive areas, if different from any such information appearing on an approved site plan or subdivision.
- h. The amount of soil and/or topsoil to be removed from the site and the amount of soil and/or topsoil to remain on the site.
- i. Such other pertinent data as the [Director of Public Works] Township Engineer may deem necessary.

32-1.6 Consideration of Application; Issuance or Denial

a. In considering the application, the [Director of Public Works] Township Engineer shall be guided by the following factors:

1. Soil erosion by water and wind.
2. Inadequate and improper surface water drainage.
3. Impairment of soil fertility.
4. Removal of lateral support of abutting streets and lands.
5. Creation of dangerous depressions and declivities.
6. The statements and findings in subsection 32-1.5.

7. Availability of alternative sites within the Township, as defined herein.
8. Such other factors as the [Director] Township Engineer may deem necessary or appropriate in light of the particular application.
9. The minimum quantity that will require a permit to be issued.
 - b. If, after considering the above factors, the [Director of Public Works] Township Engineer determines that the proposed excavating, grading or removal or redistribution of soil will not be detrimental to the health, safety and welfare of the Township or its inhabitants and complies with the terms hereof, he shall issue the necessary permit. Otherwise, he shall deny the application and shall notify the applicant. The [Director of Public Works] Township Engineer shall have thirty (30) days after the application is filed within which to notify the applicant whether the application has been granted or denied.

When soil is being removed as part of an application before the Planning Board or Board of Adjustment, approval of the soil permit under this section shall be a condition of approval.

32-1.7 Appeals.

If an application is denied, the applicant may appeal the decision of the [Director of Public Works] Township Engineer by filing a written notice of appeal with the Township Council within ten (10) days after receiving the notice of denial of the application.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-1.9 Bond Required.

Before the permit is issued, the applicant shall file with the [Director of Public Works] Township Engineer cash, certified check, letter of credit or a bond executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety unless the applicant, owner or developer has previously posted such security covering the work to be performed hereunder in connection with an approved subdivision or site plan. The amount of the bond shall be determined by the [Director of Public Works] Township Engineer but in no event shall be less than one thousand (\$1,000.00) dollars and shall be conditioned as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-1.10 Permit Conditions; Standards for Operation.

a. Soil removal or redistribution conducted under a permit issued under this section shall be in accordance with the following regulations:

1. Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.
2. Lands shall be graded so as to conform to the approved contour lines and grades and shall be cleared of debris.
3. A minimum of six (6) inches of topsoil shall remain over the entire lot from which soil was removed, except for those portions of the lot occupied by a building or structure or pavement, in accordance with the approved plans and specifications for the development thereof, upon completion of the intended construction.

4. All of the work described in this section shall be performed between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday. Where possible, work should be performed during regular business hours of the [Department of Public Works] Township Engineer so that appropriate inspections may be accomplished.

5. Adequate measures shall be taken to prevent erosion and sedimentation of soil upon surrounding lands, streets, municipal facilities, bodies of water or waterways, in accordance with the provisions of the Freehold Soil Conservation District. No soil shall be removed during periods of rain or other precipitation or within forty-eight (48) hours thereafter. No soil removal operation shall commence without the approved SCS plan from the Freehold Soil Conservation District.

6. [The Department of Public Works] Township Engineer shall be notified at least forty-eight (48) hours before the removal of soil begins.

b. An accounting of the soil removed shall consist of inspection by the [Director of Public Works] Township Engineer of the receipts given the applicant by the excavator for the soil removed. The receipts shall record the type and amount of soil taken, the date it was removed and the capacity of the truck. A final written estimate of the amount removed shall be submitted by the applicant. The [Director of Public Works] Township Engineer must be satisfied that the inspected receipts account for all of the amounts indicated in final estimate.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-2.2 Permit Required for Deposit of Approved Soil Material.

No owner, agent, lessor, lessee, tenant or occupant of any lot, grounds, street, road or alley in the Township Edison of shall deposit thereon or permit the depositing thereon of any approved soil material unless a permit is issued by the [Department of Public Works] Township Engineer.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-2.4 Permit Fees.

The fee for issuance of a permit under this section shall be two hundred (\$200.00) dollars. No permit shall be issued unless the applicant furnishes to the [Department of Public Works] Township Engineer an approved plot plan, site plan or subdivision plan as the case may be for the proposed filling project, the permit fee, and a performance guarantee if not covered elsewhere. Such guarantee shall be a certified check in the sum of two hundred (\$200.00) dollars made payable to the Township of Edison to guarantee performance by the applicant of the terms and conditions of this section, such funds to be released upon inspection of the fill project and approval thereof by the [Department of Public Works] Township Engineer as having been done in accordance with the provisions of this section. The [Department of Public Works] Township Engineer shall have a period of thirty (30) days from receipt of the application within which to issue or deny the license application.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

32-2.6 Approved Soil Material Quality.

Any approved soil material to be brought into the Township must be tested at the source for compliance with the Soil Ranking Criteria found in N.J.A.C. 7:26F, Appendix C, Table 1, in accordance with subsection 32-2.3, and evaluated by a State Certified Laboratory; further:

- a. All expenses connected with such testing are to be borne by the recipient of the fill;
- b. The [Department of Public Works] Township Engineer shall have the authority to order additional reports or inspections as it may deem necessary and appropriate; and

c. Acceptance or rejection of any approved soil material is to be made by the [Department of Public Works] Township Engineer according to this section and any additional rules or regulations it may from time to time enact.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This Ordinance shall take effect after twenty (20) days of its final passage by

EXPLANATION: A Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with Pennrose Properties, LLC regarding the area in need of redevelopment known on the Township tax maps as Block 3.E, Lot 3.013 (aka Road 2, 111 Truman Drive).

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the Municipal Council (the “**Municipal Council**”) of the Township of Edison (the “**Township**”) pursuant to *N.J.S.A. 40A:12A-14*, authorized the Planning Board of the Township (the “**Planning Board**”) to determine whether Block 3.E, Lot 3.013 within the Township (aka Road 2, aka 111 Truman Drive) met the statutory criteria for designation as an “area in need of redevelopment” (the “**Study Area**”) pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (“**Redevelopment Law**”); and

WHEREAS, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, the Planning Board found that the Study Area satisfied certain statutory criteria and thus constituted an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, on September 28, 2016, the Municipal Council adopted Resolution 666-092016 which designated the Study Area as an “area in need of redevelopment” pursuant to the Redevelopment Law (“**Redevelopment Area**”); and

WHEREAS, on December 14, 2016, the Municipal Council adopted Ordinance O. 1955-2016 by which it accepted the findings of the Planning Board and adopted, in accordance with the Redevelopment Law, a redevelopment plan entitled “Camp Kilmer Redevelopment Plan” prepared by Heyer, Gruel & Associates (the “**Redevelopment Plan**”); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the Township has determined to act as the “**Redevelopment Entity**” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Redevelopment Area to exercise the powers contained in the Redevelopment Law; and

WHEREAS, Pennrose Properties, LLC (the “**Redeveloper**”) desires to be designated as the “redeveloper” (as such term is defined in the Redevelopment Law) to implement the construction of 170 units of affordable housing (the “**Project**”); and

WHEREAS, Redeveloper will be the ground lessee of the Redevelopment Area; and

WHEREAS, the Township has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience, and expertise to implement and complete the rehabilitation of the Project in accordance with the Redevelopment Plan and all other applicable laws, ordinances and regulations; and

WHEREAS, the Township and Redeveloper have negotiated the terms and conditions of a redevelopment agreement governing the Redeveloper’s rehabilitation of the Project (the “**Redevelopment Agreement**”); and

WHEREAS, the Township has determined the Project to be in the vital and best interests of the Township, and that it promotes the health, safety, morals and welfare of the Township’s residents; and

WHEREAS, the Township desires to designate the Redeveloper as the redeveloper of the Project and to authorize the execution of the Redevelopment Agreement,

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

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

Section 2. The Municipal Council hereby authorizes the execution of a redevelopment agreement with the Redeveloper in substantially the form attached hereto as **Exhibit A** and by this reference incorporated herein.

Section 3. The Mayor is authorized to execute the Redevelopment Agreement with the Redeveloper in substantially the same form as the Redevelopment Agreement attached hereto, with such additions, deletions and modifications as the Mayor may determine necessary upon consultation with counsel and the Redeveloper.

Section 4. Pennrose Properties, LLC is hereby designated as the redeveloper of the Project, subject to the execution of the Redevelopment Agreement.

Section 5. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. A copy of this Resolution shall be filed and available for public inspection at the in the offices of the Township.

Section 7. This Resolution shall take effect immediately.

EXPLANATION: A Resolution authorizing the Township's entering and Mayor's execution of an agreement with the County of Middlesex with respect to the milling and resurfacing of Amboy Avenue.

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the Township of Edison (the "**Township**") is a municipal corporation of the State of New Jersey; and

WHEREAS, the Township is authorized under *N.J.S.A. 40A:11-5(2)* of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* to enter contracts for the provision of goods or services with the County of Middlesex ("**County**") without public bid; and

WHEREAS, the Township desires that Amboy Avenue (from Turnpike Bridge to Route 1) be milled and resurfaced (the "**Work**"); and

WHEREAS, the County has provided an estimate of the cost for it to perform the Work, and the Township desires to enter an agreement with the County respecting the completion of and payment for same; and

WHEREAS, the Municipal Council of the Township (the "**Municipal Council**") seeks to hereby authorize the Township's entering and execution of an agreement with the County and the payment for the Work pursuant to same.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Municipal Council hereby authorizes and directs the Mayor and Township Clerk to execute an agreement on behalf of the Township with regard to the Work.

Section 3. The Business Administrator and/or responsible Township officer shall arrange for payment to the County for the Work.

Section 4. A copy of this Resolution and the executed Agreement shall be maintained on file with the Township Clerk.

Section 5. This Resolution shall take effect immediately.

EXPLANATION: This Ordinance amends the Edison Township Code to revise and update the 2017 per gallon water rates the Township charges residential and non-residential users for the discharge of normal domestic sewage and the rates charged Significant Industrial Users of the Township’s sewer system.

EDISON TOWNSHIP

ORDINANCE _____

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the municipal council of the Township (the “**Municipal Council**”) has determined to amend the Township Code of General Ordinances (the “**Code**”) to revise and update the 2017 per gallon and annual water rates the Township charges residential and non-residential users for the discharge of normal domestic sewage and the rates charged Significant Industrial Users (“**SIUs**”) of the Township’s sewer system; and

WHEREAS, the Municipal Council has determined to amend Chapter 27, Subchapter 8.1(a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

27-8.1 Sewer System Fees and Rates.

a. All residential users of the Township sanitary sewer system discharging normal domestic sewage, as herein described in the sanitary sewer use regulations, shall be charged at a rate of [~~\$0.003887~~] \$0.003955 per gallon of water consumed, provided that the users are using metered water. This rate shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance. All users of the aforesaid sanitary sewer system whose discharged water originated from a well or nonmetered source shall, except as provided in paragraph h. below, be charged as follows:

[~~\$240.74~~] \$244.95 in [2016] 2017. This amount shall remain unchanged in all subsequent calendar years unless modified by ordinance.; and

WHEREAS, the Municipal Council has determined to amend Chapter 27, Subchapter 8.1(c) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

c. Nonresidential users shall be charged per gallon of water consumed, as follows:

	[2016*]	<u>2017*</u>
Class I	[0.005961]	<u>0.006229</u>
Class II	[0.008255]	<u>0.008626</u>
Class III	[0.009384]	<u>0.009806</u>
Class IV	[0.011152]	<u>0.011654</u>

*The sewer rates for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

The volume of sewage and/or industrial waste from each industrial establishment or SIU may be determined by meters paid for and installed and maintained by the owner or such user, actual water meter records and/or private well meter records combined with Township water records, or from estimates or measurements made by the Township Consulting Engineer, as the case may be. The user fee of SIUs shall be calculated using one of the aforementioned methods of measuring SIU usage and volume, and shall be charged as follows:

	[2016*]	<u>2017*</u>
No. 1 Flow**	[\$766.88]	<u>\$801.39</u> per million gallons
No. 2 BOD (Bio-Oxygen Demand)	[\$975.61]	<u>\$1,019.51</u> per ton
No. 3 SS (Suspended Solids)	[\$1,088.35]	<u>\$1,053.73</u> per ton
No. 4 CD (Chlorine Demand)	[\$244.21]	<u>\$255.20</u> per cwt

*The user fees of SIUs for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 27, Subchapter 8.1(a) of the Code to read as follows:

27-8.1 Sewer System Fees and Rates.

a. All residential users of the Township sanitary sewer system discharging normal domestic sewage, as herein described in the sanitary sewer use regulations, shall be charged at a rate of [\$0.003887] \$0.003955 per gallon of water consumed, provided that the users are using metered water. This rate shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance. All users of the aforesaid sanitary sewer system whose discharged water originated from a well or nonmetered source shall, except as provided in paragraph h. below, be charged as follows:

[\$240.74] \$244.95 in [2016] 2017. This amount shall remain unchanged in all subsequent calendar years unless modified by ordinance.”

3. The Municipal Council hereby amends Chapter 27, Subchapter 8.1(c) of the Code to read as follows:

c. Nonresidential users shall be charged per gallon of water consumed, as follows:

	[2016*]	<u>2017*</u>
Class I	[0.005961]	<u>0.006229</u>
Class II	[0.008255]	<u>0.008626</u>
Class III	[0.009384]	<u>0.009806</u>
Class IV	[0.011152]	<u>0.011654</u>

*The sewer rates for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

The volume of sewage and/or industrial waste from each industrial establishment or SIU may be determined by meters paid for and installed and maintained by the owner or such user, actual water meter records and/or private well meter records combined with Township water records, or from estimates or measurements made by the Township Consulting Engineer, as the case may be. The user fee of SIUs shall be calculated using one of the aforementioned methods of measuring SIU usage and volume, and shall be charged as follows:

	[2016*]	<u>2017*</u>
No. 1 Flow**	[\$766.88]	<u>\$801.39</u> per million gallons
No. 2 BOD (Bio-Oxygen Demand)	[\$975.61]	<u>\$1,019.51</u> per ton
No. 3 SS (Suspended Solids)	[\$1,088.35]	<u>\$1,053.73</u> per ton
No. 4 CD (Chlorine Demand)	[\$244.21]	<u>\$255.20</u> per cwt

*The user fees of SIUs for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

4. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 27 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the per gallon and/or annual water rates the Township charges non-residential users for the discharge of normal domestic sewage and the user fees charged SIUs heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

5. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

6. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

7. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit, the work was never performed by KPI2, located at 1250 Wood Lane, Langhorne, PA 19047 in the amount of \$75.00

RESOLUTION

WHEREAS, on July 5, 2016, a Construction Permit, check #7152, permit #2016-2636, was posted in the total amount of \$80.00 by the contractor, KPI2 , having offices at 1250 Wood Lane, Langhorne, PA 19047; and

WHEREAS, the application was submitted for a replacement deck at 84 Laurel Hollow Ct., Edison, NJ 08820, by the hired contractor; KPI2 located at 1250 Wood Lane, Langhorne, PA 19047

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was cancelled therefore it is appropriate that the municipal permit fee in the amount of \$75.00 derived from the \$80.00 total construction permit fee less the \$5.00 DCA fee, be refunded to the contractor KPI2; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2016-2636, in the amount of \$75.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$75.00 on construction permit fees posted by KPI2 for 84 Hollow ct. 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 \$75.00 from the Refund of Revenue Fund to the Contractor, KPI 2, 1250 Wood Lane, Langhorne, PA 19047.

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO PATRICK
BRADSHAW OF KELSO & BRADSHAW FOR LEGAL SERVICES TO THE TOWNSHIP ZONING
BOARD OF ADJUSTMENT**

WHEREAS; PATRICK BRADSHAW OF KELSO & BRADSHAW, 3 Cobb Road, New Brunswick, NJ 08903 is the Zoning Board of Adjustment Attorney; and

WHEREAS, in 2016, the customary Zoning Board legal services were \$14,000.04 and there were additional litigation/legal services in the amount of \$16,713.29 for a total 2016 amount of \$30,713.33; and

WHEREAS, this amount exceeds \$17,500.00 and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00 in aggregate in a twelve month period; and

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

WHEREAS, PATRICK BRADSHAW OF KELSO & BRADSHAW 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 Patrick Bradshaw of Kelso & Bradshaw from making any reportable contributions through the term of this one year contract; and

WHEREAS, funds in the amount of \$16,431.37 have been previously certified and paid in the Zoning Board Legal Services Account No. 6-01-21-0185-001-027, funds in the amount of \$1,166.67 have been certified to be available in the Zoning Board Legal Services Account, No. 6-01-21-0185-001-027 and \$13,115.29 for the additional services are certified to be available in the Planning & Zoning - Legal Services, Account Number 6-01-21-0186-000-027; and

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

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

5. The Mayor or his designee is hereby authorized to execute a contract and any other necessary documents, with **PATRICK BRADSHAW OF KELSO & BRADSHAW**, 3 Cobb Road, New Brunswick, NJ 08903, in amount not to exceed \$30,713.33 for the year 2016 as set forth above.
6. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
7. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
8. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$16,431.37** have previously been encumbered and paid in Account No. **6-01-21-0185-001-027**, funds in the amount of **\$13,115.29** are available in Account No. **6-01-21-0186-000-027** and funds in the amount of **\$1,166.67** are available in Account No. **6-01-21-0185-001-027**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO MOTT MACDONALD LLC FOR THE PURPOSE OF PROVIDING ENGINEERING SERVICES IN CONNECTION WITH THE EVALUATION AND DESIGN OF REPAIRS TO EVERGREEN ROAD AND NATIONAL ROAD PUMP STATIONS

WHEREAS, the Township of Edison (the “Township”) issued a Request for Proposals for Engineering Services, RFP 16-06, seeking proposals from qualified individuals and firms to provide engineering services on an as-needed basis for Township projects (the “Request for Proposals”); and

WHEREAS, the Township evaluated the responses submitted by various qualified individuals and firms to the Request for Proposals in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “Public Contracts Law”); and

WHEREAS, the Township approved Mott Macdonald, 111 Wood Avenue, South, Iselin, NJ 08830, to provide engineering services on an as-needed basis by way of Resolution R.528-072016; and

WHEREAS, the Township of Edison has a need of professional engineering services in connection with the Evaluation and Design of Repairs to the Evergreen Road and National Road Pump Stations; and

WHEREAS, Mott MacDonald has submitted a proposal to provide said services at a price not to exceed \$152,600.00 as per the attached proposal; and

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

9. The Mayor, or his designee, is hereby authorized to execute a contract in an amount not to exceed \$152,600.00 and any other necessary documents with Mott MacDonald LLC, 111 Wood Avenue South, Iselin, New Jersey 08830 for engineering services in connection with the Evaluation and Design of Repairs to the Evergreen Road and National Road Pump Stations as described herein.
10. 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.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to SAI Construction Services, Inc. c/o Summit Associates, Inc., for 500 Raritan Center Parkway, Edison, NJ; Block 395; Lot 29; Tree Permit #07-156; Account #7760275042

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on December 10, 2007, 3775 SAI Construction Services, Inc. c/o Summit Associates, Inc. posted Tree Maintenance Bond fees in the amount of \$4,230.00, with Check No. 5637 on deposit with the Township of Edison in account #7760275042 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-156, on the property identified as 500 Raritan Center Parkway, Edison, NJ; Block 395; Lot 29, Edison, NJ, 08818;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$4,230.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$4,230.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of **\$4,230.00**, plus any accrued interest as applicable, on deposit in Account #7760275042 to SAI Construction Services, Inc. c/o Summit Associates, Inc., Raritan Plaza One, CN7807, Edison, NJ 08818, for the referenced property at 500 Raritan Center Parkway, Edison, NJ; Block 395; Lot 29, Edison, NJ, 08818.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to 3775 Park Avenue Associates, LLC, for 3775 Park Avenue, Edison, NJ; Block 495, 556.J, & 1025; Lots 2, 13.A, 2.Q4, & 1; Tree Permit #09-029; Account #7761963466

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on September 1, 2011, 3775 Park Avenue Associates, LLC posted Tree Maintenance Bond fees in the amount of \$15,050.00, with Check No. 51042368 on deposit with the Township of Edison in account #7761963466 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #09-029, on the property identified as 3775 Park Avenue, Block 495, 556.J, & 1025; Lots 2, 13.A, 2.Q4, & 1, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$15,050.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$15,050.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$15,050.00, plus any accrued interest as applicable, on deposit in Account #7761963466 to 3775 Park Avenue Associates, LLC, 87 West Passaic Street, Rochelle Park, NJ 07662, for the referenced property at 3775 Park Avenue, Block 495, 556.J, & 1025; Lots 2, 13.A, 2.Q4, & 1, Edison, NJ, 08820.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Toranco-Oak Tree Road Associates, LLC, for 2177 Oak Tree Road, Edison, NJ; Block 555, Lot 4.B; Tree Permit #12-053; Account #7763090956

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on September 10, 2014, Toranco-Oak Tree Road Associates, LLC posted Tree Maintenance Bond fees in the amount of \$2,775.00, with Check No. 5224 on deposit with the Township of Edison in account #7763090956 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #12-053, on the property identified as 2177 Oak Tree Road, Block 555, Lot 4.B, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$2,775.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$2,775.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$2,775.00, plus any accrued interest as applicable, on deposit in Account #7763090956 to Toranco-Oak Tree Road Associates, LLC, 2163 Oak Tree Road, Suite 101, Edison, NJ 08820, for the referenced property at 2177 Oak Tree Road, Edison, NJ, 08820, Block 555, Lot 4.B.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Gia Construction, LLC, for 1551 US Route1, Edison, NJ; Block 691; Lot 7.F1; Tree Permit #12-132; Account #7762575657

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on April 3, 2013, Gia Construction, LLC, posted Tree Maintenance Bond fees in the amount of \$450.00, with Check No. 5269 on deposit with the Township of Edison in account #7762575657 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #12-132, on the property identified as 1551 US Route1, Edison, NJ; Block 691; Lot 7.F1, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$450.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$450.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$450.00, plus any accrued interest as applicable, on deposit in Account #7762575657 to Gia Construction, LLC, 1832 Chapel Road, Scotch Plains, NJ 07076-2903, for the referenced property at 1551 US Route1, Edison, NJ; Block 691; Lot 7.F1, Edison, NJ 08820.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to ELRAC/Edison Commons, LLC, for 2120 NJSH Route 27, Edison, NJ; Block 1120, Lot 62; Tree Permit #14-042; Account #7763091011

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on September 8, 2014, ELRAC/Edison Commons, LLC posted Tree Maintenance Bond fees in the amount of \$1,350.00, with Check No. 1565 on deposit with the Township of Edison in account #7763091011 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #14-042, on the property identified as 2120 NJSH Route 27, Block 1120, Lot 62, Edison, NJ, 08817;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,350.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1,350.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,350.00, plus any accrued interest as applicable, on deposit in Account #7763091011 to ELRAC/Edison Commons, LLC, 2 Ethel Road, Suite 205A, Edison, NJ 08817, for the referenced property at 2120 NJSH Route 27, Edison, NJ, 08817, Block 1120, Lot 62.

EXPLANATION: Resolution Refunding Engineering Inspection Fees to JSM at Beechwood, LLC
Account #7762495120

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was made on the above subject located in Block: 396 Lot: 5.01, Application No. P29-03/04.

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 \$4,660.56, which represents the amount due and owing the applicant, be returned to JSM at Beechwood, LLC, 1260 Stelton Road, Piscataway, NJ 08854, Account #7762495120.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$4,660.56 plus accrued interest, if applicable, be refunded to the applicant, Account #7762495120.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$4,660.56 in account #7762495120 to the applicant, having an address of 1260 Stelton Road, Piscataway, NJ 08854.

EXPLANATION: Resolution Refunding Engineering Inspection Fees to JSM at Beechwood, LLC
Account #7762495112

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was made on the above subject located in Block: 396 Lot: 5.01, Application No. P29-03/04.

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 \$1,913.88, which represents the amount due and owing the applicant, be returned to JSM at Beechwood, LLC, 1260 Stelton Road, Piscataway, NJ 08854, Account #7762495112.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,913.88 plus accrued interest, if applicable, be refunded to the applicant, Account #7762495112.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,913.88 in account #7762495112 to the applicant, having an address of 1260 Stelton Road, Piscataway, NJ 08854.

EXPLANATION: Resolution Refunding Engineering Inspection Fees to JSM at Beechwood, LLC
Account #7760295964

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was made on the above subject located in Block: 396 Lot: 5.01,

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 \$1,358.47, which represents the amount due and owing the applicant, be returned to JSM at Beechwood, LLC, 1260 Stelton Road, Piscataway, NJ 08854, Account #7760295964.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,358.47 plus accrued interest, if applicable, be refunded to the applicant, Account #7760295964

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,358.47 in account #7760295964 to the applicant, having an address of 1260 Stelton Road, Piscataway, NJ 08854.

EXPLANATION: Resolution Refunding Engineering Inspection Fees to 3775 Park Avenue Associates, LLC
Account #7760296013

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was made on the above subject located in Block: 556.J Lot: 13.A.

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 \$15,201.86, which represents the amount due and owing the applicant, be returned to Park Avenue Associates, LLC, 87 West Passaic Street, Rochelle Park, NJ 07662, Account #7760296013

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$15,201.86 plus accrued interest, if applicable, be refunded to the applicant, Account #7760296013

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$15,201.86 in account #7760296013 to the applicant, having an address of 87 West Passaic Street, Rochelle Park, NJ 07662.

EXPLANATION: Resolution Refunding Engineering Inspection Fees to ELRAC, LLC
Account 7763090568

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was made on the above subject located in Block: 1120 Lot: 62.A.

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 \$2,988.55, which represents the amount due and owing the applicant, be returned to ELRAC, LLC, 1550 Route 23 North, Wayne, NJ 07470 Account #7763090568

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$2,988.55 plus accrued interest, if applicable, be refunded to the applicant, Account #7763090568

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$2,988.55 in account #7763090568 to the applicant, having an address of 1550 Route 23 North, Wayne, NJ 07470

EXPLANATION: Resolution releasing a Performance Bond and refunding a Cash Performance Bond to Ray Catena Motor Car Corp, for the project located at 910 Route 1; Application #Z08-02/03; Block 198, Lot 23.E1, 27 & 28; Account #7760013260

RESOLUTION

WHEREAS, on July 29, 2005, Ray Catena Motor Car Corp, having offices at 910 Route 1, Edison, NJ 08817, posted a Performance Surety Bond #0411283 in the amount of \$76,410.27, to guarantee the installation of improvements for the project at 910 Route 1, Block 198, Lot 23.E1, 27 & 28; and

WHEREAS, a Cash Performance check was posted on September 13, 2005 by Check #101213, in the amount of \$8,490.03, on deposit in account #7760013260; and

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$8,490.03** plus accrued interest, if applicable, on deposit in account #7760013260 to the applicant, and the Surety Bond #0411283 in the amount of **\$76,410.27** be refunded to Ray Catena Motor Car Corp, having offices at 910 Route 1, Edison, NJ 08817.

EXPLANATION: Resolution releasing a Performance Bond and refunding a Cash Performance Bond to 3775 Park Avenue Associates, LLC / Tulfra Realty II, LLC, for the project located at 377 Park Avenue; Application #P65-07/08; Block 495, Lot 2; Account #7760013382

RESOLUTION

WHEREAS, on March 16, 2009, 3775 Park Avenue Associates, LLC, having offices at 87 West Passaic Street, Rochelle Park, NJ 07662, posted a Performance Surety Bond #1816535 in the amount of \$848,536.29, to guarantee the installation of improvements for the project at 3775 Park Avenue, Block 495, Lot 2; which same was reduced to \$254,560.88 by the Township of Edison under Resolution #R.341-062012; and

WHEREAS, a Cash Performance check was posted on June 2, 2009 by Check #11-11405, in the amount of \$94,291.84, on deposit in account #7760013382; which same was reduced to \$28,287.55 by the Township of Edison under Resolution #R.341-062012; and

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$28,287.55** plus accrued interest, if applicable, on deposit in account #7760013382 to the applicant, and the Surety Bond #1816535 in the amount of **\$254,560.88** be refunded to 3775 Park Avenue Associates, LLC / Tulfra Realty II, LLC, having offices at 87 West Passaic Street, Rochelle Park, NJ 07662.

EXPLANATION: Resolution refunding a Cash Performance Bond to Beechwood Shopping Center, LLC, for the project located at Woodbridge & College Avenues, Application #P29-03/04; Block 396, Lot 5.01; Account #7762495211

RESOLUTION

WHEREAS, on October 8, 2012, Beechwood Shopping Center, LLC, having offices at 1260 Stelton Road, Piscataway, NJ 08854, posted Cash Performance Checks by Check # 123392 in the amount of \$3,827.76; and by Check #123391 in the amount of \$832.80, for a total deposit of \$4,660.56, to guarantee the installation of improvements for the project at the Beechwood Shopping Center, Woodbridge and College Avenues, Block396, Lot 5.01, on deposit in account #7762495211; and

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$4,660.56** plus accrued interest, if applicable, on deposit in account #7762495211 to the applicant, Beechwood Shopping Center, LLC, having offices at 1260 Stelton Road, Piscataway, NJ 08854.

RESOLUTION AWARDING CONTRACT TO SHIRLEY BISHOP, P.P., LLC FOR AFFORDABLE HOUSING PLANNING AND CONSULTING SERVICES

WHEREAS, the Township of Edison advertised on the Township website for Request for Proposals on January 5, 2017 for RFP 17-01-AFFORDABLE HOUSING PLANNING AND CONSULTING SERVICES for a bid opening date of January 26, 2017 and two (2) proposals were received; and

WHEREAS, after review of said proposals, it has been recommended by the Township that the contract be awarded to SHIRLEY BISHOP, P.P., LLC, 100 Overlook Dr., Floor 2, Princeton, NJ 08540; and

WHEREAS, funds in the amount of \$50,000.00 have been certified to be available in the Affordable Housing Account, No. T-13-00-0000-000-006; 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. The proposal as submitted by SHIRLEY BISHOP, P.P., LLC, 100 Overlook Dr., Floor 2, Princeton, NJ 08540 is determined to be in the best interest of the Township for Affordable Housing Planning and Consulting Services.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00, and any other necessary documents, with SHIRLEY BISHOP, P.P., LLC in accordance with her proposal.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$50,000.00** are available for the above contract in Account No. **T-13-00-0000-000-006**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO ESI EQUIPMENT INC. FOR THE PURCHASE OF RESCUE TOOLS AND EQUIPMENT FOR THE DIVISION OF FIRE

WHEREAS, there is a need to purchase rescue tools and equipment for the Division of Fire; and

WHEREAS, ESI EQUIPMENT INC., 119 Keystone Drive, Montgomeryville, PA 18936 has been awarded State Contract Number 80967 under T-0790 Firefighter Protective Clothing and Equipment; 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, the maximum amount of the purchase shall not exceed \$52,578.00; and

WHEREAS, funds in the amount of \$33,769.00 have been certified to be available in the Fire Rescue Truck and Equipment Account, number C-04-14-1872-265-000 and funds in the amount of \$18,809.00 have been certified to be available in the Fire Fighting and Other Professional Services Account, number 7-01-25-0265-001-028; 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:

3. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$52,578.00, and any other necessary documents, with ESI EQUIPMENT INC. as described herein.
4. 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. 80967 under T-0790.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$33,769.00** are available for the above in account number **C-04-14-1872-265-000** and funds in the amount of **\$18,809.00** are available for the above in account number **7-01-25-0265-001-028**.

Nicholas C. Fargo
Chief Financial Officer

Date

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO FIREFIGHTER ONE, LLC FOR
FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR**

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, FIREFIGHTER ONE, LLC, 34 Wilson Dr., Sparta, NJ 07871, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$150,000.00, 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:

5. All bids have been reviewed, and the bid submitted by FIREFIGHTER ONE, LLC, 34 Wilson Dr., Sparta, NJ 07871 for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet.
6. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$150,000.00 and any other necessary documents, with FIREFIGHTER ONE, LLC as described herein.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO GEN-EL SAFETY & INDUSTRIAL PRODUCTS, LLC FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, GEN-EL SAFETY & INDUSTRIAL PRODUCTS, LLC, 961 Route 10 East, Suite 2M, Randolph, NJ 07869, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$40,000.00, 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 GEN-EL SAFETY & INDUSTRIAL PRODUCTS, LLC, 961 Route 10 East, Suite 2M, Randolph, NJ 07869, for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$40,000.00 and any other necessary documents, with GEN-EL SAFETY & INDUSTRIAL PRODUCTS, LLC as described herein.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO WITMER PUBLIC SAFETY GROUP, INC. FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$200,000.00, 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 WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00 and any other necessary documents, with WITMER PUBLIC SAFETY GROUP, INC. as described herein.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO ALL HANDS FIRE EQUIPMENT & TRAINING FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, ALL HANDS FIRE EQUIPMENT & TRAINING, 7 Third Ave., Neptune City, NJ 07753, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$100,000.00, 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 ALL HANDS FIRE EQUIPMENT & TRAINING, 7 Third Ave., Neptune City, NJ 07753, for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$100,000.00 and any other necessary documents, with ALL HANDS FIRE EQUIPMENT & TRAINING as described herein.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CONTINENTAL FIRE & SAFETY, INC. FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, CONTINENTAL FIRE & SAFETY, 2740 Kuser Rd., Hamilton, NJ 08691, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$200,000.00, 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 CONTINENTAL FIRE & SAFETY, 2740 Kuser Rd., Hamilton, NJ 08691, for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00 and any other necessary documents, with CONTINENTAL FIRE & SAFETY as described herein.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CAMPBELL SUPPLY CO., LLC
FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR**

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-05-18, Fire Department Equipment and Tools-Supply and Repair; and

WHEREAS, CAMPBELL SUPPLY CO., LLC, 1015 Cranbury South River Rd., Monroe, NJ 08831, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, 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 CAMPBELL SUPPLY CO., LLC, 1015 Cranbury South River Rd., Monroe, NJ 08831, for Fire Department Equipment and Tools-Supply and Repair for the Division of Fire, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the summary spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 and any other necessary documents, with CAMPBELL SUPPLY CO., LLC as described herein.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO ATLANTIC TACTICAL OF NJ FOR THE PURCHASE OF NEW HOLSTERS AND ACCESSORIES FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase two hundred (200) new holsters and accessories for the Division of Police; and

WHEREAS, ATLANTIC TACTICAL OF NJ, 763 Corporate Circle, New Cumberland, PA, 17070 has been awarded State Contract Numbers 82102 and 81329 under T-0106 POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES - STATEWIDE; 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, the maximum amount of the purchase shall not exceed \$21,169.00; and

WHEREAS, funds in the amount of \$18,819.60 have been certified to be available in the Various Equipment for the Police Department Account, Number C-04-15-1914-240-000 and funds in the amount of \$2,349.40 have been certified to be available in the Police Department Clothing & Uniform Account, Number 7-01-25-0240-000-032; 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 \$21,169.00, and any other necessary documents, with ATLANTIC TACTICAL OF NJ 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. 82102 and 81329 under T-0106.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$18,819.60** are available for the above in account number **C-04-15-1914-240-000** and funds in the amount of **\$2,349.40** are available for the above in account number **7-01-25-0240-000-032**.

Nicholas C. Fargo
Chief Financial Officer

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT FOR THE
PURCHASE OF PANASONIC TOUGHBOOKS TO OUTFIT NEW POLICE VEHICLES FOR THE
DIVISION OF POLICE**

WHEREAS, there is a need to purchase seven (7) Panasonic Toughbooks with a five (5) year warranty to outfit new Police vehicles; and

WHEREAS, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 89980 under M-0483/NASPO Valuepoint Computer for this purchase; and

WHEREAS, the Township intends to purchase these under State contract Number 89980 in the amount of \$3,875.00 each for a total amount of \$27,125.00; 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 \$27,125.00 have been certified to be available in the Various Upgrades, Account Number C-04-16-1948-103-000; 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 \$27,125.00 and any other necessary documents, with CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, 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, number 89980/M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$27,125.00** have been certified to be available in Account Number **C-04-16-1948-103-000**.

Nicholas C. Fargo
Chief Financial Officer

ORDINANCE O.1963-022017

EXPLANATION: An Ordinance amending Chapter 37 of the Township of Edison Code of General Ordinances to amend the G-B and G-BH General Business Districts to include a convenience store with fuel station as a permitted use.

WHEREAS, the Township of Edison (“**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, due to the desire to ensure uniformity throughout the Township’s Code of General Ordinances (the “**Code**”) regarding the Township’s G-B and G-BH General Business Districts and the addition of convenience stores with a fuel station to be permitted within same; and

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Code in accordance with the terms provided for herein and;

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by *N.J.S.A. 40:55D-64* and *N.J.S.A. 40:55D-26* of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Township Clerk shall provide notice, pursuant to *N.J.S.A. 40:55D-15* of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Township Council has determined to amend Chapter 37 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 37 “Zoning” of the Code to read as follows:

37-21.2 Permitted Uses.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

p. Fuel Only Service Station with Convenience Store

The following requirements shall apply to this use:

1. Minimum lot size: 1.5 acres.
2. Maximum building size: 6,000 square feet.
3. Maximum number of fueling stations: eight dispensers that includes gasoline and low-flow diesel sales, with two nozzles/hoses per dispenser.
4. Maximum number of stories: One (1), exclusive of towers, cuppolas, or other architectural elements.
5. Maximum height for principal building: Thirty five (35) feet, exclusive of towers, cuppolas or other architectural elements.

6. Maximum height for fuel area canopy: Twenty five (25) feet, with yard setbacks consistent with Chapter 37-63.
7. Parking: Minimum of one (1) space reach 300 square feet of convenience store building footprint, plus one space for each employee on the most heavily staffed shift. Additional parking may be provided to enhance internal circulation and eliminate stacking at driveways.
8. Signs: One (1) free standing pole sign at the driveway of each street front with fuel pricing, maximum area shall not exceed seventy five (75) square feet, maximum height of twenty (20) feet, and minimum set back of fifteen (15) feet from any street; two (2) façade signs, on the front of the building, not to exceed twenty percent (20%) of the front wall area; and two (2) canopy signs, located below the top of the canopy, on the side of the canopy facing the front or side street.

Section 3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

ORDINANCE O.1964-2017

EXPLANATION: An Ordinance authorizing the private sale of Block 922, Lot 11.D on the tax maps of the Township (located on Nicholson Avenue in the Township), an undersized land not needed for public use pursuant to *N.J.S.A. 40A:12-13*.

WHEREAS, the Township of Edison (the “**Township**”) has identified certain of its property, more commonly known as Block 922, Lot 11.D on the Township tax maps (located on Nicholson Avenue in the Township) (the “**Property**”), as not needed for public use, and the Township desires to sell said Property by private sale in accordance with the Local Land and Buildings Law, *N.J.S.A. 40A:12-1 et seq.*, more particularly *N.J.S.A. 40A:12-13*; and

WHEREAS, the Property is a vacant lot on Nicholson Avenue situated in the R-BB zoning district and measures 25 feet by 180 feet; and

WHEREAS, there exists one (1) property holder owning land contiguous to the Property; and

WHEREAS, the municipal council of the Township (“**Municipal Council**”) hereby determines that the Property is less than the minimum size required for development under the Township’s Zoning Regulations (Chapter 37 of the Township’s Code of General Ordinances), and without any capital improvements thereon, and may therefore be offered for purchase to the contiguous property holder for the negotiated and above fair market value of One Hundred Twenty One Thousand Five Hundred Dollars (\$121,500.00) pursuant to *N.J.S.A. 12-13(b)(5)*; and

WHEREAS, the buyer of the Property shall not be allowed to build more than two (2) residential units at the Property and the parcels of land contiguous thereto (the “**Combined Property**”).

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, in the 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 Township Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private sale pursuant to *N.J.S.A. 40A:12-13(b)* all of the Township’s right, title and interest in the Property, at not less than fair market value thereof, to the owners of real property contiguous thereto, subject to the provision that the no more than two (2) residential units shall be built at the Combined Property.
3. This Ordinance shall be published twice in a newspaper approved for legal publications, once not less than seven (7) days prior to the second reading thereof in accordance with law applicable to the adoption of ordinances generally, and a second time within five (5) days after adoption hereof, at which time it shall also be posted on the bulletin board in the Township Municipal Building and remain so posted for at least twenty (20) days thereafter. Sworn proof of such publication(s) shall be filed by the Township Clerk with the Director of the State Division of Local Government Services in the Department of Community Affairs. A copy of this Ordinance shall also be mailed to the two owners of land contiguous to the Property.
4. The conveyance of the Property to the contiguous property owner shall be: (1) for the total parcel without the subdivision or sale of a portion thereof; (2) by quit claim deed without any covenants; (3) subject to any statement or facts which an accurate survey would show; (4) subject to all covenants, conditions, easements, liens and restrictions of record, as well as applicable ordinances of the Township; (5) without obligation of the Township to provide access, public or private, or any improvements thereon or thereto; (6) with all sales being “as is” without any representation whatever as to character, quality, condition or otherwise, contiguous property owner being deemed to have inspected the Property and waived any objections to the conditions thereon; and (7) subject to the provision that the no more than two (2) residential units shall be built at the Combined Property. The Township offers no warranty as to any environmental condition which may exist on the Property and no representation as to

the Property's development potential, and the Mayor of the Township shall execute a deed to the contiguous property owner in a form substantially in the form attached hereto as **Exhibit A**, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto.

5. The Property shall be deemed to merge and become one parcel for all purposes, including taxation and land use control, with a contiguous parcel as determined by the contiguous property owner.

6. The sale of the Property shall be for the sum of \$121,500.00.

7. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

8. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

9. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

