

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, March 12, 2018
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 9, 2017 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 December 20, 2017
 - b. Regular Meeting of January 10, 2018
 - c. Worksession Meeting of January 22, 2018
 - d. Worksession Meeting of February 26, 2018
 - e. Regular Meeting of January 28, 2018
6. **ADMINISTRATIVE AGENDA:
FROM MAYOR THOMAS LANKEY:**
 - a. Appointment of Donald Corette to a Class IV Planning Board Member
 - b. Appointment of Jacob Rieder as 1st Alternate Member of the Planning Board.
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution awarding Contract/Purchase orders to upgrade, repair and replace various Networking infrastructure at Township Facilities. (not to exceed \$10,000.)
 - b. Resolution awarding Contract/Purchase order for the furnishing of computer equipment for the Township. (not to exceed \$35,000.)
10. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through March 8, 2018
 - b. Resolution authorizing refund in the amount of \$174,599.69 for redemption of tax sale certificates.
 - c. Resolution authorizing accelerated Tax Sale and fees for 2018
 - d. Resolution fixing rate of Interest, Grace Period and Year End Penalty for Tax and Sewer.

- e. Resolution authorizing Processing or Cancellation of Small Balances for 2018.
- f. Resolution authorizing refund for tax overpayments totaling, \$15,866.30.
- g. Resolution escheating Tax Sale Premiums to Edison Township.
- h. Temporary Budget Appropriations
- i. Resolution reappoints Lina Vallejo as Tax Collector for the Township of Edison and confirms her tenure status.

11. **FROM THE DEPARTMENT OF HEALTH:**

- a. Resolution authorizing the development and submission of grant application for AMC Cares through Edison Municipal Alliance.

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

- a. An Ordinance amending the Township Code Chapter 11-11 “Massage, Bodywork and Somatic Therapy Establishments,” setting forth requirements for the location of the aforementioned regulated entities within the Township.
- b. Resolution Of The Township Of Edison, In The County Of Middlesex, New Jersey Declaring Its Official Intent To Reimburse Expenditures Various Professional Services And Project Costs From Proceeds Of Debt Obligations.
- c. Resolution authorizes the Mayor to execute the attached Site Access Agreement with Sovereign Consulting, Inc. and Akzo Nobel, Inc. with respect to the remediation work to be performed at Block 366.B, Lot 17.A (more commonly known as 400 Meadow Road – Boat Basin), as shown on the Township of Edison tax maps.
- d. Resolution in support of the Board of Education of the Township to address student overcrowding.
- e. Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with 979 Amboy Avenue, LLC regarding the area in need of rehabilitation known on the Township tax maps as Block 730.G, Lot 28.A (aka 979 Amboy Avenue).
- f. An Ordinance approving the application for long term tax exemption and authorizing the execution of a financial agreement with 225 Raritan Center Parkway Urban Renewal, LLC, concerning the property known as Block 390.DD, Lot 8.B (also known as 225 Raritan Center Parkway, Edison, New Jersey).
- g. A Resolution referring the 720 Route 1 Redevelopment Plan to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*
- h. Resolution of the Municipal Council certifying compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964.”

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

- a. Resolution refunding Cash Performance and Performance Bond.

14. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Resolution awarding Contract/Purchase Order for additional supplies for the two (2) Aerators at Lake Papaiani. (\$2,168.17)
 - b. Resolutions awarding a renewal contracts for the furnishing of lubricants, fluids and antifreeze. (3 vendors total \$105,000)

15. **FROM THE CHIEF OF FIRE:**
 - a. Resolution accepting Quote and Awarding Contract/Purchase order for purchase and installation of storage cabinets for investigation equipment for fire prevention vehicles.(\$13,903.00)
16. **FROM THE CHIEF OF POLICE:**
 - a. Resolution awarding Contract/Purchase Order for the renewal of the emergency notification system for the Township. (\$28,700.81)

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

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

O.2000-2018	AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 39-12.19, "GUARANTEES AND RELEASES," MODIFYING PERFORMANCE AND MAINTENANCE GUARANTEE REQUIREMENTS PURSUANT TO CHANGES IN THE "MUNICIPAL LAND USE LAW."
O.2001-2018	AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 2-5.5 "CORPORATE SEAL," SETTING FORTH REQUIREMENTS FOR THE USE OR REPRODUCTION OF OFFICIAL TOWNSHIP EMBLEMS.

19. **DISCUSSION ITEMS:**

Council President Patil	
a.	Resolution of Recognition – America’s Cup Roller Skating Championship
Councilmember Coyle	
a.	None
Councilmember Diehl	
a.	None
Councilmember Gomez	
a.	None

Councilmember Joshi

a. None

Councilmember Lombardi

a. None

Councilmember Sendelsky

a. None

20. **ADJOURNMENT**

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT, LLC TO UPGRADE, REPAIR AND REPLACE VARIOUS NETWORKING INFRASTRUCTURE AT TOWNSHIP FACILITIES

WHEREAS, there is a need to upgrade, repair and replace various networking infrastructures at Township facilities; and

WHEREAS, CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 has been awarded State Contract Number 87722 under M-7000/DATA COMMUNICATIONS 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 total amount of this contract, not to exceed \$10,000.00 cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$10,000.00 and any other necessary documents, with CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, 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, No. 87722 under M-7000.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT LLC FOR THE FURNISHING OF HEWLETT PACKARD COMPUTER EQUIPMENT FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase various computer equipment for the Township of Edison; and

WHEREAS, CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061, has been awarded State Contract Number 89974 under M-0483/NASPO Valuepoint Computer; 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 total amount of this contract, not to exceed \$35,000.00 cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$35,000.00 and any other necessary documents, with CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, 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, No. 89974 under M-0483.

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING MARCH 8, 2018.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 8, 2018.

FUND	AMOUNT
Current	\$25,769,432.63
Sewer Utility	2,107,833.43
Capital	187,935.61
Grant Funds	1,685.12
Dog (Animal Control)	10,553.45
Trust	173,032.64
CDBG	0.00
Tree Fund	6,385.70
Payroll Deduction	563,142.18
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Sanitation Fund	219,643.16
Self Insurance	0.00
Affordable Housing	0.00
Cash Performance	0.00
Developers Escrow	34,823.38
Tree Planting	0.00
Federal Forfeited	0.00
Tax Sale Redemption	401,266.95
Water Operating Fund	0.00
Edison Landfill Closure Trust	0.00
TOTAL	\$29,475,734.25

/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 **\$174,599.69**.

RESOLUTION
Authorizing Accelerated Tax Sale and Fees for 2018

WHEREAS, it is projected that as of November 11, 2018, over 25% of properties located within the Township of Edison will have unpaid municipal charges (i.e. real estate taxes, sewer service charges, and/or any other charges legally imposed by municipality); and

WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and

WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and

WHEREAS, the annual accelerated tax sale for the Township of Edison is scheduled to be held on or about December 17th, 2018; and

WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and

WHEREAS, it is the desire of the Township of Edison to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with said sale; and

WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; and

WHEREAS, it is the recommendation of the Municipal Tax Collector that an appropriate direct mail cost for the 2018 tax sale would be Twenty-Five (\$25.00); and

WHEREAS, N.J.S.A. 54:5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than Fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and

WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison in the County of Middlesex the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for Calendar Year 2018 delinquencies.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:5-26, the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) for each parcel.

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:4-66 et seq, the rate of interest to be charged on delinquent taxes and all other municipal liens or charges for the first, second, third and fourth quarterly installments of year **2018** shall be eight percent (8%) per annum on the first \$1,500.00 of delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment to the collector is received provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which same became payable; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid sewer utility for **2018** bills shall be eighteen percent (18%) per annum on any delinquency to be calculated from the date the bill was payable until the date of actual payment, provided that no interest shall be charged if payment of any bill is made within thirty (30) calendar days following the billing date or before the tenth calendar day following the date upon which same became payable, whichever is later; and

BE IT FURTHER RESOLVED, that a penalty of six percent (6%) be charged on all delinquent municipal charges in excess of \$10,000.00 that are not paid prior to the end of **2017** calendar year.

RESOLUTION
Authorizing Processing or Cancellation of Small Balances for 2018

WHEREAS, the Municipal Tax Collector informs that from time to time there are credits or delinquencies in property tax, sewer or other municipal charges on certain property located within the Township of Edison, and

WHEREAS, N.J.S.A. 40A:5-17.1 authorizes a municipal governing body to adopt a resolution designating a municipal employee to, on its behalf, process or cancel property tax refunds under ten dollars and cancel any property tax delinquencies under ten dollars, and

WHEREAS, The enactment of P.L. 2013, c.54 has expanded the scope of statute N.J.S.A. 40A:5-17.1 to encompass any delinquent charges or fees imposed by the municipality, so long as the delinquency is less than \$10.00, and

WHEREAS, that the Municipal Tax Collector is qualified, and recommends, to process said cancellation in his continuing effort to maintain the highest level of fiscal responsibility and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Municipal Tax Collector is hereby authorized to, on its behalf, process or cancel refunds of property tax, sewer charges and other municipal charges under ten dollars (\$10.00) and cancel delinquencies of property tax, sewer charges and other municipal charges under ten dollars (\$10.00) during the calendar year of **2018** in accordance with N.J.S.A. 40A:5-17.1 as amended by P.L. 2013, c.54.

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 **\$15,866.30**.

RESOLUTION

Escheating Tax Sale Premiums to Edison Township

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that there exists tax sale premiums, as listed below, that have been held longer than five years by the Township of Edison in an interest bearing account designated for such tax sale premiums; and

TAX SALE CERTIFICATE	DATE OF SALE	PREMIUM ESCHEATED	CURRENT STATUS
12-00355	12/17/2012	3,100.00	Foreclosed 02/16/2017
12-00466	12/17/2012	6,200.00	Foreclosed 08/08/2016
11-00815	12/19/2011	5,000.00	Foreclosed 07/23/2015
10-00272	12/13/2010	300.00	Foreclosed 03/07/2016
09-00062	06/25/2009	2,000.00	Foreclosed 02/14/2017
09-00519	06/25/2009	30,000.00	Foreclosed 05/23/2012
09-00606	06/25/2009	10,000.00	Foreclosed 07/26/2012
07-00109	06/21/2007	5,000.00	Foreclosed 03/13/2013
07-00243	06/21/2007	400.00	Foreclosed 05/17/2012
07-00708	06/21/2007	3,000.00	Foreclosed 03/17/2011
07-00108	06/21/2007	1,100.00	Open
	Total =>	\$66,100.00	

WHEREAS, N.J.S.A. 54:5-33 states that all tax sale premiums held for longer than five years must escheat to the municipality.

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, and that the tax sale premiums held by the Township of Edison, for the tax sale certificates listed above, be and are hereby escheated to the Township of Edison general fund.

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 from the appropriate tax sale premium account to the benefit of the Township of Edison in the amounts specified on the above listing totaling **\$66,100.00**.

TEMPORARY BUDGET APPROPRIATIONS

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, 2018 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2018 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>
COMMUNICATIONS/EDISON TV Other Expenses	<u>13,000.00</u>
TOTAL CURRENT FUND	<u><u>13,000.00</u></u>

RESOLUTION

EXPLANATION: THIS RESOLUTION REAPPOINTS LINA VALLEJO AS TAX COLLECTOR FOR THE TOWNSHIP OF EDISON AND CONFIRMS HER TENURE STATUS.

WHEREAS, Lina Vallejo was appointed as Tax Collector for a four (4) year term commencing January 1, 2014 and ending on December 31, 2017 by Council Resolution R.189-032013; and

WHEREAS, Lina Vallejo has fulfilled the duties and responsibilities as Tax Collector during the past four years, has completed the continuing education and holds a current CTC Certificate as required by N.J.S.A. 40A:9-145.2 and N.J.A.C. 5:33-2.1 et seq.; and

WHEREAS, the Mayor now submits her reappointment as Tax Collector, subject to the advice and consent of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:9-145.8 any person who has served as Tax Collector for not less than four consecutive years immediately prior to such reappointment shall not be removed therefrom for political reasons but only for good cause and after proper hearing before the Director of the Division of Taxation.

NOW, THEREFORE BE IT RESOLVED, that the Township Council does hereby grant its advice and consent to the reappointment of Lina Vallejo as Tax Collector for a four (4) year term, with said reappointment commencing January 1, 2018; and

BE IT FURTHER RESOLVED that this Township Council confirms that Lina Vallejo has, by virtue of compliance with the provisions of N.J.S.A. 40A:9-145.8, attained the status as a tenured Tax Collector.

RESOLUTION

WHEREAS, the Edison Department of Health and Human Services, through the Edison Municipal Alliance (EMA), established the noted program 22+ years ago, which it continues to effectively administer for the documented benefit of local children and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct, contact and activities; and

WHEREAS, AMC Cares, Inc. (a Corporate Philanthropy) has grant funds available for programs and services for local youth; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA program, intends to apply for grant funding for a maximum amount of \$25,000 from AMC Cares to support its established and continuing Summer Program during 2018-2019 for participating, local children; and

WHEREAS, no cash match is required in order to request grant funding from AMC Cares; and

WHEREAS, EDHHS EMA will document any and all in-kind values in relation to AMC Cares grant funding, as to additional support that may be received from public and private resources as to its 2018-2019 Summer Program; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded by AMC Cares for activities as described in its application for said funds and in compliance with all applicable Program, County State and Federal, agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of a viable grant application to AMC Cares at a regularly-scheduled, Public Meeting on the evening of Wednesday, March 14, 2018.

ORDINANCE

EXPLANATION: An Ordinance amending the Township Code Chapter 11-11 “Massage, Bodywork and Somatic Therapy Establishments,” setting forth requirements for the location of the aforementioned regulated entities within the Township.

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

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently permits the operation of massage, bodywork and somatic therapy establishments within the Township pursuant to the issuance of a business permit in accordance with Chapter 11-11 of the Code; and

WHEREAS, the Township desires to amend Chapter 11-11 of the Code, entitled “Massage, Bodywork and Somatic Therapy Establishments,” to create subsections (a), (b) and (c) to Subchapter 11-11.5, which would restrict the location of the regulated entities to certain zoning districts, as established in Chapter 37 of the Code; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Subchapter 11-11.5 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

11-11.5 Building Requirements; Inspections.

- a. The Department of Health, upon receiving an application for a massage, bodywork or somatic therapy establishment permit, shall refer the application to the Department of Planning and Engineering, the Fire Department, the Police Department, the Health and Human Services Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Division of Licensing and Permits concerning compliance with the codes that they administer.
- b. No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Township unless an inspection by the Health Officer, Building Subcode Official, and Fire Inspector reveals that the establishment complies with the minimum requirements of the building and health codes for businesses operating in the Township of Edison.

- c. No massage, bodywork or somatic therapy establishment shall be located within 1,000 feet of a place of worship, school, public use or residential zone, as established pursuant to Chapter 37-2.1 of the Code, or within 500 feet of another such use. All distances shall be measured in a straight line from the outer boundary of such properties.

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

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 11-11 of the Code, entitled “Massage, Bodywork and Somatic Therapy Establishments” to read as follows:

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

11-11.5 Building Requirements; Inspections.

- a. The Department of Health, upon receiving an application for a massage, bodywork or somatic therapy establishment permit, shall refer the application to the Department of Planning and Engineering, the Fire Department, the Police Department, the Health and Human Services Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Division of Licensing and Permits concerning compliance with the codes that they administer.
- b. No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Township unless an inspection by the Health Officer, Building Subcode Official, and Fire Inspector reveals that the establishment complies with the minimum requirements of the building and health codes for businesses operating in the Township of Edison.
- c. No massage, bodywork or somatic therapy establishment shall be located within 1,000 feet of a place of worship, school, public use or residential zone established pursuant to Chapter 37-2.1 of the Code, or within 500 feet of another such use. All distances shall be measured in a straight line from the outer boundary of such properties.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 11 of the Code shall remain unchanged and have full force and legal effect.

4. 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.

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

6. 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.

**RESOLUTION OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF
MIDDLESEX, NEW JERSEY DECLARING ITS OFFICIAL INTENT TO
REIMBURSE EXPENDITURES VARIOUS PROFESSIONAL SERVICES
AND PROJECT COSTS FROM PROCEEDS OF DEBT OBLIGATIONS**

WHEREAS, the Township of Edison, in the County of Middlesex, New Jersey (the “Township”) intends to provide for the closure of the Township of Edison Landfill as more fully described in Exhibit A attached hereto (the “Project”);

WHEREAS, the Township intends to finance the Project with debt obligations of the Township but may incur and pay for consulting services in connection with the Project (“Project Costs”) prior to the issuance of debt obligations with funds of the Township which are not borrowed funds;

WHEREAS, the Township reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), will be issued by the Township to finance the Project on a long-term basis; and

WHEREAS, the Township desires to preserve its right to treat an allocation of proceeds of the debt obligations to the reimbursement of Project Costs incurred and paid prior to the issuance of the debt obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

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

Section 1. The Township reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of debt obligations with proceeds of its debt obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Township’s official intent to reimburse the expenditure of Project Costs incurred and paid prior to the issuance of the debt obligations with the proceeds of a borrowing to be incurred by the Township, in accordance with Treasury Regulations Section 150.2.

Section 3. The maximum principal amount of the debt obligations expected to be issued to finance the project is \$28,971,547.99.

Section 4. The Project Costs to be reimbursed with the proceeds of the debt obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations Section 1.148-10 to avoid arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the debt obligations used to reimburse the Township for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds,” including “sinking funds,” “pledged funds,” of funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations Section 1.148-1) of the debt obligations or another issue of debt obligations of the Township, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the debt obligations is paid, or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

RESOLUTION _____

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Site Access Agreement with Sovereign Consulting, Inc. and Akzo Nobel, Inc. with respect to the remediation work to be performed at Block 366.B, Lot 17.A (more commonly known as 400 Meadow Road – Boat Basin), as shown on the Township of Edison tax maps.

WHEREAS, Block 366.B, Lot 17.A (more commonly known as 400 Meadow Road – Boat Basin), as shown on the Township of Edison tax maps (the “**Property**”) is owned by the Township of Edison (the “**Township**”) and entry is required by Sovereign Consulting, Inc. and Akzo Nobel, Inc. (collectively, the “**Entrants**”) for environmental remediation work to be performed at the former Akzo Nobel, Inc. plant (the “**Project**”); and

WHEREAS, access to the Property is necessary as the Project will require remediation and replacement of soil on and adjacent to the Property; and

WHEREAS, the Township and the Entrants desire to enter this Site Access Agreement to establish the terms pursuant to which the Entrants shall undertake their work on the Project, and related matters; and

WHEREAS, the work to be performed by the Entrants at the Property shall be at no cost to the Township; and

WHEREAS, the Site Access Agreement attached hereto between the Township and the Entrants (the “**Agreement**”) has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the Entrants.

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

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as 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, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney and attorneys for the Entrants.
3. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: A Resolution in support of the Board of Education of the Township to address student overcrowding.

WHEREAS, the Board of Education of the Township of Edison (the “**Board of Education**”) seeks to address student overcrowding in the public schools of the Township of Edison (the “**Township**”); and

WHEREAS, to address student overcrowding and the related issues, the Board of Education announced the formation of a task force to examine student overcrowding and to make recommendations about how to address the problem; and

WHEREAS, the Township School District received approximately 1,105 new, registered students for the 2017-18 school year, an increase of nearly 500 students from the previous school year; and

WHEREAS, Woodbrook and Lincoln Elementary Schools currently have more than 30 students per class, with 701 incoming freshman for the 2017-18 school year at John P. Stevens High School; and

WHEREAS, the municipal council of the Township (the “**Municipal Council**”) supports the Board of Education’s effort to prioritize school overcrowding as an issue that impacts students, parents, and teachers and pledges to support the Board of Education in its effort to curtail school overcrowding.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. This Resolution shall take effect immediately.
3. The Township Clerk is hereby instructed to forward a copy of this Resolution to the President of the Township Board of Education.

RESOLUTION _____

EXPLANATION: A Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with 979 Amboy Avenue, LLC regarding the area in need of rehabilitation known on the Township tax maps as Block 730.G, Lot 28.A (aka 979 Amboy Avenue).

WHEREAS, the municipal council of the Township (“**Municipal Council**”) directed the Township planning board (“**Planning Board**”) to investigate the property bounded by Amboy Avenue and Hoover Avenue to the North, I-95 New Jersey Turnpike to the East, Pierson Avenue to the West and the Middlesex Greenway to the South, which included, amongst other parcels, whether Block 730.G, Lot 28.A, on the tax maps of the Township, constitutes as an “area in need of rehabilitation” as defined in the Redevelopment Law 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 conducted an investigation and prepared a study and map of the boundaries of the Township and made a recommendation to the Municipal Council to designate the Study Area as an area in need of redevelopment; and

WHEREAS, based upon the recommendation of the Planning Board, the Municipal Council on October 28, 2015 adopted a resolution to designate the Study Area as an “area in need of rehabilitation” in accordance with the Redevelopment Law (the “**Rehabilitation Area**”); and

WHEREAS, in accordance with the Redevelopment Law, a redevelopment plan prepared by the Township’s Planner entitled ‘Amboy Avenue Redevelopment Plan’ dated April 2016 (the “**Redevelopment Plan**”) including the Study Area was referred to the Planning Board for its review and recommendation by the Municipal Council; and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board of the Township reviewed the Redevelopment Plan and recommended its adoption; and

WHEREAS, after reviewing the Planning Board’s recommendation, the Municipal Council adopted the Redevelopment Plan by ordinance on August 24, 2016; 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, 979 Amboy Avenue, LLC (the “**Redeveloper**”) desires to be designated as the “redeveloper” (as such term is defined in the Redevelopment Law) to implement the construction of a four-story, multi-use building, including twelve (12), one (1) bedroom garden apartments, twenty three (23), two (2) bedroom garden apartments, two (2), three (3) bedroom garden apartments, 1,850 square feet of retail space and 75 parking spaces constructed with thirty-seven (37) spaces provided in a garage on the first floor of the building, and the remainder of the spaces being provided along Liddle Avenue and Amboy Avenue along the building frontages (the “**Project**”); and

WHEREAS, Redeveloper is the owner of the Rehabilitation 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. 979 Amboy Avenue, 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.

ORDINANCE _____

EXPLANATION: An Ordinance approving the application for long term tax exemption and authorizing the execution of a financial agreement with 225 Raritan Center Parkway Urban Renewal, LLC, concerning the property known as Block 390.DD, Lot 8.B (also known as 225 Raritan Center Parkway, Edison, New Jersey).

WHEREAS, 225 Raritan Center Parkway Urban Renewal, LLC (the “**Entity**”) proposes to develop certain property identified on the tax maps of the Township of Edison (the “**Township**”) as Block 390.DD, Lot 8.B (the “**Property**”), also known as 225 Raritan Center Parkway, which Property has been designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Township and the Entity will enter into a Redevelopment Agreement pursuant to which, among other things, the Entity will construct on the Property a 190,293 square foot warehouse and certain ancillary improvements (the “**Project**”); and

WHEREAS, the Entity submitted to the Mayor of the Township (the “**Mayor**”) an application (the “**Application**”) for a long term tax exemption, pursuant to the Long Term Tax Exemption Law, as amended and supplemented, *N.J.S.A. 40A:20-1 et seq.* (the “**Act**”), which Application is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

WHEREAS, the Entity and Township negotiated a form of financial agreement for the Project (the “**Financial Agreement**”), a copy of which is attached hereto as **Exhibit A**, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and the Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Act,

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Application and Financial Agreement are hereby approved.
3. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form attached hereto as **Exhibit A**, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

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 in accordance with applicable law.

RESOLUTION _____

EXPLANATION: A Resolution referring the 720 Route 1 Redevelopment Plan to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “**Municipal Council**”) of the Township of Edison (the “**Township**”), by way of Resolution R. 330.052017 adopted May 24, 2017, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as in the area of 720 U.S. Route 1, and more commonly known as Block 182.A, Lots 4.A, 5, 6, 7.Y and 9.A2 on the Township’s tax maps (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Non-Condensation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on June 19, 2017, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on June 28, 2017, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated the Study Area as an “area in need of redevelopment” (the “**Redevelopment Area**”) in accordance with the Redevelopment Law;

WHEREAS, by commission of the Municipal Council, the Planning Consultant has prepared a redevelopment plan for the Redevelopment Area entitled the “720 Route 1 Redevelopment Plan” (“**Redevelopment Plan**,” attached hereto as *Exhibit A*); and

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

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

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

RESOLUTION _____

EXPLANATION: A Resolution of the Municipal Council certifying compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964.”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the councilmembers of the Municipal Council of the Township of Edison have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto as Exhibit A.

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

4. The aforementioned recitals are incorporated herein as though fully set forth at length.
5. The Municipal Council of the Township of Edison hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.
6. This Resolution shall take effect immediately.

RESOLUTION

EXPLANATION: Resolution Refunding Cash Performance Bond & Performance Bond to Markim Developers, LLC. Application # Z28-2016, 32 Cinder Road Performance Bond #39872 and Cash Performance Account #CP161231MA

WHEREAS, the Township Engineer advises that an inspection has been made of 32 Cinder Road II Application #Z28-2016 Block:643.DD Lot15W, and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison;

WHEREAS, the Township Engineer, recommends the release of the balance Cash Performance Check posted on January 4, 2017 in the amount of **\$70,589.55**, plus accrued interest, if applicable, on deposit in account **#CP161231MA** with the Township of Edison, principal being Markim Developers, LLC having offices at 910 Amboy Avenue, Edison, NJ 08837., and acceptance of the subject improvements; and

WHEREAS, the Township Engineer recommends release of balance of the performance bond **No. 39872** posted on November 21,2016 of the Service Insurance Company, Inc. in the amount of the balance **\$635,305.95**

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance balance in the amount of **\$70,589.55** plus accrued interest, if applicable, on deposit in account **#CP161231MA** to the applicant.

RESOLUTION

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CENTRAL TURF & IRRIGATION SUPPLY FOR ADDITIONAL SUPPLIES FOR THE TWO (2) AERATORS AT LAKE PAPAIANNI

WHEREAS, there is a need to purchase additional supplies for the two Aerators at Lake Papaiaanni; and

WHEREAS, CENTRAL TURF & IRRIGATION SUPPLY, 429 Bell St., Piscataway, NJ 08854 submitted a quote for the total amount of \$2,168.17; and

WHEREAS, for the year 2017, the Township expended \$19,312.30 with CENTRAL TURF & IRRIGATION SUPPLY, and the current contract/Purchase Order in the amount of \$2,168.17 will make a combined total amount of \$21,480.47 in a twelve month period; 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, 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, funds in the amount of \$2,168.17 have been certified to be available in the Buildings & Grounds Materials & Supplies Account, number 8-01-26-0310-000-030; and

WHEREAS, prior to contract/Purchase order, CENTRAL TURF & IRRIGATION SUPPLY 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 CENTRAL TURF & IRRIGATION SUPPLY 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:

3. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$2,168.17 and any other necessary documents CENTRAL TURF & IRRIGATION SUPPLY, 429 Bell St., Piscataway, NJ 08854 for supplies for the Aerators at Lake Papaiaanni as described herein.
4. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, as described herein.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$2,168.17** are available for the above contract in Account No. **8-01-26-0310-000-030**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION AWARDING A RENEWAL CONTRACT TO CRAFT OIL CORP. D/B/A PETRO CHOICE FOR THE FURNISHING OF LUBRICANTS, FLUIDS AND ANTIFREEZE

WHEREAS, bids were received by the Township of Edison on November 10, 2016 for Public Bid No. 16-12-06-Lubricants, Fluids and Antifreeze; and

WHEREAS, R.069-022017 dated February 8, 2017 authorized the first year contract with CRAFT OIL CORP., D/B/A PETRO CHOICE, 950 King George Road, Fords, NJ 08863 which expires on April 5, 2018; and

WHEREAS, the initial contract was for one year with the option to renew for two (2) one year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the second year expiring April 5, 2019; and

WHEREAS, the total amount of the second year and any succeeding renewal year shall not exceed \$10,000.00 and 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Official are hereby authorized to execute a second year contract with CRAFT OIL CORP., D/B/A PETRO CHOICE, 950 King George Road, Fords, NJ 08863 expiring April 5, 2019 in the amount of \$10,000.00 and any succeeding renewal year subject to and contingent upon appropriation of sufficient funds each renewal year.

**RESOLUTION AWARDING A RENEWAL CONTRACT TO LUBENET, LLC FOR THE FURNISHING
OF LUBRICANTS, FLUIDS AND ANTIFREEZE**

WHEREAS, bids were received by the Township of Edison on November 10, 2016 for Public Bid No. 16-12-06-Lubricants, Fluids and Antifreeze; and

WHEREAS, R.070-022017 dated February 8, 2017 authorized the first year contract with LUBENET LLC, 136 Morgan Avenue, Brooklyn, NY 11237 which expires on April 5, 2018; and

WHEREAS, the initial contract was for one year with the option to renew for two (2) one year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the second year expiring April 5, 2019; and

WHEREAS, the total amount of the second year and any succeeding renewal year shall not exceed \$75,000.00 and 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Official are hereby authorized to execute a second year contract with LUBENET LLC, 136 Morgan Avenue, Brooklyn, NY 11237 expiring April 5, 2019 in the amount of \$75,000.00 and any succeeding renewal year subject to and contingent upon appropriation of sufficient funds each renewal year.

**RESOLUTION AWARDING A RENEWAL CONTRACT TO DAVID WEBER OIL CO. FOR THE
FURNISHING OF LUBRICANTS, FLUIDS AND ANTIFREEZE**

WHEREAS, bids were received by the Township of Edison on November 10, 2016 for Public Bid No. 16-12-06-Lubricants, Fluids and Antifreeze; and

WHEREAS, R.071-022017 dated February 8, 2017 authorized the first year contract with DAVID WEBER OIL CO., 601 Industrial Rd., Carlstadt, NJ 07072 which expires on April 5, 2018; and

WHEREAS, the initial contract was for one year with the option to renew for two (2) one year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the second year expiring April 5, 2019; and

WHEREAS, the total amount of the second year and any succeeding renewal year shall not exceed \$20,000.00 and 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Official are hereby authorized to execute a second year contract with DAVID WEBER OIL CO., 601 Industrial Rd., Carlstadt, NJ 07072 expiring April 5, 2019 in the amount of \$20,000.00 and any succeeding renewal year subject to and contingent upon appropriation of sufficient funds each renewal year.

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO FIRST PRIORITY EMERGENCY VEHICLE FOR PURCHASE AND INSTALLATION OF STORAGE CABINETS FOR INVESTIGATION EQUIPMENT FOR FIRE PREVENTION VEHICLES

WHEREAS, quotes were solicited by the Township of Edison for purchase and installation of storage cabinets for investigation equipment for Fire Prevention Vehicles for the new 2018 Ford Explorer, Car-5-1 and Car 5-4; and

WHEREAS, FIRST PRIORITY EMERGENCY VEHICLE, 2444 Ridgeway Blvd., Bldg. 500, Manchester, NJ 08759, submitted the lowest quote in the total amount of \$13,903.00 (\$4,634.334 each); and

WHEREAS, funds in the total amount of \$13,903.00 have been certified to be available in the Fire Prevention Motor Vehicle Parts & Accessories Account, No. 8-01-25-0265-002-034; 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. All quotes have been reviewed and the quote in the amount of \$13,903.00 by FIRST PRIORITY EMERGENCY VEHICLE, 2444 Ridgeway Blvd., Bldg. 500, Manchester, NJ 08759 is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of \$13,903.00 and any other necessary documents, with FIRST PRIORITY EMERGENCY VEHICLE as described herein

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$13,903.00** are available for the above contract in Account No **8-01-25-0265-002-034**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO SHI INTERNATIONAL CORPORATION FOR THE RENEWAL OF THE EMERGENCY NOTIFICATION SYSTEM FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need for the renewal of the emergency notification system for the Township of Edison for the period of March 31, 2018 – March 30, 2019; and

WHEREAS, SHI INTERNATIONAL CORPORATION, 290 Davidson Avenue, Somerset, NJ 08873 has been awarded State Contract Number 89851 under M-0003 Software License & Related Services; 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 \$28,700.81; and

WHEREAS, funds in the amount of \$28,700.81 have been certified to be available in the Dispatch 911 Maintenance of Other Equipment, Account No. 8-01-25-0250-000-026, subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget, 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 \$28,700.81, and any other necessary documents, with SHI INTERNATIONAL CORPORATION, 290 Davidson Avenue, Somerset, NJ 08873 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. 89851 under M-0003.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$28,700.81** are available for the above in **Account No. 8-01-25-0250-000-026**, subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget.

Nicholas C. Fargo
Chief Financial Officer

Date

ORDINANCE O.2000-2018

EXPLANATION: An Ordinance amending the Township Code Chapter 39-12.19, “Guarantees and Releases,” modifying performance and maintenance guarantee requirements pursuant to changes in the “Municipal Land Use Law.”

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

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently sets performance and maintenance guarantee requirements for development within the Township, pursuant to Chapter 39-12.19 of the Code; and

WHEREAS, the Township desires to amend Chapter 39-12.19 of the Code, entitled “Guarantees and Releases,” to incorporate modifications required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Subchapter 39-12.19 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

39-12.19 [Guaranties and Releases.]

[a. Performance Guaranty Estimate.]

[1. No final application for development shall be approved by the Board until the satisfactory completion and performance of all required improvements has been certified to the Board by the Municipal Engineer, unless the applicant shall have filed with the municipality a performance guaranty assuring the installation of the improvements on or before the completion date as hereinafter determined.]

[2. Except as hereafter provided, the remaining required improvements shall be at least fifty (50%) percent completed as to each category set forth in the performance guaranty, within one year from the date of final approval or by such time as fifty (50%) percent of the lots in the section in question have been conveyed in any manner by the applicant, whichever shall first occur. At least seventy-five (75%) percent of the remaining required improvements shall be completed as to each category as set forth in the performance guaranty, within eighteen (18) months from the date of final approval or at such time as seventy-five (75%) percent of the lots in the section in question have been conveyed in any manner by the applicant, whichever shall first occur. Such improvements shall be one hundred (100%) percent completed and accepted by the municipality within two (2) years from the date of final approval or at such time as all of the lots in question

have been conveyed in any manner by the applicant, whichever shall first occur. It is the intention of the Governing Body that this requirement will provide to those living in each new section of a development a dwelling unit that is as complete as possible with respect to tract and individual lot improvements.]

[3. The performance guaranty estimate shall be prepared by the applicant's engineer and submitted to the Municipal Engineer for review and approval, setting forth all requirements for improvements as required by Board approval and their estimated cost.]

[b. *Approval by Attorney for the Governing Body.*]

[1. The applicant shall present one (1) original and one (1) copy of the performance guaranty in an amount equal to one hundred twenty (120%) percent of the approved performance guaranty estimate to the administrative officer. The administrative officer shall submit one (1) copy to the attorney for the Governing Body for approval as to form and execution.]

[2. The attorney for the Governing Body shall notify the Municipal Clerk prior to a meeting of the Governing Body whether the performance guaranty is properly executed and can be acted upon by that body. The Municipal Clerk shall notify the administrative officer accordingly.]

[c. *Bonding and Cash Requirements.*]

[1. The performance guaranty shall be made payable and deposited to the municipality and shall be in the form of cash or a cashier's or certified check from a bank in Middlesex County or a performance bond in which the applicant shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey. The municipality shall issue its receipt for such deposits and shall cause the same to be deposited in a bank named by the municipality, in the name of the municipality, to be retained as security for completion of all requirements and to be returned to the applicant upon completion of all required work or, in the event of default on the part of the applicant, to be used by the municipality to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that a determination by the Municipal Engineer that the principal has defaulted in the performance of obligations shall be binding and conclusive upon the surety and the principal. Sureties shall be so worded to indicate that the guaranty automatically continues if the work is not completed by the stated expiration date.]

[2. Ten (10%) percent of the amount of the approved performance guaranty estimate shall be deposited by the applicant in cash with the municipality. The remaining ninety (90%) percent may be in cash or surety bond. In the event of default, the ten (10%) percent fund herein mentioned shall be first applied to the completion of the requirements, and the cash or the surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond shall recite the foregoing provisions.]

[d. *Releases.* The Governing Body shall approve, partially approve or reject the improvements on the basis of the report from the Municipal Engineer and shall notify the obligor, in writing, by certified mail, of the contents of the Municipal Engineer's report and the

action of the Governing Body, not later than sixty-five (65) days after the receipt of the notice of the obligor of the completion or substantial completion of the improvements. Failure of the Governing Body to send or provide such notification to the obligor within the sixty-five (65) day period shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to the performance guaranty for such improvements.]

[1. Where partial approval is granted, the obligor shall be released from all liability pursuant to the performance guaranty for such improvements, except for that portion adequately sufficient to secure provision of the improvements not yet approved, provided that thirty (30%) percent of the performance guaranty posted may be retained to insure the completion of all improvements, regardless of when completed.]

[2. If any portion of the required improvements is rejected, the obligor shall complete such improvements by a date set by the Municipal Engineer and, upon completion, shall again notify the Governing Body as specified in subsection 39-12.22f., and the same procedures shall be followed as in the first instance.]

[e. *Condition for Acceptance of Improvements.* The approval of any application for development by the municipality shall in no way be construed as acceptance of any street or drainage system or any other improvement, nor shall such approval obligate the municipality in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the Governing Body unless and until all of the following conditions have been met:

1. The Municipal Engineer shall have certified, in writing, that the improvements are complete and that they comply with the requirements of this chapter.

2. The final application for development shall have been approved by the Board.

3. The applicant shall have filed with the Governing Body a maintenance guaranty in an amount equal to not more than fifteen (15%) percent of the original estimate of the cost of installing the improvements. The maintenance guaranty shall run for a period of two (2) years. The procedures and requirements governing such maintenance guaranty shall be identical with the procedures and requirements for a performance guaranty set forth in this chapter. The requirements for a maintenance guaranty may be waived by the Governing Body only if the Municipal Engineer has certified that the improvements have been in continuous use for not less than two years from the date the Municipal Engineer certified completion of such improvements and that during this period the applicant has maintained the improvements in a satisfactory manner.

4. An as-built plan and profiles of all utilities, roads and other bonded improvements (three (3) black-and-white prints, plus one (1) mylar copy to be received by the Municipal Engineer), with certification signed and sealed by a New Jersey-licensed professional engineer as to the actual construction, as approved by the Municipal Engineer.]

39-12.19 Guarantees required; Surety; Release.

a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit the Township may require and shall accept in accordance with the standards adopted by this ordinance, and regulations adopted pursuant to N.J.S.A.40:55D-53a for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. For any successor developer, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the Township Council shall accept in accordance with the standards adopted by this ordinance for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (A) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law" (N.J.S.A.46:26B-1 through N.J.S.A. 46:26B-8), water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(B) The Township may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(C) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee.

Upon posting of a “temporary certificate of occupancy guarantee,” all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released.

The scope and amount of the “temporary certificate of occupancy guarantee” shall be determined by the Township Engineer. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(D) A developer shall furnish to the Township a “safety and stabilization guarantee,” in favor of the Township. At the developer’s option, a “safety and stabilization guarantee” may be furnished either as a separate guarantee or as a line item of the performance guarantee. A “safety and stabilization guarantee” shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a “safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000.00 shall be \$5,000.00.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000.00 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows: \$5,000.00 for the first \$100,000.00 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000.00 up to \$1,000,000.00, plus one percent of bonded improvement costs in excess of \$1,000,000.00.

The Township shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph, or upon the Township Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2) (A) The developer shall post with the Township, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance

guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(B) If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined by the municipal engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4.

(C) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Township Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," N.J.S.A. 40A:11-1, et seq.

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Township Council in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall

simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory.

The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The Township Council, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements.

The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction. For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

(2) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the Township Council fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the Township as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Township may retain cash equal to the amount of the remaining "safety and stabilization guarantee."

f. If any portion of the required bonded improvements is rejected, the Township Engineer may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Council or the Township Engineer.

h. (1) The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Township may require the developer to post the inspection fees in escrow in an amount:

(A) not to exceed, except for extraordinary circumstances, the greater of \$500.00 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(B) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

(2) For those developments for which the inspection fees total less than \$10,000.00, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops

to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the Township determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38(a), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Township Council shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the Township Engineer.

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

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 39-12.19 of the Code, now entitled “Guarantees required; Surety; Release.” to read as follows:

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

39-12.19 Guarantees required; Surety; Release.

a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit the Township may require and shall accept in accordance with the standards adopted by this ordinance, and regulations adopted pursuant to N.J.S.A.40:55D-53a for the

purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. For any successor developer, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the Township Council shall accept in accordance with the standards adopted by this ordinance for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (A) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in N.J.S.A. 40:55D-53.4, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law" (N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8), water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(B) The Township may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(C) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released.

The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Township Engineer. At no time may the Township hold more than one

guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the Township Engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(D) A developer shall furnish to the Township a “safety and stabilization guarantee,” in favor of the Township. At the developer’s option, a “safety and stabilization guarantee” may be furnished either as a separate guarantee or as a line item of the performance guarantee. A “safety and stabilization guarantee” shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township’s intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a “safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000.00 shall be \$5,000.00.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000.00 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows: \$5,000.00 for the first \$100,000.00 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000.00 up to \$1,000,000.00, plus one percent of bonded improvement costs in excess of \$1,000,000.00.

The Township shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph, or upon the Township Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2) (A) The developer shall post with the Township, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(B) If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures

of the stormwater management system, if any, which cost shall be determined by the municipal engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4.

(C) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Township Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," N.J.S.A. 40A:11-1, et seq.

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Township Council in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory.

The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The Township Council, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization guarantee” posted may be retained to ensure completion and acceptability of all improvements.

The “safety and stabilization guarantee” shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction. For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee ” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

(2) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the Township Council fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the Township as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Township may retain cash equal to the amount of the remaining "safety and stabilization guarantee."

f. If any portion of the required bonded improvements is rejected, the Township Engineer may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Council or the Township Engineer.

h. (1) The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Township may require the developer to post the inspection fees in escrow in an amount:

(A) not to exceed, except for extraordinary circumstances, the greater of \$500.00 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(B) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4.

(2) For those developments for which the inspection fees total less than \$10,000.00, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited

in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the Township determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38(a), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Township Council shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the Township Engineer.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 39-12 of the Code shall remain unchanged and have full force and legal effect.

4. 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.

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

6. 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.2001-2018

EXPLANATION: An Ordinance amending the Township Code Chapter 2-5.5 “Corporate Seal,” setting forth requirements for the use or reproduction of official Township Emblems.

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

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently regulates the procedure for affixing the Corporate Seal of the Township to any written instruments or other papers, pursuant to Chapter 2-5.5 of the Code; and

WHEREAS, the Township desires to amend Chapter 2-5.5 of the Code, entitled “Corporate Seal,” to create subsections (a) and (b), which would further restrict the use or reproduction of the Corporate Seal and other official Township Emblems, depictions of which are attached hereto as Exhibit A; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Subchapter 2-5.5 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

2-5.5 Corporate Seal.

- a. The Township Clerk shall cause the corporate seal of the Township to be affixed to any instruments and writings when authorized to do so by any ordinance or resolution of the Council or when necessary to exemplify any document on record in his or her office or to certify any act or paper which from the records of his or her office shall appear to have been a public act of the Township or a public document. He or she shall not affix the seal or permit it to be affixed to any instrument or writing or other paper except as in this section provided, unless required to do so by law or ordinance.
- b. Reproduction of the Corporate Seal, as well as the official emblems of the Edison Police Department and Edison Fire Department, shall be prohibited without authorization to do by ordinance or resolution of the Council or express written permission of the Mayor.

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

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 2-5.5 of the Code, entitled “Corporate Seal” to read as follows:

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

2-5.5 Corporate Seal.

a. The Township Clerk shall cause the corporate seal of the Township to be affixed to any instruments and writings when authorized to do so by any ordinance or resolution of the Council or when necessary to exemplify any document on record in his or her office or to certify any act or paper which from the records of his or her office shall appear to have been a public act of the Township or a public document. He or she shall not affix the seal or permit it to be affixed to any instrument or writing or other paper except as in this section provided, unless required to do so by law or ordinance.

b. Reproduction of the Corporate Seal, as well as the official emblems of the Edison Police Department and Edison Fire Department, shall be prohibited without authorization to do by ordinance or resolution of the Council or express written permission of the Mayor.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 2-5 of the Code shall remain unchanged and have full force and legal effect.

4. 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.

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

6. 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.

