

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, June 25, 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. Regular Meeting of April 25, 2018
6. **2018 SOLID WASTE BUDGET:**
 - a. Public Hearing
 - b. Final Adoption
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution awarding a renewal contract on a month to month basis to Gila, LLC d/b/a/ Municipal Services Bureau for the furnishing of Credit/Debit Card Payment Services.
10. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through June 21, 2018
 - b. Resolution authorizing refund in the amount of \$36,115.08 for redemption of tax sale certificates.
 - c. Resolution authorizing refund for tax overpayments totaling, \$10,612.23.
 - d. Resolution authorizing overpayment refund caused by Successful Tax Court Appeal.
 - e. Resolution authorizing Professional Services Contract to Government Strategy Group for Financial Management Services (\$187,200.00)
11. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Approval and authorization by the Municipal Council of the Township of Edison of the development and submission of a grant application to the 2017 USFTA

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

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

- a. Resolution requesting County Clerk place Open Space Tax Referendum on November General Election ballot;
- b. Resolution authorizing DPW Director to Serve Notice of Repair on owner of 5031 Woodbridge Avenue;
- c. Ordinance Amending Code Chapter 19-4 to allow approval from Business Administrator for service of repair notice;
- d. Ordinance Amending Code Chapter 11-35 to include further requirements for clothing donation bins;
- e. Resolution Appointing T. Langan as Acting Fire Official;
- f. Resolution Referring Exxon Redevelopment Plan to PB.

13. **FROM THE DEPARTMENT OF PUBLIC WORKS:**

- a. Award of Contracts for Public Bid No. 18-10-27 Snow Plow and Spreader Parts and Accessories (5 Vendors - not to exceed \$110,000.00)

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

- a. Approval of Volunteer Fire Fighters
- b. Resolution authorizes the Township Council to grant permission to Pyro Engineering, Inc. to discharge fireworks for an Independence Day Celebration taking place on the grounds of the Plainfield Country club located at 1591 Woodland Avenue, Edison, NJ 08820 scheduled for June 30, 2018 with a rain date of July 1, 2018.

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

- a. Resolution awarding Contract/Purchase Order to Eagle Point/T.J. Morris & Sons for the furnishing of Ammunition (\$30,000.00)

16. **FROM THE TOWNSHIP CLERK:**

- a. Resolutions renewing of Liquor License for 2018-2019 term.
- b. Resolution authorizing the issuance of a Plenary Retail Distribution Liquor License to Surandar Reddy Pareddy.
- c. Resolution confirming reappointment of Township Clerk.
- d. Resolution appointing Hiren Gandhi to the Net Zero Committee.
- e. Resolution Referring Proposed Ordinance Amending Schedule A to Chapter 37 of the Code and repealing O.1629-2008 to PB;
- f. Resolution Referring Proposed Ordinance Amending Township Code Chapter 37-21 to reflect changes to FAR in GB-H District to PB;

- g. Resolution Referring Proposed Ordinance Amending Township Code Chapter 37 to reflect changes to O-S/O-S-1/O-S-2 to PB;
- h. Resolution authorizing and approving the Person to Person and Place to Place Retail Distribution License from Daryl, LLC to SPTP, Inc. at 1129 Inman Avenue, Edison.

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

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

**O.2010-2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK.**

**O.2011-2018 ORDINANCE AMENDING THE TOWNSHIP CODE
CHAPTER 36, "SUBDIVISIONS AND SITE PLANS,"
UPDATING SECTION 36-11.2, "ADDITIONAL DESIGN
STANDARDS," TO REFLECT THE APPROPRIATE
DEPOSITORY FOR FEES COLLECTED AS A RESULT OF
THE GRANT OF WAIVERS FROM THE REQUIRED
INSTALLATION OF SIDEWALKS, CURBS AND
GUTTERS.**

**O.2012-2018 AN ORDINANCE AMENDING CHAPTER 7 OF THE
TOWNSHIP CODE TO UPDATE THE LIST OF ZONES
SUBJECT TO RESIDENTIAL PARKING PERMITS.**

**O.2013-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE
CHAPTER 12-27, "NOISE CONTROL," REVISING
SECTIONS 12-27.4, "NOISE CONTROL
OFFICERS/ADMINISTRATORS" AND 12-27.9,
"CONDITIONS FOR VARIANCE," TO CLARIFY THAT
APPLICATIONS FOR VARIANCES FROM THE TOWNSHIP
NOISE CONTROL CODE SHALL BE GRANTED AT THE
DISCRETION OF THE TOWNSHIP BUSINESS
ADMINISTRATOR.**

19. **DISCUSSION ITEMS:**

Council President Patil

a. None

Councilmember Coyle

a. None

Councilmember Diehl

a. None

Councilmember Gomez

a. None

Councilmember Joshi

a. None

Councilmember Lombardi

a. Resolution of Recognition –St. Helena’s School

Councilmember Sendelsky

a. None

20. **ADJOURNMENT**

RESOLUTION AWARDING A RENEWAL CONTRACT ON A MONTH TO MONTH BASIS TO GILA LLC D/B/A MUNICIPAL SERVICES BUREAU (MSB) FOR THE FURNISHING OF CREDIT/DEBIT CARD PAYMENT SERVICES

WHEREAS, bids were received by the Township of Edison on December 8, 2015 for Public Bid No. 15-11-09 CREDIT/DEBIT CARD PAYMENT SERVICES; and

WHEREAS, R.339-052016 dated May 11, 2016 authorized the first year contract with GILA LLC D/B/A MUNICIPAL SERVICES BUREAU, 8325 Tuscany Way, Austin, TX 78754 which expired on June 8, 2017; and

WHEREAS, the contract allowed 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 exercised the option to renew the contract for the second year authorized under R. 327-052017 dated May 24, 2017 with an expiration date of June 8, 2018; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the third year on a month to month basis with an expiration date of June 8, 2019; and

WHEREAS, compensation to GILA LLC D/B/A MUNICIPAL SERVICES BUREAU for these services shall be in the form of a convenience fee of 2.19%, applicable to each VISA, MASTERCARD, AND DISCOVER user and 2.89% applicable to each AMERICAN EXPRESS credit/debit card user transactions at point of sale; 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 Officials are hereby authorized to execute a contract with GILA LLC D/B/A MUNICIPAL SERVICES BUREAU, 8325 Tuscany Way, Austin, TX 78754 on a month to month basis with an expiration date of June 8, 2019.

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING June 21, 2018.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through June 21, 2018.

FUND	AMOUNT
Current	\$24,251,571.12
Affordable Housing	3,650.33
Capital	139,658.57
Cash Performance	3,700.65
CDBG	0.00
Developers Escrow	85,450.05
Dog (Animal Control)	433.35
Federal Forfeited	0.00
Grant Funds	740.20
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	587,746.36
Sanitation Fund	195,620.55
Self Insurance	0.00
Sewer Utility	58,757.30
Tax Sale Redemption	79,643.71
Tree Fund	0.00
Tree Planting	0.00
Trust	165,130.06
TOTAL	\$25,572,102.25

/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 **\$36,115.08**.

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 **\$10,612.23**.

RESOLUTION
Authorizing Overpayment Refund caused by
Successful Tax Court Appeal

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

TAXPAYER	KONG, LAN
PROPERTY LOCATION	35 REVERE BLVD
BLOCK / LOT / QUALIFIER	496/37

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

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
011430-2017	2017	198300	183300	(15000)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$773.40** for the years as follows:

TAX YEAR	TAX AMOUNT
2017	\$773.40

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$773.40**.

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO GOVERNMENT STRATEGY GROUP FOR FINANCIAL MANAGEMENT SERVICES

WHEREAS, the Township of Edison (the Township) has determined that it is in its best interests and those of the Township residents to engage a financial management services firm to support the Township's Chief Financial Officer (CFO) and to ensure proper financial reporting, and the Township is authorized pursuant by 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, Government Strategy Group, 450 Shrewsbury Plaza, #330, Shrewsbury, NJ 07702 has submitted a proposal to provide such services including, but not limited to, the areas of public finance and municipal accounting, and has extensive staff and resources that may be utilized to support the Township's CFO; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Government Strategy Group for its Financial Management Services and seek to enter a contract with Government Strategy Group to provide for same; and

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

WHEREAS, 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; the total amount of this contract shall be in the amount of \$15,600.00 per month, payable in monthly installments, not to exceed \$187,200.00 for the one year contract; and

WHEREAS, prior to entering into a contract, Government Strategy Group, 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 Government Strategy Group from making any reportable contributions through the term of this one year contract; and

WHEREAS, funds for this contract in the amount not to exceed \$187,200.00 will be available in the Finance Department— Other Professional Services Account, subject to and contingent upon appropriation of sufficient funds in both the 2018 and 2019 budgets; and

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

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

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

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

1. The Township is hereby authorized to execute a contract and any other necessary documents, with Government Strategy Group, 450 Shrewsbury Plaza, #330, Shrewsbury, NJ 07702, in an amount not to exceed \$187,200.00 as set forth above.

2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

Explanation: Approval and authorization by the Municipal Council of the Township of Edison of the development and submission of a grant application to the 2017 USFTA NJDOT/NJT/FTA Section 5310 Bus-Related Equipment and Facilities Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU (80%) and NJ Transit (20%). The intent of this program is to improve mobility for seniors and individuals with disabilities by providing financial support to public and private transportation service providers, through programs planned, designed and carried out to meet the special transportation needs of these populations.

TOWNSHIP OF EDISON

MUNICIPAL RESOLUTION

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

WHEREAS, grant support of up to 80% is currently available from 2017 USFTA NJDOT/NJT Section 5310 Bus and Bus-Related Equipment and Facilities Grant Program, as funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, with a requisite 20% cash match from NJ Transit; and

WHEREAS, EDHHS DSS EST desires to apply for and obtain an estimated 80%/\$60,000 grant from the 2017 USFTA NJDOT/NJT Section 5310 Bus and Bus-Related Equipment and Facilities Program, with an estimated cash match of 20%/\$12,000 to be provided by NJ Transit, in order to purchase a new, fuel-efficient, high-mileage, lower-emissions, ADA-certified, gasoline-powered bus to serve the increasing transportation needs of local Senior and Disabled Citizens in the Township of Edison; and

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

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the Edison Department of Health and Human Services/Division of Senior Services to develop and submit said grant application to the 2017 USFTA NJDOT/NJT Section 5310 Bus-Related Equipment and Facilities Grant Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, at a regularly-scheduled Work Session on June 25, 2018 and subsequent Public Meeting on June 27, 2018.

RESOLUTION _____

EXPLANATION: This Resolution serves as a request for the Middlesex County Clerk to print upon the official ballots to be used in the November 6, 2018 general election a proposition, or question, to ascertain the sentiments of the voters with respect to the Township's Open Space Tax Fund.

WHEREAS, N.J.S.A. 40:12-15.7 permits the Municipal Council (the "**Council**") of the Township of Edison (the "**Township**") to submit to the voters of the Township in a general election a proposition authorizing the imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the Council:

- (a) Acquisition of lands for recreation and conservation purposes;
- (b) Development of lands acquired for recreation and conservation purposes;
- (c) Maintenance of lands acquired for recreation and conservation purposes;
- (d) Acquisition of farmland for farmland preservation purposes;
- (e) Historic preservation of historic properties, structures, facilities, sites, areas or objects, and the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes;
- or
- (f) Payment of debt service or indebtedness issued or incurred by a municipality for any of the purposes set forth in paragraphs (a), (b), (d) and (e) above; and

WHEREAS, the Township is requesting a referendum vote to establish an open space tax in the amount not to exceed \$0.01 per \$100.00 of assessed value of real property to generate revenue for municipal open space, recreation, farmland, historic preservation trust funds and the maintenance of same; and

WHEREAS, the Municipal Council is desirous of establishing such an open space tax.

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

1. Pursuant to N.J.S.A. 40:12-15.7, the Municipal Council of the Township of Edison, wishes to place, and hereby requests of the Middlesex County Clerk, that the following referendum question be placed on the general election ballot for consideration by the voters of the Township on November 6, 2018:

EDISON OPEN SPACE TRUST FUND

Shall the Township of Edison establish an annual levy to raise funds for the municipal open space, recreation, farmland and historic preservation trust fund and the maintenance of same, at the rate not to exceed \$0.01 per \$100.00 of assessed value of real property located in the Township of Edison, to be effective as of January 1, 2019?

Yes [] No []

EXPLANATORY STATEMENT

The Township of Edison seeks to collect an open space tax at a rate of \$0.01 per \$100.00 of assessed value of real property. The current authorization has expired. The Open Space Advisory Committee has recommended that an open space tax be collected by the Township to preserve the remaining open space and enhance the Township's ability to obtain State and County funds earmarked for open space preservation. A vote "yes" will establish the open space tax at a rate not to exceed \$0.01 per \$100.00 of assessed value of real property as of January 1, 2019. A vote "no" will reject an open space tax.

2. A certified true copy of this Resolution, upon its adoption and publication as required by law, shall be furnished by the Township Clerk to the Middlesex County Clerk's Office and the Middlesex County Superintendent of Elections and request that the above-referenced question be placed on the general election ballot for Edison Township on November 6, 2018 for voter consideration, in accordance with the requirements of N.J.S.A. 19:37-1.
3. If any part of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Resolution.
4. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: This Resolution authorizes the Director of the Department of Public Works to issue a sidewalk repair notice to the owner of a property within the Township.

WHEREAS, Chapter 19-4(b) of the Code of Ordinances (the “Code”) of the Township of Edison (the “Township”) permits the Department of Public Works (the “DPW”), upon receipt of authorization from the Municipal Council, to cause a notice, in writing, to be served upon the owner or occupants of lands requiring necessary, specified work to sidewalk, curb, gutter or drywell found to be in disrepair to be done by the owner or occupant within a period of not less than thirty (30) days from the date of service of such notice; and

WHEREAS, pursuant to Code Chapter 19-4(b), the Township DPW Director has determined that the sidewalk abutting Block 1206, Lot 9.B on the tax maps of the Township, more commonly known as 5031 Woodbridge Avenue (the “Property”), has fallen into disrepair and requires reconstruction or repair work; and

WHEREAS, the Property is owned by HMLS, LLC, which has an address of 402 Main Street, Suite 100-204, Metuchen, New Jersey; and

WHEREAS, the Township requires the aforementioned repair work to be completed in order to preserve the health and safety of Township residents.

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 Township DPW Director is authorized to serve written notice on HMLS, LLC requiring necessary, specified work to the sidewalk abutting the Property within a period of not less than thirty (30) days from the date of service of such notice, pursuant to the requirements of Chapter 19-4(b) of the Code.

2. This Resolution shall take effect immediately.

ORDINANCE _____

EXPLANATION: An Ordinance amending the Township Code Chapter 19, “Streets and Sidewalks,” updating section 19-4, “Sidewalks, Curbs, Gutters and Drywells,” to revise the process for noticing a property owner of required repairs to sidewalks, curbs, gutters and drywells.

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**”) provides rules, regulations and standards to guide the maintenance of streets and sidewalks in the Township, pursuant to Chapter 19 of the Code; and

WHEREAS, the Township desires to amend Chapter 19-4 of the Code, entitled “Sidewalks, Curbs, Gutters and Drywells,” to revise the process for noticing a property owner of required repairs to sidewalks, curbs, gutters and drywells; and

WHEREAS, subsection 19-4(b) of the Code requires the Township Department of Public Works to obtain a resolution of approval from the Municipal Council prior to serving a notice of repair; and

WHEREAS, in instances where streets and sidewalks require repair, it in the best interest of the residents of the Township that Municipal Council action not be required prior enforcement of the Township Code; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 19-4 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] ...

19-4 SIDEWALKS, CURBS, GUTTERS AND DRYWELLS.

a. It is the duty of any owner of abutting lands in the Township to construct, repair, alter or relay any sidewalk, curb, gutter or drywell, or section thereof.

b. In the event that a sidewalk, curb, gutter or drywell falls into disrepair, the Department of Public Works, may [by resolution presented to the Township Council] upon authorization of the Township Business Administrator, cause a notice in writing to be served upon the owner or occupants of said lands, requiring the necessary specified work to said sidewalk, curb, gutter or drywell to be done by the owner or occupant within a period of not less than thirty (30) days from the date of service of such notice. Whenever any lands are unoccupied and the owner cannot be found within the Township, the notice may be mailed, postage prepaid, to his, her or its post-office address if the address can be ascertained. In the case where the owner is a

nonresident of Edison Township or his, her or its address cannot be ascertained, then the notice may be inserted for four (4) weeks, once a week in a local newspaper.

c. In the event the owner or occupant of such lands fails to comply with the requirements of the notice, it shall be lawful for the Department of Public Works, upon the filing due proof of service or publication of the aforesaid notice to cause the work to be done and paid out of the municipal funds available for that purpose. The Department of Public Works shall certify the cost of such work. Upon the filing of a certificate, the amount of the cost of work shall become a lien upon the abutting lands in front of where such repairs took place.

d. In the event that the property owner fails to satisfy the lien on said property, the Township reserves the right to collect said funds from the property owner in a court having competent jurisdiction.

e. *Exception.* The Township Council may provide for the repair or reconstruction of any sidewalk, curb, gutter or drywell at public expense under the conditions hereinafter stated; both of which much exist:

1. When any sidewalk, curb, gutter or drywell previously constructed or reconstructed as a local improvement under N.J.S.A. 40:65 et seq. is dilapidated or in need of repair or reconstruction, where such condition is not attributable to the acts of negligence of the abutting property owner or his predecessor in title nor that of any one for whose acts or negligence they are chargeable; and

2. When the abutting property owner or his predecessor in title shall have paid within twenty (20) years then last past, or shall pay, in full with interest all the assessment for the laying or relaying of sidewalk, curb, gutter or drywell in front of his property (at least to the extent that the installments of such assessments are then due.)

3. The Planning Board and/or Board of Adjustment shall not grant any requests for waivers for any property within a two (2) mile radius of any school property line. Any property outside the two (2) mile radius of any school property line, an applicant seeking a waiver from the required sidewalk installation pursuant to Chapter XIX and/or the Code will be considered on the basis of whether the requested waiver is reasonable and within the general purposes and intent of the Chapter XIX and/or the Code, and/or that literal enforcement of Chapter XIX and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable. (Ord. No. O.1938-2016)

f. *Curbs, Sidewalks and Gutter Improvements.* Notwithstanding anything to the contrary as set forth in paragraphs a. through e. of this Section 19-4, the Township may undertake as a local improvement under N.J.S.A. 40:56-1 et seq., the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefited thereby, the repair and/or installation of a sidewalk and the curbing or recurbing, guttering or reguttering of a sidewalk in, upon or along a street, alley or other public highway, or portion thereof on a priority of needs basis as determined by the Township based upon the Maser Consulting Group study entitled "Township of Edison Curb and Sidewalk Management System" dated August, 2005, revised October, 2005.

The procedures set forth in N.J.S.A. 40-56-1 et seq. for the undertaking of such local improvement shall govern. The Township's Director of the Department of Public Works shall determine priorities for the undertaking of any such local improvement based upon the condition of such curbs, sidewalks and gutters and any other practical considerations he or she may deem appropriate under the circumstances. The Director of the Department of Public Works shall provide his or her recommendations to the Township Council in writing in connection with any local improvement appropriation ordinance. The Township Council may, by resolution, provide that the owner of any real estate upon which any assessment for such improvements shall have been made may pay such assessments in such equal yearly or quarterly installments, not exceeding ten (10) years in duration, with legal interest thereon (not to exceed three (3%) percent) and at such time in each year as the Township Council shall determine. The Township Council may fix the yearly installments in such amount as in its opinion are equitable and just.

g. *Low and Very Low Income Subsidy.* The Township may subsidize the payment of up to one hundred (100%) percent of the cost of the repair or reconstruction of any sidewalk, curb or gutter which is dilapidated or in need of repair or reconstruction for any single family dwelling occupied by a household meeting the Council on Affordable Housing ("COAH") Region 3 low income and very low income limits in the year in which the application is made for such subsidy. The Township may also subsidize fifty (50%) percent of the cost of the repair or reconstruction of any sidewalk, curb and gutter which is dilapidated or in need of repair or reconstruction for any single-family dwelling occupied by a household meeting up to two (2) times the COAH Region 3 moderate income limits in the year in which the application is made for such subsidy. Eligibility for any such subsidiary shall be determined by the Department of Planning and Engineering which shall certify such eligibility to the Director of the Department of Public Works. The amount of any subsidy provided to any household certified as to income eligibility by the Department of Planning and Engineering shall be dependant upon the overall amount of funding available in the Township's sidewalk, curb, gutter and drywell waiver fund or in any Township capital improvement fund. The Director of the Department of Public Works shall require, as a condition to the release of any funds to an income eligible household, the presentation of a written proposal from a reputable contractor who shall perform the work. The Director of the Public Works may reject any proposal which he determines, in his or her reasonable discretion, is not appropriate to perform the work. Once the proposal has been approved by the Director of Department of Public Works, payment shall be as specified by the Director of the Department of Public Works.

... [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 19-4 of the Code, entitled "Sidewalks, Curbs, Gutters and Drywells" to read as follows:

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

19-4 SIDEWALKS, CURBS, GUTTERS AND DRYWELLS.

a. It is the duty of any owner of abutting lands in the Township to construct, repair, alter or relay any sidewalk, curb, gutter or drywell, or section thereof.

b. In the event that a sidewalk, curb, gutter or drywell falls into disrepair, the Department of Public Works, may upon authorization of the Township Business Administrator, cause a notice in writing to be served upon the owner or occupants of said lands, requiring the necessary specified work to said sidewalk, curb, gutter or drywell to be done by the owner or occupant within a period of not less than thirty (30) days from the date of service of such notice. Whenever any lands are unoccupied and the owner cannot be found within the Township, the notice may be mailed, postage prepaid, to his, her or its post-office address if the address can be ascertained. In the case where the owner is a nonresident of Edison Township or his, her or its address cannot be ascertained, then the notice may be inserted for four (4) weeks, once a week in a local newspaper.

c. In the event the owner or occupant of such lands fails to comply with the requirements of the notice, it shall be lawful for the Department of Public Works, upon the filing due proof of service or publication of the aforesaid notice to cause the work to be done and paid out of the municipal funds available for that purpose. The Department of Public Works shall certify the cost of such work. Upon the filing of a certificate, the amount of the cost of work shall become a lien upon the abutting lands in front of where such repairs took place.

d. In the event that the property owner fails to satisfy the lien on said property, the Township reserves the right to collect said funds from the property owner in a court having competent jurisdiction.

e. *Exception.* The Township Council may provide for the repair or reconstruction of any sidewalk, curb, gutter or drywell at public expense under the conditions hereinafter stated; both of which much exist:

1. When any sidewalk, curb, gutter or drywell previously constructed or reconstructed as a local improvement under N.J.S.A. 40:65 et seq. is dilapidated or in need of repair or reconstruction, where such condition is not attributable to the acts of negligence of the abutting property owner or his predecessor in title nor that of any one for whose acts or negligence they are chargeable; and

2. When the abutting property owner or his predecessor in title shall have paid within twenty (20) years then last past, or shall pay, in full with interest all the assessment for the laying or relaying of sidewalk, curb, gutter or drywell in front of his property (at least to the extent that the installments of such assessments are then due.)

3. The Planning Board and/or Board of Adjustment shall not grant any requests for waivers for any property within a two (2) mile radius of any school property line. Any property outside the two (2) mile radius of any school property line, an applicant seeking a waiver from the required sidewalk installation pursuant to Chapter XIX and/or the Code will be considered on the basis of whether the requested waiver is reasonable and within the

general purposes and intent of the Chapter XIX and/or the Code, and/or that literal enforcement of Chapter XIX and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable. (Ord. No. O.1938-2016)

f. *Curbs, Sidewalks and Gutter Improvements.* Notwithstanding anything to the contrary as set forth in paragraphs a. through e. of this Section 19-4, the Township may undertake as a local improvement under N.J.S.A. 40:56-1 et seq., the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefited thereby, the repair and/or installation of a sidewalk and the curbing or recurbing, guttering or reguttering of a sidewalk in, upon or along a street, alley or other public highway, or portion thereof on a priority of needs basis as determined by the Township based upon the Maser Consulting Group study entitled "Township of Edison Curb and Sidewalk Management System" dated August, 2005, revised October, 2005. The procedures set forth in N.J.S.A. 40-56-1 et seq. for the undertaking of such local improvement shall govern. The Township's Director of the Department of Public Works shall determine priorities for the undertaking of any such local improvement based upon the condition of such curbs, sidewalks and gutters and any other practical considerations he or she may deem appropriate under the circumstances. The Director of the Department of Public Works shall provide his or her recommendations to the Township Council in writing in connection with any local improvement appropriation ordinance. The Township Council may, by resolution, provide that the owner of any real estate upon which any assessment for such improvements shall have been made may pay such assessments in such equal yearly or quarterly installments, not exceeding ten (10) years in duration, with legal interest thereon (not to exceed three (3%) percent) and at such time in each year as the Township Council shall determine. The Township Council may fix the yearly installments in such amount as in its opinion are equitable and just.

g. *Low and Very Low Income Subsidy.* The Township may subsidize the payment of up to one hundred (100%) percent of the cost of the repair or reconstruction of any sidewalk, curb or gutter which is dilapidated or in need of repair or reconstruction for any single family dwelling occupied by a household meeting the Council on Affordable Housing ("COAH") Region 3 low income and very low income limits in the year in which the application is made for such subsidy. The Township may also subsidize fifty (50%) percent of the cost of the repair or reconstruction of any sidewalk, curb and gutter which is dilapidated or in need of repair or reconstruction for any single-family dwelling occupied by a household meeting up to two (2) times the COAH Region 3 moderate income limits in the year in which the application is made for such subsidy. Eligibility for any such subsidiary shall be determined by the Department of Planning and Engineering which shall certify such eligibility to the Director of the Department of Public Works. The amount of any subsidy provided to any household certified as to income eligibility by the Department of Planning and Engineering shall be dependant upon the overall amount of funding available in the Township's sidewalk, curb, gutter and drywell waiver fund or in any Township capital improvement fund. The Director of the Department of Public Works shall require, as a condition to the release of any funds to an income eligible household, the presentation of a written proposal from a reputable contractor who shall perform the work. The Director of the Public Works may reject any proposal which he determines, in his or her reasonable discretion, is not appropriate to perform the work. Once the proposal has been

approved by the Director of Department of Public Works, payment shall be as specified by the Director of the Department of Public Works.

... [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 19 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.

ORDINANCE _____

EXPLANATION: An Ordinance amending the Township Code Chapter 11-35 “Clothing Donation Bins” setting forth additional requirements for the maintenance of Clothing Donation Bins.

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

WHEREAS, the Township desired to amend the Township Code of General Ordinances (the “**Code**”) to include certain requirements concerning the maintenance of clothing donation bins within the jurisdiction and control of the Township; and

WHEREAS, the Township adopted Chapter 11-35 “Clothing Donation Bins” on August 24, 2017; and

WHEREAS, the Township now desires to amend Chapter 11-35 “Clothing Donation Bins,” to read as follows (additions are underlined and deletions are in [brackets]):

11-35 CLOTHING DONATION BINS.

11-35.1 Regulations.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all [of the following requirements are met:] requirements of this Chapter are met.

Textile recycling bins currently located on Township property including Edison parkland, libraries, community centers, schools and public works properties are exempt from this ordinance provided the owner of the bin has received permission from the Township Zoning Department. No textile recycling bin will be allowed on Township land without prior authorization. Any person or charity not given previous approved authorization or that does not adhere to the other provisions of this zoning permit in this ordinance will be subject to the regulations in this ordinance. The township will provide a color-coded zoning permit specific for those with prior approvals. Textile recycling bins located on state or federal owned property are exempt from this ordinance but are still required to provide tonnage reports yearly.

- a. The donation clothing bin [is] must be owned by a non-profit, I.R.C. 501 (c) (3) charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16; and

1. The textile donation bin is defined as any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.
2. A textile recycling bin must be similar in size or smaller than a refrigerator box, or any container smaller than 45 x 45 by 80 inches.
3. All textile recycling bins must be properly secured and maintained, with no items affixed or attached to the bin except for the identification materials required by section (b)(5)(a) – (e) below.

b. The registered charitable organization or the person has obtained a zoning permit valid for a period of one (1) year, from the Zoning Department in accordance with the following:

1. In applying for such a zoning permit, the registered charitable organization or person shall include:

(a) The location where the bin would be situated, as precisely as possible;

(b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

(c) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;

(d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pickup;

(e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

(f) The owners of textile clothing bins in the Township of Edison, NJ must provide annual tonnage reports, with information sufficient to support these reports, to the Township of Edison. Collectors must provide annual tonnage reports as required by the New Jersey Statewide Mandatory Source Separation and Recycling Act. (*N.J.S.A. 13:1E-99.16*), which mandates the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous year.

(g) All charities must provide liability insurance, insurance for all vehicles and a valid driver's license for any driver servicing the textile recycling bins. Valid policies must be presented for any drivers for the charity providing pickup services.

Additionally, background checks for any charities, their employees, or drivers must be done within one year of the permit being issued.

(h) All non-profit charitable organizations must provide at no cost tax-deductible receipts for any person or family that has donated to the charity and requests it. The receipt should include all necessary tax identification numbers and the name and address of the charity in accordance with Internal Revenue Code (IRC) regulations.

(i) No garbage or waste of any kind is allowed to be left outside of textile recycling bins. The charitable organization or owner, once notified, must address overflowing bins and rectify problem. Charity must address dumping any waste within 10 feet of their bins within 72 hours of notification by the Township, after which they will be subject to dumping or littering fines. Before a complaint can be filed, there must be a good faith attempt to reach the charity or their agent and give them 72 hours to correct the problem.

2. The Zoning Department shall not grant an application for a zoning permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in handicapped parking spaces, in any area that interferes with pedestrian or vehicular traffic, [or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.] or on top of or within 20 feet to large amounts of fuel or other flammable liquids or gases.

3. The fee for such application for the zoning permit shall be twenty-five (\$25.00) dollars. Charitable organizations as defined by I.R.C. 501(c) (3) non-profit organization can receive a waiver of the fee provided they provide proof of their federal tax exempt status.

4. An expiring zoning permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the twenty-five (\$25.00) dollar renewal fee or approval of fee waiver and by application that shall include the following information:

(a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

(b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;

(c) The name, and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

(d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pickup; and

(e) Written consent from the property owner or the owner's authorized representative, to place the bin on his/her property.

5. The following information shall be clearly and conspicuously affixed to the exterior of the donation clothing bin by means of white paint, or a single vinyl sticker or protective water-resistant sleeve:

(a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement; and

(c) The charitable organization's registration number, permit number and its date of expiration.

(d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

c. The Division of Planning and Zoning shall receive and investigate, within forty-five (45) days, any complaints from the public about the bin.

1. Whenever it appears to the Township that an organization or a person has engaged in or is engaging in any act or practice in violation of this section, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within fifteen (15) days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within fifteen (15) days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.

3. In addition to any other penalties or remedies under this section, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty of up to one hundred (\$100.00) dollars for each violation.

d. Clothing bins shall be permitted on all Board of Education properties. Said clothing bins must comply with all other provisions delineated in Section 11-35 of the Revised General Ordinances.

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 “General Licensing and Business Regulations” of the Code to read as follows:

11-35 CLOTHING DONATION BINS.

11-35.1 Regulations.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all [of the following requirements are met:] requirements of this Chapter are met.

Textile recycling bins currently located on Township property including Edison parkland, libraries, community centers, schools and public works properties are exempt from this ordinance provided the owner of the bin has received permission from the Township Zoning Department. No textile recycling bin will be allowed on Township land without prior authorization. Any person or charity not given previous approved authorization or that does not adhere to the other provisions of this zoning permit in this ordinance will be subject to the regulations in this ordinance. The township will provide a color-coded zoning permit specific for those with prior approvals. Textile recycling bins located on state or federal owned property are exempt from this ordinance but are still required to provide tonnage reports yearly.

- b. The donation clothing bin [is] must be owned by a non-profit, I.R.C. 501 (c) (3) charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16; and

3. The textile donation bin is defined as any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.

4. A textile recycling bin must be similar in size or smaller than a refrigerator box, or any container smaller than 45 x 45 by 80 inches.

3. All textile recycling bins must be properly secured and maintained, with no items affixed or attached to the bin except for the identification materials required by section (b)(5)(a) – (e) below.

b. The registered charitable organization or the person has obtained a zoning permit valid for a period of one (1) year, from the Zoning Department in accordance with the following:

1. In applying for such a zoning permit, the registered charitable organization or person shall include:

(a) The location where the bin would be situated, as precisely as possible;

(b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

(c) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;

(d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pickup;

(e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

(f) The owners of textile clothing bins in the Township of Edison, NJ must provide annual tonnage reports, with information sufficient to support these reports, to the Township of Edison. Collectors must provide annual tonnage reports as required by the New Jersey Statewide Mandatory Source Separation and Recycling Act. (*N.J.S.A. 13:1E-99.16*), which mandates the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous year.

(g) All charities must provide liability insurance, insurance for all vehicles and a valid driver's license for any driver servicing the textile recycling bins. Valid policies must be presented for any drivers for the charity providing pickup services.

Additionally, background checks for any charities, their employees, or drivers must be done within one year of the permit being issued.

(h) All non-profit charitable organizations must provide at no cost tax-deductible receipts for any person or family that has donated to the charity and requests it. The receipt should include all necessary tax identification numbers and the name and address of the charity in accordance with Internal Revenue Code (IRC) regulations.

(i) No garbage or waste of any kind is allowed to be left outside of textile recycling bins. The charitable organization or owner, once notified, must address overflowing bins and rectify problem. Charity must address dumping any waste within 10 feet of their bins within 72 hours of notification by the Township, after which they will be subject to dumping or littering fines. Before a complaint can be filed, there must be a good faith attempt to reach the charity or their agent and give them 72 hours to correct the problem.

2. The Zoning Department shall not grant an application for a zoning permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in handicapped parking spaces, in any area that interferes with pedestrian or vehicular traffic, [or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.] or on top of or within 20 feet to large amounts of fuel or other flammable liquids or gases.

3. The fee for such application for the zoning permit shall be twenty-five (\$25.00) dollars. Charitable organizations as defined by I.R.C. 501(c) (3) non-profit organization can receive a waiver of the fee provided they provide proof of their federal tax exempt status.

4. An expiring zoning permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the twenty-five (\$25.00) dollar renewal fee or approval of fee waiver and by application that shall include the following information:

(a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

(b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;

(c) The name, and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

(d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pickup; and

(e) Written consent from the property owner or the owner's authorized representative, to place the bin on his/her property.

5. The following information shall be clearly and conspicuously affixed to the exterior of the donation clothing bin by means of white paint, or a single vinyl sticker or protective water-resistant sleeve:

(a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement; and

(c) The charitable organization's registration number, permit number and its date of expiration.

(d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

c. The Division of Planning and Zoning shall receive and investigate, within forty-five (45) days, any complaints from the public about the bin.

1. Whenever it appears to the Township that an organization or a person has engaged in or is engaging in any act or practice in violation of this section, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within fifteen (15) days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within fifteen (15) days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.

3. In addition to any other penalties or remedies under this section, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty of up to one hundred (\$100.00) dollars for each violation.

d. Clothing bins shall be permitted on all Board of Education properties. Said clothing bins must comply with all other provisions delineated in Section 11-35 of the Revised General Ordinances.

3. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the remaining provisions shall be construed to give effect to the intent thereof.

4. All ordinances or parts of ordinances of the Township of Edison heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

5. This Ordinance shall take effect after final passage and publication as provided by law.

RESOLUTION ____

EXPLANATION: A Resolution providing the Municipal Council's advice and consent to the appointment by the Mayor of Timothy S. Langan as Acting Fire Official of the Township of Edison.

WHEREAS, the Township of Edison (the "Township") is a public body corporate and politic of the State of New Jersey and seeks to appoint an Acting Fire Official for the Township; and

WHEREAS, the Director shall be responsible for the administration, direction, coordination, and supervision of fire safety and prevention regulations within the Township; and

WHEREAS, the Municipal Council of the Township ("Municipal Council") has reviewed the qualifications of Timothy S. Langan of the Township's Division of Fire to serve as Acting Fire Official, including his education, training, experience and certifications, and found him both highly experienced and suitable to fill the available position; and

WHEREAS, this appointment to the position of Acting Fire Official shall be effective as of April 30, 2018; and

WHEREAS, upon appointment, a copy of this Resolution and supporting documentation is required to be forwarded to the State of New Jersey Department of Community Affairs, Division of Fire Safety in accordance with the State of New Jersey Uniform Fire Code 5:71-4.3 (c) 1.

NOW, THEREFORE, BE IT RESOLVED 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 provides its advice and consent to the Mayor's appointment of Timothy S. Langan to serve as Acting Fire Official, effective April 30, 2018.
3. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
4. A copy of this Resolution and supporting documentation will also be forwarded to the State of New Jersey Department of Community Affairs, Division of Fire Safety in accordance with the State of New Jersey Uniform Fire Code 5:71-4.3 (c) 1.
5. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: A Resolution referring the Exxon Mobil 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.364-062017, adopted June 14, 2017, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as 520 U.S. Route 1, and more commonly known as Block 124, Lots 2.E6 and 20.02 (in the area of U.S. Route 27 a/k/a Lincoln Highway, near Vineyard Avenue and Interstate 287) on the Township’s tax maps, and to determine whether those parcels met the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on July 17, 2017, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that Block 124, Lots 2.E6 and 20.02 on the Township’s tax maps, qualified as an area in need of redevelopment and recommended that the Municipal Council designate those parcels as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on July 26, 2017, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 124, Lots 2.E6 and 20.02, on the Township’s tax maps, as an “area in need of redevelopment” in accordance with the Redevelopment Law, without the power of condemnation;

WHEREAS, by way of Resolution R. 189.032018 adopted March 28, 2018, the Municipal Council further authorized and directed the Planning Board to conduct a preliminary investigation of the property identified as 2195 Lincoln Highway Route 27, and more commonly known as Block 124, Lot 20.01 on the Township’s tax maps, to determine whether that parcel met the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on June 4, 2018, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the parcel commonly known as Block 124, Lot 20.01 on the Township’s tax maps, qualified as an area in need of redevelopment and recommended that the Municipal Council designate that parcel as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on June 19, 2018, Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 124, Lot 20.01 on the Township’s tax maps as an “area in need of redevelopment,” without the power of condemnation in accordance with the Redevelopment Law (together, Block 124, Lots 2.E6, 20.01 and 20.02, the “**Redevelopment Area**”); and

WHEREAS, by commission of the Municipal Council, the Township’s Planning Consultant prepared a redevelopment plan for the Redevelopment Area entitled the “Exxon Mobil Redevelopment Plan” (the “**Redevelopment Plan**,”); 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 ACCEPTING BID AND AWARDING A CONTRACT TO CHEMUNG SUPPLY CORP.
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 1, 2018 for Public Bid No. 18-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, CHEMUNG SUPPLY CORP., P.O. BOX 527, Elmira, NY 14902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) 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 amount of the first year and any succeeding renewal year shall not 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 CHEMUNG SUPPLY CORP., P.O. BOX 527, Elmira, NY 14902 for Snow Plow and Spreader Parts and Accessories 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 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with CHEMUNG SUPPLY CORP. as described herein.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHERRY VALLEY TRACTOR SALES FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 1, 2018 for Public Bid No. 18-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, CHERRY VALLEY TRACTOR SALES, 35 Route 70 West, Marlton, NJ 08053, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) 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 amount of the first year and any succeeding renewal year shall not exceed \$15,000.00, 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 CHERRY VALLEY TRACTOR SALES, 35 Route 70 West, Marlton, NJ 08053 for Snow Plow and Spreader Parts and Accessories 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 \$15,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with CHERRY VALLEY TRACTOR SALES as described herein.

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO H. A. DEHART & SON, INC.
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 1, 2018 for Public Bid No. 18-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, H.A. DEHART & SON, INC., 311 Crown Point Rd., Thorofare, NJ 08086, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) 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 amount of the first year and any succeeding renewal year shall not exceed \$15,000.00, 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 H.A. DEHART & SON, INC., 311 Crown Point Rd., Thorofare, NJ 08086 for Snow Plow and Spreader Parts and Accessories 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 \$15,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with H.A. DEHART & SON, INC. as described herein.

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CRESTON HYDRAULICS, INC.
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 1, 2018 for Public Bid No. 18-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, CRESTON HYDRAULICS, INC., 53 Flock Rd., Hamilton, NJ 08619, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) 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 amount of the first year and any succeeding renewal year shall not exceed \$20,000.00, 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 CRESTON HYDRAULICS, INC., 53 Flock Rd., Hamilton, NJ 08619 for Snow Plow and Spreader Parts and Accessories 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 \$20,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with CRESTON HYDRAULICS, INC. as described herein.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NORCIA CORPORATION FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 1, 2018 for Public Bid No. 18-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, NORCIA CORPORATION, 451 Black Horse Lane, North Brunswick, NJ 08902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) 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 amount of the first year and any succeeding renewal year shall not 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 NORCIA CORPORATION, 451 Black Horse Lane, North Brunswick, NJ 08902 for Snow Plow and Spreader Parts and Accessories 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 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with NORCIA CORPORATION as described herein.

RESOLUTION R.

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Pyro Engineering, Inc. to discharge fireworks for an Independence Day Celebration taking place on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820, scheduled for June 30, 2018 with a rain date of July 1, 2018

WHEREAS, Pyro Engineering, Inc. has applied to the Township of Edison for a permit to discharge fireworks on June 30, 2018 with a rain date of July 1, 2018 for an Independence Day Celebration taking place on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820; and

WHEREAS, Pyro Engineering, Inc. has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

WHEREAS, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Marshal having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Pyro Engineering, Inc. to conduct a fireworks display on the evening of June 30, 2018 with a rain date of July 1, 2018 at approximately 9:00 p.m. on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820 in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Marshal shall not issue the fireworks permit until **1.** A permit fee in the amount of \$427.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Pyro Engineering, Inc posts a bond and or proof of insurance of not less than \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5, **3.** Pyro Engineering, Inc post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit and, **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Marshal shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township Clerk of Edison Township is directed to forward a copy of this Resolution to Pyro Engineering, Inc, the Fire Marshal's Office, Division of Fire, and Division of Police.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO EAGLE POINT/T.J. MORRIS & SONS FOR THE FURNISHING OF AMMUNITION FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase ammunition for the Division of Police; and

WHEREAS, EAGLE POINT/T.J. MORRIS & SONS, 1707 Third Street, Thorofare, NJ 08086, has been awarded State Contract Number 81296 under T-0106/Police and Homeland Security Equipment and Supplies; 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.

WHEREAS, the total amount of this contract/Purchase Order(s) in the amount of \$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.

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 \$30,000.00 and any other necessary documents, with EAGLE POINT/T.J. MORRIS & SONS, 1707 Third Street, Thorofare, NJ 08086 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. 81296 under T-0106.

RESOLUTION R.

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2018; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2018 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 27, 2018

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-002-008	Sura Holdings, LLC t/a Ellora 2863 Woodbridge Avenue	Edison, 08817
1205-33-005-006	Sondek, Inc. t/a Richie Sports Bar 52 Vineyard Road	Edison 08817
1205-33-022-005	Aum Bar & Grill, LLC d/b/a Elixir 2222 Woodbridge Avenue	Edison, 08817
1205-33-024-001	Plainfield Country Club 1591 Woodland Avenue	Edison, 08820
1205-33-029-005	Akbar Lounge 21 Courtland Street	Edison, 08837
1205-33-049-007	Outback 481 Route 1	Edison, 08817
1205-33-058-004	Fun Eats & Drinks., LLC t/a Fox & Hound 250 Menlo Park	Edison, 08837
1205-33-062-003	QSL of Edison, LLC t/a Quaker Steak & Lube 561 Route 1	Edison, 08817

RESOLUTION

WHEREAS, applications have be made for the renewal of Club Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2018; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Club Licenses expiring on June 30, 2017, for which the required fee \$150.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 27, 2018.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-31-042-001	Italian American Club of Edison 1997 Woodbridge Avenue	Edison, 08817
1205-31-046-001	Loyal Order of Moose Edison Lodge 1978 410 Talmadge Road	Edison, 08817
1205-31-047-001	Raritan Riverboat Club, Inc. Thompson Place	Edison, 08817
1205-31-050-001	Edison Elks 375 Old Post Road	Edison, 08817
1205-31-068-001	Edison Township Memorial Post 3117 53-57 National Road	Edison, 08817

RESOLUTION R

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses (Hotel/Motel) , issued by the Municipal Council of the Township of Edison, expiring on June 30, 2018; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses [Hotel/Motel] expiring on June 30, 2017 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 14, 2018.

LICENSE NUMBER

LICENSEE AND LOCATION

ADDRESS

1205-36-065-001

BPG Hotel XXII
t/a Sheraton Hotel

Edison, 08817

RESOLUTION R.

WHEREAS, applications have be made for the renewal of Plenary Retail Distribution Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2018 and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution Licenses expiring on June 30, 2018, for which the required fee \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 27, 2018.

LICENSE NUMBER

LICENSEE AND LOCATION

ADDRESS

1205-44-067-001

Wine Amphorae East Brunswick, LLC
@ Sams Club
883 Route 1 South

Edison, 08817

RESOLUTION R.

EXPLANATION: A RESOLUTION AUTHORIZING THE ISSUANCE OF A PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE TO SURANDAR REDDY PAREDDY AT 775 U.S. ROUTE 1 – UNIT #8, EDISON, NJ 08817.

WHEREAS, pursuant to Resolution R.365-062017 adopted on June 2017 , and in conformance with the New Jersey Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* and the Township Code of General Ordinances (“Code”), the municipal council (“Municipal Council”) of the Township of Edison (“Township”) authorized the sale of one (1) new Plenary Retail Distribution Liquor License (“License”); and

WHEREAS, as required by, and in accordance with the above-referenced authority, the Township prepared bid specifications for the sale of the License, published notice of the proposed sale by bid and received bid(s) pursuant thereto; and

WHEREAS, on August 23, 2017, the Municipal Council adopted Resolution R.516-082017 which awarded the License to Surandar Reddy Pareddy (“Entity”) as the sole and winning bidder; and

WHEREAS, the Entity’s License application is complete and all fees and costs for the License have been paid; and

WHEREAS, the Entity has passed the necessary background checks and the complied with the notice publication requirements of the Act, and the Entity is qualified to be licensed according to all standards established under the Act, and regulations promulgated thereunder, as well as pertinent local ordinances; and

WHEREAS, the applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Entity has complied with all the conditions of sale, and the Township desires to issue the new License to the Entity.

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

1. The Municipal Council hereby authorizes the Township Clerk to issue a new Plenary Retail Distribution Liquor License to the Entity, pursuant to the Act, to be effective as of July 1, 2018.

RESOLUTION CONFIRMING REAPPOINTMENT OF TOWNSHIP CLERK

WHEREAS, Cheryl Russomanno was duly appointed and confirmed to the position of Municipal Clerk on June 24, 2015 for a three (3) year term in accordance with N.J.S.A. 40A:9-133 et seq.; and

WHEREAS, Cheryl Russomanno is and has been certified as a Registered Municipal Clerk since April 14, 2015 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the appointing authority of the Township of Edison is desirous of reappointing Cheryl Russomanno, RMC, as Municipal Clerk for the Township of Edison; and

WHEREAS, the confirming authority of the Township of Edison is desirous of confirming said reappointment of Cheryl Russomanno, RMC as Municipal Clerk for the Township of Edison; and

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

1. Cheryl Russomanno, RMC, is hereby appointed to the position of Municipal Clerk in the Township of Edison; and
2. Cheryl Russomanno, RMC, is and has upon this reappointment attained tenure pursuant to N.J.S.A. 40A:9-133 et seq.

RESOLUTION

EXPLANATION: This Resolution is for the Municipal Council to appoint the following residents to serve on various committees for the Township of Edison.

WHEREAS, the Township of Edison (“**Township**”) has established local committees to serve as advisory bodies to the Municipal Council; and

WHEREAS, these committee shall be comprised of resident members to be appointed by the Municipal Council (the “**Appointments**”); and

WHEREAS, the Municipal Council desires to make the following Appointments:

NET ZERO Committee:

Hiren Gandhi

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby makes the above Appointments to the respective committees.
3. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: Resolution referring the proposed ordinance amending Township Code Chapter 37, “Zoning,” Schedule A, “Schedule of Yard, Area and Building Requirements” to reflect changes to floor area ratio requirements, and repealing O.1629-2008 to ensure legislative consistency with the amended requirements to the Planning Board.

WHEREAS, pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*, the “**MLUL**”), specifically *N.J.S.A. 40:55D-65*, municipalities are authorized to enact zoning regulations by the adoption of ordinances; and

WHEREAS, pursuant to the MLUL, specifically *N.J.S.A. 40:55D-62*, municipalities are authorized to adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, it is the intention of the Municipal Council of the Township (the “**Municipal Council**”) to amend Schedule A to Chapter 37 of the Code, entitled “Schedule of Yard, Area and Building Requirements,” and repeal Township Ordinance O.1629-2008 to reflect changes to floor area ratio requirements; and

WHEREAS, the Municipal Council desires to refer the attached ordinance to the planning board of the Township (the “**Planning Board**”) for review pursuant to *N.J.S.A. 40:55D-64*.

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

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

Section 2. The Municipal Council hereby refers the proposed ordinance amending Schedule A to Chapter 37 of the Code and repealing O.1629-2008, attached hereto as **EXHIBIT A**, to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40:55D-64*.

Section 3. The Planning Board is authorized and directed to prepare a report of its recommendations (the “**Planning Board Report**”) to the proposed amending ordinance within thirty-five (35) days of the date hereof.

Section 4. If the Planning Board Report is not transmitted to the Municipal Council within thirty-five (35) days of the date hereof, the Municipal Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with *N.J.S.A. 40:55D-26*.

Section 5. The Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to *N.J.S.A. 40:55D-64*.

Section 6. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: Resolution referring the proposed ordinance amending Township Code Chapter 37, “Zoning,” Section 37-21, “G-B AND G-BH GENERAL BUSINESS DISTRICTS,” to reflect changes to permitted floor area ratio to the Planning Board.

WHEREAS, pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*, the “**MLUL**”), specifically *N.J.S.A. 40:55D-65*, municipalities are authorized to enact zoning regulations by the adoption of ordinances; and

WHEREAS, pursuant to the MLUL, specifically *N.J.S.A. 40:55D-62*, municipalities are authorized to adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, it is the intention of the Municipal Council of the Township (the “**Municipal Council**”) to amend Township Code Chapter 37, “Zoning,” Section 37-21, “G-B AND G-BH GENERAL BUSINESS DISTRICTS,” to reflect changes to permitted floor area ratio; and

WHEREAS, the Municipal Council desires to refer the attached ordinance to the planning board of the Township (the “**Planning Board**”) for review pursuant to *N.J.S.A. 40:55D-64*.

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

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

Section 2. The Municipal Council hereby refers the proposed ordinance amending Township Code Chapter 37, “Zoning,” Section 37-21, attached hereto as **EXHIBIT A**, to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40:55D-64*.

Section 3. The Planning Board is authorized and directed to prepare a report of its recommendations (the “**Planning Board Report**”) to the proposed amending ordinance within thirty-five (35) days of the date hereof.

Section 4. If the Planning Board Report is not transmitted to the Municipal Council within thirty-five (35) days of the date hereof, the Municipal Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with *N.J.S.A. 40:55D-26*.

Section 5. The Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to *N.J.S.A. 40:55D-64*.

Section 6. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: Resolution referring the proposed ordinance amending Township Code Chapter 37, “Zoning,” Section 37-30, “O-S, O-S-1 and O-S-2 Services Districts,” to remove single family detached dwellings from the list of permitted uses, to the Planning Board.

WHEREAS, pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*, the “**MLUL**”), specifically *N.J.S.A. 40:55D-65*, municipalities are authorized to enact zoning regulations by the adoption of ordinances; and

WHEREAS, pursuant to the MLUL, specifically *N.J.S.A. 40:55D-62*, municipalities are authorized to adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, it is the intention of the Municipal Council of the Township (the “**Municipal Council**”) to amend Township Code Chapter 37, “Zoning,” Section 37-30, “O-S, O-S-1 and O-S-2 Services Districts,” to remove single family detached dwellings from the list of permitted uses; and

WHEREAS, the Municipal Council desires to refer the attached ordinance to the planning board of the Township (the “**Planning Board**”) for review pursuant to *N.J.S.A. 40:55D-64*.

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

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

Section 2. The Municipal Council hereby refers the proposed ordinance amending Township Code Chapter 37, “Zoning,” Section 37-30, “O-S, O-S-1 and O-S-2 Services Districts,” attached hereto as **EXHIBIT A**, to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40:55D-64*.

Section 3. The Planning Board is authorized and directed to prepare a report of its recommendations (the “**Planning Board Report**”) to the proposed amending ordinance within thirty-five (35) days of the date hereof.

Section 4. If the Planning Board Report is not transmitted to the Municipal Council within thirty-five (35) days of the date hereof, the Municipal Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with *N.J.S.A. 40:55D-26*.

Section 5. The Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to *N.J.S.A. 40:55D-64*.

Section 6. This Resolution shall take effect immediately.

EXPLANATION: A Resolution authorizing and approving the Person-to-Person transfer of the Plenary Retail Distribution License held by Daryl, LLC (Pocket) to SPTP, Inc. with respect to business premises to be located at 1129 Inman Avenue, Edison, NJ 08820

EDISON TOWNSHIP

RESOLUTION

WHEREAS, an application has been filed with the Township of Edison (“Township”) for a Person-to-Person transfer of the Plenary Retail Distribution Liquor License No. 1205-44-070-001 (“License”), issued to Daryl, LLC. (“Seller”) to SPTP, Inc. (“Applicant”) to be used at Applicant’s business location at 1129 Inman Avenue, Edison, NJ 08820.

WHEREAS, the Applicant’s submitted application form is complete in all respects, the transfer fees have been paid and the License has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the License and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, public notice of this transfer has been published in the Home News Tribune, a New Jersey publication, in accordance with law; and

WHEREAS, no legally valid objections have been received nor made as to why this transfer should not be granted to the Applicant.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby approves the Person-to-Person transfer of the License to the Applicant as to business premises now to be located at 1129 Inman Avenue, effective June 27, 2018.
3. The Township Clerk is hereby directed to endorse the Applicant’s current license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to SPTP, Inc. at business premises to be located at 1129 Inman Avenue.
4. This Resolution shall take effect immediately.

(New License No. 1205-44-070-002)

ORDINANCE O.2010-2018

TOWNSHIP OF EDISON
COUNTY OF MIDDLESEX, NEW JERSEY

CALENDAR YEAR 2018

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex, N.J., finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,130,155.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison in the County of Middlesex, N.J., a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,955,542.99 and that the CY 2018 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE O.2011-2018

EXPLANATION: An Ordinance amending the Township Code Chapter 36, “Subdivisions and Site Plans,” updating section 36-11.2, “Additional Design Standards,” to reflect the appropriate depository for fees collected as a result of the grant of waivers from the required installation of sidewalks, curbs and gutters.

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**”) provides rules, regulations and standards to guide land subdivision and site planning in the Township, pursuant to Chapter 36 of the Code; and

WHEREAS, the Township desires to amend Chapter 36-11.2 of the Code, entitled “Additional Design Standards,” to reflect the appropriate depository for fees collected as a result of the grant of waivers from the required installation of sidewalks, curbs and gutters; and

WHEREAS, subsection 36-11.2 (h) of the Code, entitled “Sidewalks, Curbs and Gutters,” requires fees collected from the grant of waivers from the requirement to construct sidewalks, curbs and gutters to be deposited “in an account dedicated and maintained for the purpose of the construction and repair of the sidewalks, curbs and gutters within the Township”; and

WHEREAS, use of such an account is inconsistent with other sections of the Code, which require such fees to be deposited in the Township’s general operating account; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Subchapter 36-11.2(h) 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] ...

36-11.2 Additional Design Standards.

h. *Sidewalks, Curbs and Gutters.* Sidewalks, curbs and gutters shall be required along all public and private street frontages unless specifically waived by the Technical Review Committee (the "TRC") established under subsection 39-12.15. Any waiver granted shall be conditioned upon the payment by the applicant of a sum equal to the cost of installation of the sidewalks, curbs and gutters which would otherwise have been constructed. The calculation of the payment shall be based upon estimates prepared by the applicant's engineer and submitted to the Township Engineer for review and approval. The funds shall be deposited [in an account dedicated and maintained for the purpose of the construction and repair of the sidewalks, curbs and gutters within the Township] into the Township's capital expenditure account and be realized as general revenue of the Township.

... [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 36-11.2(h) of the Code, entitled "Sidewalks, Curbs and Gutters" to read as follows:

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

36-11.2 Additional Design Standards.

h. *Sidewalks, Curbs and Gutters.* Sidewalks, curbs and gutters shall be required along all public and private street frontages unless specifically waived by the Technical Review Committee (the "TRC") established under subsection 39-12.15. Any waiver granted shall be conditioned upon the payment by the applicant of a sum equal to the cost of installation of the sidewalks, curbs and gutters which would otherwise have been constructed. The calculation of the payment shall be based upon estimates prepared by the applicant's engineer and submitted to the Township Engineer for review and approval. The funds shall be deposited into the Township's capital expenditure account and be realized as general revenue of the Township.

... [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 36-11.2 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.2012-2018

EXPLANATION: An Ordinance amending Chapter 7 of the Township Code to update the list of zones subject to residential parking permits.

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

WHEREAS, the Township’s Code of General Ordinances (“**Code**”) currently lists the streets that constitute residential permit parking zones within the Township; and

WHEREAS, the Township has received requests for an additional street to be added as a residential parking permit zone in the Township, and the Township desires to provide for same pursuant to the requirements set forth in Chapter 7, Section 17 of the Code entitled “Residential Permit Parking”; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to update Subchapter 7-17 of the Code to identify the new residential parking zone on Tamagnini Court within the Township; and

WHEREAS, the Municipal Council has determined to amend Subchapter 7-17 (a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

7-17 RESIDENTIAL PERMIT PARKING.

a. No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Township of Edison is displayed on said vehicle for those streets or parts of streets as described or listed within the following zones.

6. Zone #6. The following streets will constitute residential permit parking Zone #6. Only residents from Zone #6 and their visitors are eligible to park in Zone #6. Color-coded permit(s) will be issued to residents and their guests of Zone #6.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>	<u>Hours</u>	<u>Days</u>
<u>Tamagnini Court</u>	<u>Both</u>	<u>Entire Length</u>	<u>7:00 a.m.-6:00 p.m.</u>	<u>All</u>

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 Municipal Council hereby amends Subchapter 7-17 (a) of the Code to read as follows:

7-17 RESIDENTIAL PERMIT PARKING.

a. No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Township of Edison is displayed on said vehicle for those streets or parts of streets as described or listed within the following zones.

6. Zone #6. The following streets will constitute residential permit parking Zone #6. Only residents from Zone #6 and their visitors are eligible to park in Zone #6. Color-coded permit(s) will be issued to residents and their guests of Zone #6.

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>	<i>Hours</i>	<i>Days</i>
Tamagnini Court	Both	Entire Length	7:00 a.m.-6:00 p.m.	All

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 7-17 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing parking on Township streets enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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.2013-2018

EXPLANATION: An Ordinance amending the Township Code Chapter 12-27, “Noise Control,” revising sections 12-27.4, “Noise Control Officers/Administrators” and 12-27.9, “Conditions for Variance,” to clarify that applications for variances from the Township Noise Control Code shall be granted at the discretion of the Township Business Administrator.

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**”) provides rules, regulations and standards to regulate excessive sound in the Township, pursuant to Chapter 12-27 of the Code; and

WHEREAS, the Township desires to amend sections 12-27.4 of the Code, entitled “Noise Control Officers/Administrators” and 12-27.9 of the Code, entitled “Conditions for Variance,” to clarify that applications for variances from the Township Noise Control Code shall be granted at the discretion of the Township Business Administrator; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend sections 12-27.4 and 12-27.9 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] ...

12-27.4 Noise Control Officers/Administrators.

a. The provisions of this section shall be enforced by the Department of Health and Human Services Director and his or her duly appointed designees.

b. The Noise Control Administrator shall have the power to:

1. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;

2. Review the actions of other municipal departments and advise such departments of the effect, if any, of such actions on noise control;

3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this section;

[4. Grant permits for variances according to the provisions of subsection 10-1.9, provided the variances are consistent with regulations concerning noise control promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:29.]

c. The Noise Control Administrator shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise which the airport owner may have the authority to control in

its capacity as proprietor. The Noise Control Administrator shall report on his or her efforts to the Governing Body.

d. A person shall be qualified to be a Noise Control Officer if the person has satisfactorily completed any of the following:

1. "Community Noise - A Short Course" offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or

2. A program of tutoring and on-the-job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control to its employees; or

3. Education or experience or a combination thereof certified by the above Department as equivalent to the provisions of paragraph a. or b.

e. Noise measurements made by Noise Control Officers shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in subsection 12-27.6a.

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

12-27.9 Conditions for Variance.

a. Any person who owns or operates any stationary noise source may apply to the Business [Noise Control] Administrator for a variance from one (1) or more of the provisions of this section. Applications for a permit of variance shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;

2. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his or her client, or the public if the permit of variance is not granted;

3. The nature and intensity of noise that will occur during the period of the variance;

4. The section or sections for which the permit of variance shall apply;

5. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom;

6. A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this section within a reasonable time;

b. Failure to supply the information required by the Business [Noise Control] Administrator shall be cause for rejection of the application.

c. A copy of the permit of variance must be kept on file by the Municipal Clerk for public inspection.

d. The Business [Noise Control] Administrator may charge the applicant a fee of twenty-five (\$25.00) dollars to cover expenses resulting from the processing of the permit of variance application.

e. The Business [Noise Control] Administrator may, at his or her discretion, limit the duration of the permit of variance, which shall be no longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this section.

f. No variance shall be approved unless the applicant presents adequate proof that: 1. noise levels occurring during the period of the variance will not constitute a danger to public health; and 2. compliance with this section would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

g. In making the determination on granting a variance, the Business [Noise Control] Administrator shall consider:

1. The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused;

2. The social and economic value of the activity for which the variance is sought;

3. The ability of the applicant to apply best practical noise control measures.

h. The permit of variance may be revoked by the Business [Noise Control] Administrator if the terms of the permit of variance are violated.

i. A variance may be revoked by the Business [Noise Control] Administrator if there is:

1. Violation of one (1) or more conditions of the variance;

2. Material misrepresentation of fact in the variance application; or

3. Material change in any of the circumstances relied upon by the Business [Noise Control] Administrator in granting the variance.

... [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 sections 12-27.4 of the Code, entitled “Noise Control Officers/Administrators” and 12-27.9 of the Code, entitled “Conditions for Variance,” to read as follows:

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

12-27.4 Noise Control Officers/Administrators.

a. The provisions of this section shall be enforced by the Department of Health and Human Services Director and his or her duly appointed designees.

b. The Noise Control Administrator shall have the power to:

1. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;

2. Review the actions of other municipal departments and advise such departments of the effect, if any, of such actions on noise control;

3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this section;

c. The Noise Control Administrator shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise which the airport owner may have the authority to control in its capacity as proprietor. The Noise Control Administrator shall report on his or her efforts to the Governing Body.

d. A person shall be qualified to be a Noise Control Officer if the person has satisfactorily completed any of the following:

1. "Community Noise - A Short Course" offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or

2. A program of tutoring and on-the-job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control to its employees; or

3. Education or experience or a combination thereof certified by the above Department as equivalent to the provisions of paragraph a. or b.

e. Noise measurements made by Noise Control Officers shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in subsection 12-27.6a.

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

12-27.9 Conditions for Variance.

a. Any person who owns or operates any stationary noise source may apply to the Business Administrator for a variance from one (1) or more of the provisions of this section. Applications for a permit of variance shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;

2. The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his or her client, or the public if the permit of variance is not granted;

3. The nature and intensity of noise that will occur during the period of the variance;

4. The section or sections for which the permit of variance shall apply;
 5. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom;
 6. A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this section within a reasonable time;
- b. Failure to supply the information required by the Business Administrator shall be cause for rejection of the application.
 - c. A copy of the permit of variance must be kept on file by the Municipal Clerk for public inspection.
 - d. The Business Administrator may charge the applicant a fee of twenty-five (\$25.00) dollars to cover expenses resulting from the processing of the permit of variance application.
 - e. The Business Administrator may, at his or her discretion, limit the duration of the permit of variance, which shall be no longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this section.
 - f. No variance shall be approved unless the applicant presents adequate proof that: 1. noise levels occurring during the period of the variance will not constitute a danger to public health; and 2. compliance with this section would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
 - g. In making the determination on granting a variance, the Business Administrator shall consider:
 1. The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused;
 2. The social and economic value of the activity for which the variance is sought;
 3. The ability of the applicant to apply best practical noise control measures.
 - h. The permit of variance may be revoked by the Business Administrator if the terms of the permit of variance are violated.
 - i. A variance may be revoked by the Business Administrator if there is:
 1. Violation of one (1) or more conditions of the variance;
 2. Material misrepresentation of fact in the variance application; or

3. Material change in any of the circumstances relied upon by the Business Administrator in granting the variance.

... [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 12-27 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.