

**MINUTES OF A REGULAR MEETING  
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

**April 27, 2016**

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, April 27, 2016. The meeting was called to order at 7:04 p.m. by Council President Lombardi , followed by the Pledge of Allegiance.

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

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney Northgrave, Business Administrator Ruane, Health Director Elliott, Recreation Director Halliwell, Police Captain Freeman, Fire and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, and the Sentinel on December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.

**COUNCIL PRESIDENT’S REMARKS**

Council President Lombardi announced today is Administrative Assistant Day, he thanked all the Administrators for everything they do and also our Clerk and the staff in the Clerk’s office who do a great job for us. He also reminded everyone of Jewish Community Center of Middlesex County and the Metuchen Edison Interfaith Clergy Association will be hosting a Interfaith Holocaust Program on Wednesday, May 4, 2016 at 7:30pm.

**UNFINISHED BUSINESS**

**ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING**

The following Ordinance, which was introduced by Title on April 13, 2016, passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

**O.1926-2016                      ORDINANCE VACATING PORTIONS OF CERTAIN RIGHTS  
OF WAY PURSUANT TO N.J.S.A. 40:67-19.**

(The above Ordinance O.1926-2016 can be found in its entirety in Ordinance Book #    .)

Council President Lombardi explained we will be amending this Ordinance the change will be “Removing Property Item (1) on Exhibit A” which is Mundy Avenue, 40’wide right of way, from James Street to Freeman Avenue.

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

Council President Lombardi declared the Public Hearing opened for O.1926-2016.

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

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

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

NAYS - None

The following Ordinance, which was introduced by Title on April 13, 2016, passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

**O.1927-2016                      ORDINANCE AUTHORIZING THE SALE OF CERTAIN  
TOWNSHIP PROPERTIES PURSUANT TO N.J.S.A. 40A:12-1**

(The above Ordinance O.1927-2016 can be found in its entirety in Ordinance Book #    .)

Council President Lombardi declared the Public Hearing opened for O.1927-2016

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

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

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

NAYS - None

**PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS**

Council President Lombardi opened the meeting to the public for comments on Proposed Resolutions R.316-042016 through 334-042016.

Esther Nemitz,162B Fay Street, Resolution R.326-042016, she went by the site on Jackson Avenue to look at the sign on the property and asked who would the town be dealing Kaplan or Cushman.. Since that site in the COAH Agreement can the owner sell the property and is there anything we can do.

Council President Lombardi said the communications have been with Mr. Kaplan, and it would go before the planning board before any construction. He also said yes he can sell the property.

Walt Schneer, Park Way, on Resolution R.324-042016 where is money coming from for this First Aid Squad.

Ms. Ruane, said it is in the 2015 Budget.

Mr. Schneer asked what happened to our volunteer squads.

Council President Lombardi explained all the volunteer squads got together and formed Raritan Valley Regional Emergency Medical Services, Inc. and they have been incorporated into JFK system.

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

The following Resolutions R.316-042016 through R.334-042016 were adopted under the Consent Agenda on a motion made by Councilmember Gomez and seconded by Councilmember Sendelsky.

**RESOLUTION R.316-042016**

**APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING APRIL 21, 2016**

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through April 21, 2016

FUND	AMOUNT
Current	\$14,410,768.02
Affordable Housing	0.00
Capital	1,046,084.75
Cash Performance	33,770.46
CDBG	0.00
Developers Escrow	33,261.25
Dog (Animal Control)	390.00
Federal Forfeited	0.00
Grant Funds	5,235.00
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	501,875.36
Sanitation Fund	251,884.92

Self Insurance	0.00
Sewer Utility	460,795.67
Tax Sale Redemption	174.51
Tree Fund	0.00
Tree Planting	0.00
Trust	88,954.33
<b>TOTAL</b>	<b>\$16,833,154.27</b>

/s/ Nicholas C. Fargo  
Chief Financial Officer

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

**RESOLUTION R.317-042016**

**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 **\$168,415.59**.

**RESOLUTION R.318-042016**

Authorizing Refund of Revenue to Lien Holders due to Erroneous Collection of Subsequent Payment

**WHEREAS**, on the properties below located within the Township of Edison, subsequent payments of real estate taxes, sewer and tax sale costs have been collected from the listed Lien Holder, to be added to Tax Certificates indicated below, and:

LIEN HOLDER	TAX CERTIFICATE	DATE REDEEMED	BLOCK	LOT	TAX \$	SEWER \$	TAX SALE COST \$	TOTAL \$
Pro Cap 4	14-00201	12/10/15	212	17	-	159.64	65.00	224.64
FNA	15-00016	02/26/16	19	98.F	1,389.18	-	-	1,389.18
Totals =>					<b>1,389.18</b>	<b>159.64</b>	<b>65.00</b>	<b>1,613.82</b>

**WHEREAS**, such collection could not be added as subsequent payments to the indicated tax certificates because such certificated were found as already redeemed on the indicated date, and

**WHEREAS**, the Tax Collector advise that the collection of this subsequent payments were erroneous and could not be lawfully applied to the account and need to be refunded to the payer, and

**WHEREAS**, application have been made to the Tax Collector for refunds of said subsequent payment, totaling **\$1,613.82**.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison that the appropriate officials are hereby authorized to draw checks to the parties in the amounts specified above.

**RESOLUTION R.319-042016**

**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, 2016 (revised to April 22, 2016) unless said budget calendar is extended according to law; and

**WHEREAS**, the date of this Resolution is prior to the adoption of the 2016 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 his record.

<b><u>CURRENT FUND</u></b>	<b><u>AMOUNT</u></b>
COMMUNICATIONS/EDISON TV Salary	5,100.00
COMMUNICATIONS/EDISON TV Other Expenses	0.00
PERSONNEL/HR Salary	13,000.00
PERSONNEL/HR Other Expenses	0.00
MAYOR Salary	500.00
MAYOR Other Expenses	0.00
COUNCIL Salary	4,000.00
COUNCIL Other Expenses	0.00
TAX COLLECTION Salary	11,000.00
TAX COLLECTION Other Expenses	0.00
TAX ASSESSMENT Salary	6,500.00
TAX ASSESSMENT Other Expenses	0.00
LEGAL DEPARTMENT Salary	500.00
LEGAL DEPARTMENT Other Expenses	0.00
ENGINEERING SERVICES Salary	35,000.00
ENGINEERING SERVICES Other Expenses	0.00
RENT CONTROL BOARD Salary	1,300.00
RENT CONTROL BOARD Other Expenses	0.00
POLICE DEPARTMENT Salary	130,200.00
POLICE DEPARTMENT Other Expenses	0.00
FIRE FIGHTING Salary	420,000.00
FIRE FIGHTING Other Expenses	110,000.00

FIRE PREVENTION Salary	6,000.00
FIRE PREVENTION Other Expenses	0.00
HEALTH Salary	30,000.00
HEALTH Other Expenses	0.00
SENIOR CITIZEN Salary	18,000.00
SENIOR CITIZEN Other Expenses	0.00
RECREATION Salary	34,000.00
RECREATION Other Expenses	0.00
FREE PUBLIC LIBRARY Salary	0.00
FREE PUBLIC LIBRARY Other Expenses	7,000.00
O.A.S.I. (SOCIAL SECURITY) Expense	43,000.00
MUNICIPAL COURT Salary	10,000.00
MUNICIPAL COURT Other Expenses	0.00
TOTAL CURRENT FUND	<u><u>885,100.00</u></u>

**RESOLUTION R.320-042016**

**RESOLUTION OF THE TOWNSHIP OF EDISON AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, The Township of Edison has determined that the property described on Schedule A and incorporated herein is no longer needed for public use; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the Township of Edison intends to utilize the online auction services of US GOVBID, A DIVISION OF AUCTION LIQUIDATION SERVICES, PO BOX 1216 Eatontown, NJ 07724 , web address www. usgovbid.com, for the amount of three and one half percent (3 1/2%) of the receipts of sales; and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9 – Revised October, 2011.

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

1. The Township of Edison is hereby authorized to sell the surplus personal property as indicated on Schedule A on the online auction website entitled US GOVBID, A DIVISION OF AUCTION LIQUIDATION SERVICES, www.usgovbid.com.
2. The terms and conditions of the sale are available at www.usgovbid.com.
3. That a certified copy of this Resolution be forwarded to the Division of Local Government Services.

**RESOLUTION R.321-042016**

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO DREW & ROGERS, INC. FOR THE FURNISHING OF SPORTS/SAFETY UNIFORMS AND EQUIPMENT**

**WHEREAS**, bids were received by the Township of Edison on March 23, 2016 for Public Bid No. 16-04-11 Sports Uniforms and Clothing; and

**WHEREAS**, DREW & ROGERS, INC., 30 Plymouth St., Fairfield, NJ 07004 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$3,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by DREW & ROGERS, INC., 30 Plymouth St., Fairfield, NJ 07004 for Sports Uniforms and Clothing is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$3,000.00 and any other necessary documents, with DREW & ROGERS, INC.

**RESOLUTION R.322-042016**

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO DOT DESIGNING, LLC FOR THE FURNISHING OF SPORTS/SAFETY UNIFORMS AND EQUIPMENT**

**WHEREAS**, bids were received by the Township of Edison on March 23, 2016 for Public Bid No. 16-04-11 Sports Uniforms and Clothing; and

**WHEREAS**, DOT DESIGNING, LLC, 242 Possum Hollow Rd., Monroe Twp., NJ 08831 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$30,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by DOT DESIGNING, LLC, 242 Possum Hollow Rd., Monroe Twp., NJ 08831 for Sports Uniforms and Clothing is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 and any other necessary documents, with DOT DESIGNING, LLC.

**RESOLUTION R.323-042016**

**RESOLUTION AWARDING CONTRACT TO CHASAN LEYNER & LAMPARELLO FOR LABOR COUNSEL AS HEARING OFFICERS FOR DISCIPLINARY HEARINGS**

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

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

**WHEREAS**, Chasan Leyner & Lamparello (“Counsel”) has an excellent reputation in labor law and the Township has engaged them as hearing officers for disciplinary hearings; and

**WHEREAS**, Township ordinance require that contracts in excess of \$17,500.00 be authorized by resolution of the municipal governing body; and

**WHEREAS**, these services for 2015 exceeded the obligatory compensation amount for authorization by the municipal council and the Township must comply with *N.J.S.A. 19:44A-20.5, et seq.* and the Township ordinance; and

**WHEREAS**, Chasan Leyner & Lamparello, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit Chasan Leyner & Lamparello from making any reportable contributions through the term of the contract; and

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

**WHEREAS**, compensation for these legal services was rendered at the hourly rate of \$75.00 to \$150.00 per hour in the amount not to exceed a total contract amount of \$22,005.29 for the year 2015; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/Purchase Order and any other necessary documents with Chasan Leyner & Lamparello as described herein.
2. This contract is awarded pursuant to *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5 et. seq.*
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-1, et seq.* and in compliance with the Local Public Contracts Law guidelines.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that, funds in the amount of **\$15,180.40** have been paid/encumbered in account number **5-01-25-0240-000-028** and additional funds in the amount of **\$6,824.89** are available in Account No. **5-01-25-0240-000-028** as described herein.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.324-042016**

**RESOLUTION AUTHORIZING CONTRIBUTION OF FIRST AID SQUAD FUNDS TO RARITAN VALLEY REGIONAL EMERGENCY MEDICAL SERVICES, INC. FROM THE 2015 CALENDAR YEAR BUDGET IN AN AMOUNT NOT TO EXCEED \$105,000.00**

**WHEREAS**, the Township of Edison budgeted \$105,000.00 in the calendar year 2015 budget and desires to distribute said funds to Raritan Valley Regional Emergency Medical Services, Inc., 848 New Dover Road, Edison, NJ 08820 for the volunteer first aid squad of the Township of Edison; and

**WHEREAS**, *N.J.S.A. 40:5-2* authorizes municipalities to make such contributions; and

**WHEREAS**, upon receipt of these funds the volunteer first aid squad is responsible to comply with all federal, state and local statutes, ordinances and regulations as they would be with any other funds they receive; and

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

**WHEREAS**, funds in the amount of \$105,000.00 have been certified to be available in the Aid To Vol First Aid Squad Account, Number 5-01-25-0260-000-030; and

**NOW, THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison in the County of Middlesex, New Jersey that the proper Township officials are hereby authorized to make the donation of \$105,000.00 as indicated herein.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$105,000.00 are available for the above expenditure in Account No. 5-01-25-0260-000-030.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.325-042016**

**RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO RICOH AMERICAS CORPORATION FOR THE MUNICIPAL COURT**

**WHEREAS**, The Municipal Courts copier lease term has concluded and they are in need of a replacement multi function machine that copies, prints, scans and faxes; and

**WHEREAS**, RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 has been awarded State Contract Number 40467 under G-2075-Copiers, Maintenance and Supplies; and

**WHEREAS**, the lease shall be forty eight (48) months in the amount of \$335.02 per month, \$4,020.24 per year, not to exceed \$16,080.96 for the term of the lease; and

**WHEREAS**, this Ricoh MPC4503 includes 21,000 black and white and 4,200 color copies per quarter (black and white overages \$.007 each and color overages \$0.042 each) and all maintenance and supplies except paper; 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 \$16,080.96, cannot be encumbered at this time; and

**WHEREAS**, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; 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 forty eight month lease for \$335.02 per month, \$4,020.24 per year, not to exceed \$16,080.96 for the term of the lease and any other necessary documents, with RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 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. 40467/G-2075.

**RESOLUTION R.326-042016**

**EXPLANATION:** This Resolution Approves the Proposed Settlement Agreement between the Township, the Fair Share Housing Center and the Intervenor/Defendants in the Township's pending Declaratory Action Proceeding and Also Approves the Submission of the Township's 2016 Housing Element and Fair Share Plan to the Court

**A RESOLUTION APPROVING THE PROPOSED SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER AND THE INTERVENORS/ DEFENDANTS IN THE PENDING DECLARATORY JUDGMENT ACTION AND THE SUBMISSION OF THE TOWNSHIP'S 2016 HOUSING ELEMENT AND FAIR SHARE PLAN TO THE NEW JERSEY SUPERIOR COURT FOR REVIEW AND APPROVAL**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)(the "2015 Case"). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court, and established a transitional process for municipalities, like the Township of Edison, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSP") as being constitutionally compliant and seeking judicial protections and immunity; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, on July 7, 2015, the Township of Edison (the "Township" ) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Declaratory Judgment Action"). In that filing, the Township also sought a determination from the Superior Court with respect to the Township's future use and disposition of the Township's Affordable Housing Trust Funds, as directed by the New Jersey Appellate Division in the case, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations ; and

**WHEREAS**, the Superior Court of New Jersey has ordered that municipalities that filed declaratory judgment actions must submit an updated HEFSP that address their affordable housing obligations as calculated by their respective municipal experts; and

**WHEREAS**, the Township's Planning Consultant, Shirley M. Bishop, PP, has prepared an updated HEFSP dated April , 2016 (the "2016 HEFSP"), and will prepare an updated Spending Plan, that addresses the Township's affordable housing obligation based on a proposed settlement with the Fair Share Housing Center ("FSHC") and the Intervenor/Defendants in the Declaratory Judgment Action (the "Settlement Agreement"); and

**WHEREAS**, the Settlement Agreement sets forth the 2016 HEFSP and other terms and conditions of settlement that have been agreed upon by the Parties to resolve and settle the Declaratory Judgment Action; and

**WHEREAS**, since a decision has not yet been rendered on the methodology to calculate municipal affordable housing obligations, the New Jersey Superior Court advised that it is acceptable if the Planning Board does not undertake all of the formal, procedural requirements involved with adopting the 2016 HEFSP as an amendment to the Township's Master Plan, if the Planning Board instead adopts a Resolution accepting the 2016 HEFSP and commits to promptly comply with the formal, procedural requirements for the adoption of the 2016 HEFSP, as an amendment to the Township's Master Plan, if the 2016 HEFSP is approved by the Court; and

**WHEREAS**, the New Jersey Superior Court also advised that approval by the Governing Body is required when submitting the 2016 HEFSP for review by the Court; and

**WHEREAS**, on April 18, 2016, the Planning Board of the Township of Edison adopted a Resolution accepting the 2016 HEFSP and, if the 2016 HEFSP is approved by the Court, committing to promptly adopt the 2016 HEFSP as an amendment to the Master Plan of the Township of Edison ; and

**WHEREAS**, a true copy of the Resolution of the Planning Board accepting the 2016 HEFSP is attached hereto; and

**WHEREAS**, the Governing Body of the Township of Edison desires to approve the Settlement Agreement and the submission of the 2016 HEFSP adopted by the Planning Board to the New Jersey Superior Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, they being the Governing Body thereof as follows:

1. The Council hereby approves the Settlement Agreement with the Fair Share Housing Center and the Intervenors/Defendants in the pending Declaratory Judgment Action;
2. The Council hereby approves the submission of the 2016 HEFSP, that has been accepted by the Planning Board, for review by the New Jersey Superior Court;
3. The Council hereby commits to endorse the 2016 HEFSP once the Planning Board formally adopts the same as an amendment to the Township's Master Plan after receiving approval from the Court;
4. The Township reserves the right to amend the 2016 HEFSP, if necessary and in accordance with the Settlement Agreement, that has been reached between the Township, the Fair Share Housing Center and the Intervenors/Defendants in the Declaratory Judgment Action, after the receipt of any applicable decisions rendered by the New Jersey Superior Court regarding the methodology to calculate municipal affordable housing obligations;
5. The Mayor, Township Administrator, and Township Clerk, together with all other officers, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution; and
6. This Resolution shall take effect immediately.

308-310 Plainfield Road Markim Developers, LLC  
Block 557-E, Lot 29 Performance Bond Reduction & Cash Bond Reduction

**WHEREAS**, Markeim Developers, LLC posted a Performance Bond #35191 posted on June 1, 2015 of the Service Insurance Company, Inc., in the amount of \$13,986.00, posted by Markim Developers, LLC, having offices at 910 Amboy Ave Edison NJ 08837 to guarantee the installation of improvements for the project known as 308-310 Plainfield Road located in Block #557-E and Lot #29 and designated Application #P5066, Z2130-04/05; and

**WHEREAS**, a Cash Performance Bond was posted on June 1, 2015, by Check #9428607032 of Chase Bank, in the amount of \$1,554.00, on deposit in account 7763342505; and

**WHEREAS**, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order; and

**WHEREAS**, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$13,986.00 to \$4,195.80; and

**WHEREAS**, it is further the recommendation of the Township Engineer that the Cash Performance Bond, posted by Markim Developers, LLC, on June 1, 2015, be reduced by 70%, from \$1,554.00 to \$466.20, therefore refunding the amount of \$1,087.80; and

**NOW, THEREFORE, BE IT RESOLVED** By The Municipal Council Of The Township Of Edison, that the Performance Bond hereinabove mentioned be reduced to \$4,195.80, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

**BE IT FURTHER RESOLVED**, that the Director of Finance be and is hereby authorized to refund the sum of \$1,087.80, plus accrued interest, on deposit in Account #7763342505 to Markim Developers, LLC having offices at 910 Amboy Ave, Edison, N.J. 08837 with the sum of \$466.20 remaining on deposit until such time as Final Acceptance is granted.

**RESOLUTION R.328-042016**

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NEWMAN SIGNS, INC.  
FOR THE FURNISHING OF TRAFFIC WARNING/STREET SIGNS AND RELATED  
MATERIALS**

**WHEREAS**, bids were received by the Township of Edison on March 29, 2016 for Public Bid No. 16-03-09, Traffic Warning/Street Signs and Related Materials for the Township of Edison; and

**WHEREAS**, NEWMAN SIGNS, INC., P.O. Box 1728, Jamestown, ND 58402, submitted the lowest legally responsible, responsive bid as listed on the spreadsheet; 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 and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid by NEWMAN SIGNS, INC., P.O. Box 1728, Jamestown, ND 58402 for Traffic Warning/Street Signs and Related Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00 on any other necessary documents, with NEWMAN SIGNS, INC.

**RESOLUTION R.329-042016**

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO GARDEN STATE HIGHWAY PRODUCTS, INC. FOR THE FURNISHING OF TRAFFIC WARNING/STREET SIGNS AND RELATED MATERIALS**

**WHEREAS**, bids were received by the Township of Edison on March 29, 2016 for Public Bid No. 16-03-09, Traffic Warning/Street Signs and Related Materials for the Township of Edison; and

**WHEREAS**, GARDEN STATE HIGHWAY PRODUCTS, INC., 1740 E. Oak Rd., Vineland, NJ 08361, submitted the lowest legally responsible, responsive bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$30,000.00 cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by GARDEN STATE HIGHWAY PRODUCTS, INC., 1740 E. Oak Rd., Vineland, NJ 08361 for Traffic Warning/Street Signs and Related Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 any other necessary documents, with GARDEN STATE HIGHWAY PRODUCTS, INC.

**RESOLUTION R.330-042016**

**RESOLUTION AWARDING CONTRACT TO KENNEDY EVENT SERVICES FOR TOWNSHIP OF EDISON 2016 EVENT SERVICES**

**WHEREAS**, the Township of Edison advertised on the Township website a request for proposals on March 29, 2016 for RFP 16-05 EVENT SERVICES with a bid opening date of April 12, 2016, and one (1) proposal was received; and

**WHEREAS**, after review and evaluation of the sole proposal, it has been recommended by the Township that the contract be awarded to KENNEDY EVENT SERVICES, 24 Cokesbury Road, Suite 12, Lebanon, NJ 08833 in the amount not to exceed \$15,232.30; and

**WHEREAS**, funds in the amount of \$15,232.30 have been certified to be available in the Celebration of Public Events Expense account number 6-01-30-0420-000-020 subject to and contingent upon appropriation of sufficient funds in the 2016 budget ; and

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

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

1. The sole bid has been reviewed, and the proposal submitted by KENNEDY EVENT SERVICES, 24 Cokesbury Road, Suite 12, Lebanon, NJ 08833 for Township 2016 event services, is determined to be the lowest, legally responsible, responsive bid as listed on the spreadsheet.

- 2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$15,232.30, and any other necessary documents, with KENNEDY EVENT SERVICES as described herein.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$15,232.30** are available for the above in account number **6-01-30-0420-000-020** subject to and contingent upon appropriation of sufficient funds in the 2016 budget.

/s/ Nicholas C. Fargo  
Chief Financial Officer

**RESOLUTION R.331-042016**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
MALADHO SOW FOR THE ABC PROGRAM**

**WHEREAS** Maladho Sow submitted applications with registration fees in the amount of \$50.00 for her children’s participation in the ABC Program at Martin Luther King Elementary School; and

**WHEREAS** the Edison Township Board of Education only offers half day kindergarten classes; and

**WHEREAS** the ABC Program only operates before school and after school and cannot accommodate her child in kindergarten.

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$50.00 to Maladho Sow, 28 King St., Edison, NJ 08820, which amount represents the registration fees for the ABC program.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$50.00 are available in Account #6-01-55-0291-000-000.

**RESOLUTION R.332-042016**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
RAMANATHAN VENKATACHALAM FOR THE ABC PROGRAM**

**WHEREAS** Ramanathan Venkatchalam made payment in the amount of \$170.00 for his child Abhinav Ramanathan’s participation in the afternoon ABC Program at Menlo Park Elementary School for the month of May 2016; and

**WHEREAS** Abhinav Ramanathan was removed from the program before he started the month of May, 2016.

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$170.00 to Ramanathan Venkatachalam, 36 Middlesex Ave., Edison, NJ 08820, which amount represents the overpayment for the ABC program.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$170.00 are available in Account #6-01-55-0291-000-000.

**RESOLUTION R.333-042016**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
DAVID MARCUS FOR A SOLICITORS PERMIT**

**WHEREAS** David Marcus made payment in the amount of \$100.00 for him to obtain a Solicitors Permit for the Company of Vivint Solar in December 2015.

**WHEREAS**, David Marcus no longer works for this company and is requesting a refund for the permit that was never obtained.

**WHEREAS**, as per our Township Code 11-1.12 License fee only \$90.00 is refundable.

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$ 90.00 to David Marcus, 24 Savo Loop, Staten Island, NY 10309, amount represents the refund for a Solicitors Permit .

**RESOLUTION R.334-042016**

**WHEREAS**, Reformed Church Highland Park Affordable Housing Corporation 19-21 South Second Avenue, Highland Park, has requested a waiver of any and all permit and/or application fees concerning the Emergency Generator installed at their Edison Location of Block 559, Lot 5A.

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

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

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

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

NAYS - None

**COMMUNICATIONS**

- a. Letter received by Mail from Jil Schedin regarding issues at her apartment complex.
- b. Electronic mail received from Esther Barcun regarding circulars.

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

**ORAL PETITIONS AND REMARKS**

Council President Lombardi opened the meeting for public comment.

Esther Nemitz, 162B Fay Street, asked what could be done regarding phone calls she has received on her land line saying they are from the IRS. .

Mr. Northgrave said there is not a lot we can other than inform the public of the scams.

Police Captain Freeman said there are scams not only by phone but email also. He said to call the following number 800-366-4484.

Councilmember Diehl asked that the administration to post the 800 number on our website so the public can be informed.

Lois Wolke, 10 Peake Road, when will the Municipal Budget be ready we were told March and then the end of April.

Ms. Ruane said she is close to finalizing salary and wages and the Finance Committee should have it by the end of next week.

Ms. Wolke, said the public should read the Board of Education Budget Legal notice on page 10 of Star Ledger on Tuesday, April 26,2016. She asked if the Council will be moving forward on Parade and Quality of Life Ordinance. She also asked about funding of the Ethic's Board.

Ms. Ruane, replied there is not funding problem with the Ethic's board there are funds in the budget.

Walt Shneer, Park Way, asked who is responsible for maintaining the bus stops around town and the poles with hanging wires. He gave pictures to Council President Lombardi.

Council President Lombardi said, we don't the bus company is responsible. He asked the administration to reach out to the bus company regarding graffiti and maintenance. He also told Mr. Shneer to take the number off the pole and call P.S. E. & G.

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

Having no further business to discuss, on a motion made by Councilmember Karabinchak , seconded by Councilmember Patil , the meeting was adjourned at 7:29p.m.

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Michael R. Lombardi  
Council President

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Cheryl Russomanno, RMC  
Municipal Clerk