

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, September 26, 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. **ADMINISTRATIVE AGENDA:
FROM MAYOR THOMAS LANKEY:**
 - a. Resolutions re-appointing of Municipal Judges Gary Price and Parag P. Patel (Resolution R.509-092018 and R.510-092018)
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing contribution of first aid squad funds to Raritan Valley Regional Emergency Medical Services, Inc. from the 2018 Calendar Year Budget in an amount not to exceed \$105,000.00 (Resolution R.519-092018)
 - b. Resolution Awarding Contract/Purchase Order(S) To CDW Government Incorporated through The Educational Services Commission of New Jersey Cooperative Pricing System for the purchase of a Video Conference System With A One Year Warranty for the Edison Municipal Court (Resolution R.520-092018)
 - c. Resolution authorizing a Shared Services Agreement with County of Middlesex for the recovery of Edison's Hazmat response costs (Resolution R.546-092018)
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through September 20, 2018 (Resolution R.506-092018)
 - b. Resolution authorizing refund in the amount of \$291,967.52 for redemption of tax sale certificates (Resolution R.507-092018)
 - c. Resolution authorizing refund for tax overpayments, totaling \$10,272.90 (Resolution R.508-092018)
 - d. Resolution authorizing refund of Sewer Charge overpayments, totaling \$209.99 (Resolution R.548-092018)
9. **FROM THE DEPARTMENT OF LAW:**

- a. This Ordinance authorizes the Mayor, or his authorized designee, to execute the Lease Agreement between the Township and Edison Sheltered Workshop, Inc., allowing for the organization's use of the leased property. (Ordinance O.2022-2018)
- b. This Resolution authorizes the Mayor to execute the attached Developer's Agreement with Federal Business Centers with respect to Block 390C, Lot 24 on the Edison Township Tax Map, and more commonly known as 1130 King Georges Road. (Resolution R.550-092018)
- c. A Resolution supporting the purchase and rehabilitation of a portion of the property containing the Clive Street Pond the Township of Edison, (more commonly known as 110 Clive Street, on the corner of Clive Street and Mason Drive), by the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as a protected wetland area. (Resolution R.551-092018)
- d. An Ordinance amending the Township Code Chapter 22 "Environmental Regulations," to incorporate regulations related to local waterways. (Ordinance O.2025-2018)
- e. A Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with 979 Amboy Avenue, LLC regarding the area in need of rehabilitation known on the Township tax maps as Block 730.G, Lot 28.A (aka 979 Amboy Avenue) R.552-092018)
- f. An Ordinance amending Township Code Chapter 4-8 and Chapter 4-11 with respect to the award of public contracts to political contributors (Ordinance O.2020-2018)

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

- a. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Delta Community Supports, Inc. for rehab of water damaged bathroom and ADA improvements, as well as vinyl replacement of flooring at 22 Riverview Road in the amount of \$23,500.00 (Resolution R.511-092018)
- b. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Mission First Housing Group, Inc. for the repair of the ceiling in community room at Amandla's Crossing in the amount of \$13,000 (Resolution R.512-092018)
- c. Resolution releasing of Cash Maintenance Bond (Resolution R.513-092018)
- d. Resolution return of unused portion of Engineering Inspection fees (Resolution R.514-092018)
- e. Resolutions provide for refund of construction permit fees for work that was never performed. (Resolutions R.515-092018 through R.517-092018)
- f. Resolution authorizing the release of Developers Escrow fees (Resolution R.544-092018)
- g. Resolution refunding Cash Performance and Performance Bonds (Resolution R.545-02018)
- h. Resolution refunding of Tree Maintenance bonds (R.547-092018)
- i. This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 17-54-01: Interior Floor Replacement and Installation of Above

Floor Kennel System; and authorizes FINAL CONTRACT PAYMENT for release of retainage in the amount of \$3,315 and close-out of the construction project.(Resolution R.549-092018)

- j. Resolution authorizing Change Order #1 for Contract no. 17-03-11 with Safeway Contracting Inc. for roof replacement at the Edison Township Main Library in the amount of \$13,600.00 (Resolution R.518-09018)

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

- a. This Municipal Resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to help support the development and implementation of viable plans and strategies to enhance residential compliance assistance and enforcement programs for Edison Department of Public Work Recycling programs, efforts, activities and initiatives throughout the Township. (Resolution R.521-092018).
- b. Award of Contract for Public Bid No.18-08-31R Overhead Door Repair/Maintenance in the amount not to exceed \$50,000.00 (Resolution R.522-092018)
- c. Resolution Awarding Contract to Cambria Truck Center for the Purchase of Two (2) Automated Side Loader Refuse Collection Vehicle for the Department Of Public Works not to exceed \$579,600.00 (Resolution R.523-092018)
- d. Award of Contracts for Public Bid No. 18-10-26 Ground Materials – 4 vendors not to exceed \$105,000.00.(Resolution R.524-092018 through R.527-092018)
- e. Award of Contracts for Public Bid No. 18-03-08 Materials – 6 vendors not to exceed \$534,000.00 (Resolutions R.528-092018 through R.533-092018)
- f. Award of Contract for Public Bid No. 18-03-09 Traffic Warning/Street Signs and related materials - 2 vendors not to exceed \$45,000(Resolution R.534-092018 and R.535-092018).
- g. Resolution authorizing the Township of Edison to purchase heavy duty OEM Truck parts from Gabrielle Kenilworth through the Somerset County Cooperative Pricing System not to exceed \$75,000.00 (R.553-092018)

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

- a. Resolution Awarding Reimbursement To Various Softball Teams For Ending The Season In Good Standing in the amount of \$1,650.00 (Resolution R.536-092018)
- b. Resolutions authorizing a reimbursement for the ABC Program (Resolutions R.537-092018 through R.539-092018).
- c. Resolution Authorizing The Award Of A Non-Fair And Open Contract To Econocrafts For The Purchase Of Pre-Packaged Craft Kits For The Township Of Edison in an amount not to exceed \$20,000.00 (Resolution R.540-092018)

13. **FROM THE TOWNSHIP CLERK:**

- a. An Ordinance Requiring The Parks and Recreation Department To Document A Weekly Inspection Of Each Of Edison Township's Thirty (30) Parks.(Ordinance O.2026-2018)

14. **FROM THE CHIEF OF FIRE:**
- a. Approval of Volunteer Firefighter
 - b. Resolution authorizes the Township Council to grant permission for the discharge of fireworks for the Dushahra Festival taking place on the grounds of Lake Papianni scheduled for October 13, 2018 (Resolution R.541-092018)
 - c. Resolution authorizing appropriation of funds to Volunteer Fire Companies for 2018 in the amount of \$40,000.00 (Resolution R.542-092018)

15. **FROM THE CHIEF OF POLICE:**
- a. Resolution authorizing the use of Competitive Contracting for the management of School Crossing functions (Resolution R.543-092018).

16. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**

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

O.2023-2018 **AN ORDINANCE AMENDING THE TOWNSHIP CODE TO
INCORPORATE REVISIONS TO THE TOWNSHIP'S
AFFORDABLE HOUSING ORDINANCE REGARDING
INCLUSIONARY ZONING AND AFFORDABLE HOUSING
SET ASIDE REQUIREMENTS**

O.2024-2018 **AN ORDINANCE AMENDING THE TOWNSHIP CODE
CHAPTER 15-3 "ABANDONED AND VACANT
PROPERTIES, REGISTRATION AND MAINTENANCE,"
TO INCORPORATE CERTAIN REVISIONS TO THE
REGULATION OF ABANDONED PROPERTIES WITHIN
THE TOWNSHIP.**

18. **COMMUNICATIONS:**
- a. Anonymous letter received regarding overcrowding in an apartment.
 - b. Anonymous letter received regarding lighting issues at the Danish Home.

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. None

Councilmember Sendelsky

a. None

20. **COUNCIL PRESIDENT'S REMARKS**

21. **APPROVAL OF VOLUNTEER FIREFIGHTER:**

Raritan Engine Company #1

Zachary M. Urban

22. **UNFINISHED BUSINESS:**

ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND FINAL ADOPTION:

O.2023-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE TO INCORPORATE REVISIONS TO THE TOWNSHIP'S AFFORDABLE HOUSING ORDINANCE REGARDING INCLUSIONARY ZONING AND AFFORDABLE HOUSING SET ASIDE REQUIREMENTS

O.2024-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 15-3 "ABANDONED AND VACANT PROPERTIES, REGISTRATION AND MAINTENANCE," TO INCORPORATE CERTAIN REVISIONS TO THE REGULATION OF ABANDONED PROPERTIES WITHIN THE TOWNSHIP.

23. **NEW BUSINESS:**

PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY,

O.2020-20018 AN ORDINANCE AMENDING TOWNSHIP CODE CHAPTER 4-8 AND CHAPTER 4-11 WITH RESPECT TO

THE AWARD OF PUBLIC CONTRACTS TO POLITICAL CONTRIBUTORS.

O.2022-2018 ORDINANCE AUTHORIZES THE MAYOR, OR HIS AUTHORIZED DESIGNEE, TO EXECUTE THE LEASE AGREEMENT BETWEEN THE TOWNSHIP AND EDISON SHELTERED WORKSHOP, INC., ALLOWING FOR THE ORGANIZATION’S USE OF THE LEASED PROPERTY

O.2025-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 22 “ENVIRONMENTAL REGULATIONS,” TO INCORPORATE REGULATIONS RELATED TO LOCAL WATERWAYS.

O.2026-20187 AN ORDINANCE REQUIRING THE PARKS AND RECREATION DEPARTMENT TO DOCUMENT A WEEKLY INSPECTION OF EACH OF EDISON TOWNSHIP’S THIRTY (30) PARKS.

24. **PUBLIC COMMENT ON THE RESOLUTIONS**

25. **PROPOSED RESOLUTIONS**

Copies of these Resolutions are available for review only and are posted in the Council Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

R.506-092018 Resolution approving disbursements for the period ending September 20, 2018.

R.507-092018 Resolution authorizing refund in the amount of \$291,967.52 for redemption of tax sale certificates.

R.508-092018 Resolution authorizing refund of tax overpayments, totaling \$10,372.90.

R.509-092018 Resolution grants the Township Council’s advice and consent to the Re-appointment of Gary Price, ESQ as a Municipal Judge for the Township of Edison for a three (3) year term ending August 13, 2021.

R.510-092018 Resolution grants the Township Council’s advice and consent to the Re-appointment of Parag P. Patel ESQ as a Municipal Judge for the Township of Edison for a three (3) year term ending August 13, 2021.

R.511-092018 Resolution authorizing the grant of certain funds from the Township’s Affordable Housing Emergency Repairs Program to Delta Community Supports, Inc. for rehab of water damaged bathroom and ADA improvements, as well as vinyl replacement of flooring at 22 Riverview Road in the amount of \$23,500.00 (Resolution R.511-092018)

R.512-092018 Resolution authorizing the grant of certain funds from the Township’s Affordable Housing Emergency Repairs Program to Mission First Housing Group, Inc. for the repair of the ceiling in community room at Amandla’s Crossing in the amount of \$13,000 (Resolution R.512-092018)

- R.513-092018 Resolution releasing of Cash Maintenance Bond for Application P-2013, Blk. 643.DD, Lot 36 to OTR Associates for acct. #7763342638 in the amount of \$5,604.05.
- R.514-092018 Resolution return of unused portion of Engineering Inspection fees for Application P-2013, Blk. 643.DD, Lot 36 to OTR Associates for acct# 7763329131 in the amount of \$807.60.
- R.515-092018 Resolution provides for refund of construction permit fee for permit #2018-0016 in the amount of \$280.00 to SunRun for 19 Richmond Road.
- R.516-092018 Resolution provides for refund of construction permit fee for Permit #2017-5280 in the amount of \$380.00 to SunRun for 27 Ovington Avenue.
- R.517-092018 Resolution provide for refund of construction permit fee for Permit # 2018-2117 in the amount of \$320.00 to D & M Air conditioning for 164 Mundy Avenue.
- R.518-092018 Resolution authorizing Change Order #1 for Contract No. 17-03-11 with Safeway Contracting Inc. for roof replacement at the Edison Township Main Library in the amount of \$13,600.00 for a total revised contract amount of \$170,350.00.
- R.519-092018 Resolution authorizing contribution of first aid squad funds to Raritan Valley Regional Emergency Medical Services, Inc. from the 2018 Calendar Year Budget in an amount not to exceed \$105,000.00.
- R.520-092018 Resolution Awarding Contract/Purchase Order(S) To CDW Government Incorporated through The Educational Services Commission of New Jersey Cooperative Pricing System for the purchase of a Video Conference System With A One Year Warranty for the Edison Municipal Court.
- R.521-092018 This Municipal Resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to help support the development and implementation of viable plans and strategies to enhance residential compliance assistance and enforcement programs for Edison Department of Public Work Recycling programs, efforts, activities and initiatives throughout the Township.
- R.522-092018 Award of Contract for Public Bid No.18-08-31R Overhead Door Repair/Maintenance to Independent Edison Door Co. in the amount not to exceed \$50,000.00.
- R.523-09018 Resolution Awarding Contract to Cambria Truck Center for the Purchase of Two (2) Automated Side Loader Refuse Collection Vehicle for the Department Of Public Works not to exceed \$579,600.00.
- R.524-092018 Award of Contract for Public Bid No. 18-10-26 Ground Materials to Jersey Mulch Products LLC in an amount not to exceed \$70,000.00.
- R.525-092018 Award of Contract for Public Bid No. 18-10-26 Ground Materials to Britton Industries, Inc. in an amount not to exceed \$20,000.00.
- R.526-092018 Award of Contract for Public Bid No. 18-10-26 Ground Materials to Siteone Landscape in an amount not to exceed \$5,000.00.

- R.527-092018 Award of Contract for Public Bid No. 18-10-26 Ground Materials to Silagy Contracting, Inc. in an amount not to exceed \$10,000.00.
- R.528-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Stavola Construction materials in an amount to exceed \$90,000.00.
- R.529-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Trap Rock Industries in the amount not to exceed \$400,000.00.
- R.530-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Site One Landscape Supply in an amount not to exceed \$20,000.00.
- R.531-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Chemung Supply Corp. in an amount not to exceed \$10,000.00.
- R.532-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Raritan Group, Inc. in an amount not to exceed \$10,000.00.
- R.533-092018 Award of Contracts for Public Bid No. 18-03-08 Materials to Core and Main LP in an amount not to exceed \$4,000.00.
- R.534-092018 Award of Contract for Public Bid No. 18-03-09 Traffic Warning/Street Signs and related materials to Garden State Highway Products, Inc. in an amount not to exceed \$40,00.00.
- R.535-092018 Award of Contract for Public Bid No. 18-03-09 Traffic Warning/Street Signs and related materials to Traffic Safety Services, LLC in an amount not to exceed \$5,000.00.
- R.536-092018 Resolution Awarding Reimbursement To Various Softball Teams For Ending The Season In Good Standing in the amount of \$1,650.00.
- R.537-092018 Resolution authorizing a reimbursement for the ABC Program to Lin Ben in the amount of \$130.00.
- R.538-092018 Resolution authorizing a reimbursement for the ABC Program to Vasu Lakkamraju in the amount of \$190.00.
- R.539-092018 Resolutions authorizing a reimbursement for the ABC Program to Sadhika Salariya in the amount of \$480.00.
- R.540-092018 Resolution Authorizing The Award Of A Non-Fair And Open Contract To Econocrafts For The Purchase Of Pre-Packaged Craft Kits For The Township Of Edison in an amount not to exceed \$20,000.00.
- R.541-092018 Resolution authorizes the Township Council to grant permission for the discharge of fireworks to Fireworks Extravaganza for the Dushahra Festival taking place on the grounds of Lake Papaianni scheduled for October 13, 2018.
- R.542-092018 Resolution authorizing appropriation of funds to Volunteer Fire Companies for 2018 in the amount of \$40,000.00.
- R.543-092018 Resolution authorizing the use of Competitive Contracting for the management of School Crossing functions.
- R.544-092018 Resolution authorizing the release of Developers Escrow fees for Application P-5185, Blk. 106, Lot 65.A, 66.A to 48 River Drive LLC in the amount of \$280.50.
- R.545-092018 Resolution refunding Cash Performance and Performance Bond Application #Z35-2014 for Blk. 266.A, Lot 19.04, 20B.21, account #68392029.

- R.546-092018 Resolution authorizing a Shared Services Agreement with County of Middlesex for the recovery of Edison's Hazmat response costs.
- R.547-092018 Resolution refunding Tree Maintenance Bond for Permit #15-109, Blk. 643.DD, Lot 20 to OTR Associates in the amount of \$300.00.
- R.548-092018 Resolution authorizing refund of Sewer Charge overpayments, totaling \$209.99.
- R.549-092018 This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 17-54-01: Interior Floor Replacement and Installation of Above Floor Kennel System; and authorizes FINAL CONTRACT PAYMENT for release of retainage in the amount of \$3,315 and close-out of the construction project.
- R.550-092018 This Resolution authorizes the Mayor to execute the attached Developer's Agreement with Federal Business Centers with respect to Block 390C, Lot 24 on the Edison Township Tax Map, and more commonly known as 1130 King Georges Road.
- R.551-092018 A Resolution supporting the purchase and rehabilitation of a portion of the property containing the Clive Street Pond the Township of Edison, (more commonly known as 110 Clive Street, on the corner of Clive Street and Mason Drive), by the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as a protected wetland area.
- R.552-092018 A Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with 979 Amboy Avenue, LLC regarding the area in need of rehabilitation known on the Township tax maps as Block 730.G, Lot 28.A (aka 979 Amboy Avenue).
- R.553-02018 Resolution authorizing the Township of Edison to purchase heavy duty OEM Truck parts from Gabrielle Kenilworth through the Somerset County Cooperative Pricing System in an amount to exceed \$75,000.00.

26. **COMMUNICATIONS:**

- a. Anonymous letter received regarding overcrowding in an apartment.
- b. Anonymous letter received regarding lighting issues at the Danish Home.

27. **ORAL PETITIONS AND REMARKS**

28. **ADJOURNMENT**

ORDINANCE O.2023-2018

EXPLANATION: An Ordinance amending the Township Code to incorporate revisions to the Township's Affordable Housing Ordinance regarding inclusionary zoning and affordable housing set aside requirements.

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

WHEREAS, the Township's Affordable Housing Ordinance of the Township Code of General Ordinances (the "Code") provides certain inclusionary zoning and affordable housing requirements affecting residential zoning districts and other zoning districts; and

WHEREAS, the Township desires to maintain clarity and uniformity throughout the Code by amending Chapter 37 "Zoning," subsection 37-50 "AHOZ-3 Affordable Housing District," 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] ...

37-50.3 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Single-family detached houses subject to the same development regulations specified in the R-B district;

b. Townhouses subject to development regulations specified in the R-B-th district;

c. Multifamily dwelling and apartment houses subject to the following requirements:

1. **Minimum Lot Size.** No building which is intended or designed to be used, in whole or in part, as a garden apartment building shall be erected or constructed upon a lot containing an area of less than ten (10) acres; except that, if a zone boundary line passes through any lot of ten (10) acres or more with the result that the area available for garden apartment construction is less than ten (10) acres, such area of less ten (10) acres may be approved for garden apartment development; provided, however, that all other regulations pertaining to the erection or construction of the garden apartments shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

2. **Height.** No apartment building shall have more than three (3) habitable stories or exceed fifty (50) feet in height.

3. **Minimum Space Between Buildings.** The minimum distance between buildings shall be one-half (1/2) the total average height of the two (2) buildings, except that the side to side minimum distance between buildings shall be twenty (20) feet.

4. Density. No more than ten (10) apartment units per acre shall be permitted for two-story apartment buildings and no more than twenty-five (25) apartment units per acre shall be permitted for three-story buildings.

5. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.

6. Landscaping. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of twenty (20) feet inside the boundary line of the garden development abutting a residential lot. If no adequate trees, shrubs or plantings exist in the twenty (20) foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty (20) foot area.

7. Interior Roads. All roads and other accessways within the garden apartment development shall be private roads, and be constructed with pavement and curbs within the established cartways. All roads and or drive aisles containing right-angle parking or angled parking on one or both sides of the road shall contain drive aisles of not less than twenty-four (24) feet in width. All access roads that do not contain angled parking shall comply with the current Residential Site Improvement Standards (N.J.A.C. 5:21) for the width of the cartway inclusive of any on-street parallel parking areas. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township. All interior roads shall provide suitable access for ingress, egress and circulation for emergency vehicles, by providing additional width of drive aisles, adequate turning radius at corners and appropriate delineated Fire Lanes, subject to the review of the Edison Township Fire Department.

8. Parking. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking area shall be paved and curbed and provided with an adequate system of stormwater drainage. No parking area (other than driveway parking spaces located in front of a garage) may be placed closer to a building than ten (10) feet. Parking areas may be constructed in the front, side and rear yards, but in no event closer than ten (10) feet to a lot line (other than driveway parking spaces located in front of a garage).

9. Buildings.

(a) No principal building shall:

(1) Be designed for or occupied by more than twenty (20) families;

(2) Exceed two hundred ten (210) feet in length in its longest dimensions;

(3) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being erected upon the roof. This subsection shall not apply to a common antenna tower;

(b) No basement apartment units shall be permitted. For purposes of this section, a "basement unit" shall be defined as a unit having its finished floor elevation three (3) or more feet below the finish grade of the ground about the building.

10. Utilities. For all garden apartments, the applicant for the site plan approval shall arrange with the serving utilities for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines or extensions, but the service connections from the utilities' overhead lines shall be installed underground.

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 37 "Zoning" of the Code to read as follows:

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

37-50.3 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Single-family detached houses subject to the same development regulations specified in the R-B district;

b. Townhouses subject to development regulations specified in the R-B-th district;

c. Multifamily dwelling and apartment houses subject to the following requirements:

1. Minimum Lot Size. No building which is intended or designed to be used, in whole or in part, as a garden apartment building shall be erected or constructed upon a lot containing an area of less than ten (10) acres; except that, if a zone boundary line passes through any lot of ten (10) acres or more with the result that the area available for garden apartment construction is less than ten (10) acres, such area of less ten (10) acres may be approved for garden apartment development; provided, however, that all other regulations

pertaining to the erection or construction of the garden apartments shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

2. Height. No apartment building shall have more than three (3) habitable stories or exceed fifty (50) feet in height.

3. Minimum Space Between Buildings. The minimum distance between buildings shall be one-half (1/2) the total average height of the two (2) buildings, except that the side to side minimum distance between buildings shall be twenty (20) feet.

4. Density. No more than ten (10) apartment units per acre shall be permitted for two-story apartment buildings and no more than twenty-five (25) apartment units per acre shall be permitted for three-story buildings.

5. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.

6. Landscaping. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of twenty (20) feet inside the boundary line of the garden development abutting a residential lot. If no adequate trees, shrubs or plantings exist in the twenty (20) foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty (20) foot area.

7. Interior Roads. All roads and other accessways within the garden apartment development shall be private roads, and be constructed with pavement and curbs within the established cartways. All roads and or drive aisles containing right-angle parking or angled parking on one or both sides of the road shall contain drive aisles of not less than twenty-four (24) feet in width. All access roads that do not contain angled parking shall comply with the current Residential Site Improvement Standards (N.J.A.C. 5:21) for the width of the cartway inclusive of any on-street parallel parking areas. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township. All interior roads shall provide suitable access for ingress, egress and circulation for emergency vehicles, by providing additional width of drive aisles, adequate turning radius at corners and appropriate delineated Fire Lanes, subject to the review of the Edison Township Fire Department.

8. Parking. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking area shall be paved and curbed and provided with an adequate system of stormwater drainage. No parking area (other than driveway parking spaces located in front of a garage) may be placed closer to a building than ten (10) feet. Parking areas may be constructed in the front, side and rear yards, but in no event closer

than ten (10) feet to a lot line (other than driveway parking spaces located in front of a garage).

9. Buildings.

(a) No principal building shall:

(1) Be designed for or occupied by more than twenty (20) families;

(2) Exceed two hundred ten (210) feet in length in its longest dimensions;

(3) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being erected upon the roof. This subsection shall not apply to a common antenna tower;

(b) No basement apartment units shall be permitted. For purposes of this section, a "basement unit" shall be defined as a unit having its finished floor elevation three (3) or more feet below the finish grade of the ground about the building.

10. Utilities. For all garden apartments, the applicant for the site plan approval shall arrange with the serving utilities for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines or extensions, but the service connections from the utilities' overhead lines shall be installed underground.

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 Chapters 37 of the Code shall remain unchanged.

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.

EXPLANATION: An Ordinance amending the Township Code Chapter 15-3 “Abandoned and Vacant Properties, Registration and Maintenance,” to incorporate certain revisions to the regulation of abandoned properties within the Township.

EDISON TOWNSHIP

ORDINANCE O.2024-2018

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

WHEREAS, abandoned properties potentially create a wide range of problems including fostering criminal activity, creating public health problems, diminishing the quality of life for residents and businesses in the general area, increasing the risk of property damage to adjacent property owners through arson and vandalism and discouraging neighborhood stability and revitalization, diminishing property values of neighboring properties and, for those reasons, are presumptively considered to be nuisances; and

WHEREAS, it is in the public interest for the Township to establish a mechanism to identify and track vacant and abandoned properties which are in foreclosure, to establish standards and for the maintenance of those properties and to enforce those standards; and

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently sets forth regulations for the registration and maintenance of abandoned properties within the Township; and

WHEREAS, the Township desires to amend Chapter 15-3 of the Code, entitled “Abandoned and Vacant Properties, Registration and Maintenance,” to reflect revisions to these regulations; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 15-3 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] ...

15-3 ABANDONED AND VACANT PROPERTIES, REGISTRATION AND MAINTENANCE.

15-3.1 Definition of Terms.

The following terms, wherever used herein or referred to in this section, shall have the respected meanings assigned to them, unless a different meaning clearly appears from the context; as used in this section:

Creditor shall mean a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the “New Jersey Residential Mortgage Act,” P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

Exterior of premises shall mean those portions of a structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto, and the open land space of any premises outside of any building or structure erected thereon, including vacant lots.

Nuisance shall mean:

- a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township.
- b. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where the condition exists.

Operator shall mean any person, persons or entity not the owner, but including any agent of the owner, who has charge, possession, custody, care or control of a dwelling or premises or a part thereof.

Owner shall mean any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, including any fiduciary, trustee, receiver, guardian or mortgagee in possession. Any lessee, sublessee or assignee of a lessee of any part of any premises shall be deemed an “owner” with respect to that portion of the premises sublet, leased or assigned.

Premises shall mean a lot, plot or parcel of land, right-of-way or multiples thereof, including the building or structures thereon.

Public Officer shall mean the individual designated by the Township, in accordance with N.J.S.A. 55:19-80.

Refuse or rubbish shall mean all discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery, wood, plastic, rubber, leather, furniture, household goods, appliances, bedding, scrap lumber, scrap metal, construction material, inoperable machinery or parts thereof, garden or farming implements and supplies, dead or rotting vegetation, tires and abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste. Anything herein to the contrary notwithstanding, a compost pile free of discarded foodstuffs shall not be deemed to be “refuse” or “rubbish.”

Unregistered motor vehicle shall mean a motor vehicle without a valid and current State inspection sticker.

Vacant property shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Residential properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant property in accordance with P.L. 2014, c. 35. Property deemed to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for purposes of this section.

Vacant and abandoned residential property shall mean a residential property which is not occupied and at least two of the following conditions exist:

- a) Overgrown or neglected vegetation;
- b) The accumulation of the newspapers, circulars, flyers or mails on the property;
- c) Disconnected gas, electric, or water utility services to the property;
- d) The accumulation of hazardous, noxious, or unhealthy substances or material on the property;
- e) The accumulation of junk, liter, trash or debris on the property;
- f) The absence of window treatment such as blinds, curtains or shutters
- g) The absences of furnishings and personal items
- h) Statements of neighbors, association management, delivery person or government employee indicating that the residence is vacant and abandoned
- i) Window or entrances to the property that are boarded up or closed off or multiple panes that are damaged, broken and unrepaired;
- j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- k) A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l) An uncorrected violation of the municipal building, housing, or similar code during preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- m) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

- n) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property;
- o) Any responsible indicia of abandonment.

15-3.2 Creation of Abandoned Property List.

The Public Officer is directed to identify abandoned property for the purpose of creating an “abandoned property list” throughout the Township. Each item of abandoned property so identified shall include the tax block and lot number, the name and address of the owner of record, if known, the street address of the lot and the basis for a determination that the property is abandoned.

15-3.3 General Requirements.

a. Sixty (60) days after the effective date of this section or thirty (30) days after a building or lot becomes abandoned as defined within this section, the owner shall file a registration statement for each such abandoned property with the Public Officer, on forms provided by the Public Officer for such purposes. The registration shall remain valid for one (1) year. The owner shall be required to renew the registration annually as long as the building or lot continues to be abandoned as defined herein and shall pay a registration or renewal fee in the amount prescribed within this section.

b. The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.

c. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the property.

15-3.4 Registration for Abandoned and Vacant Property Owners.

a. The owner of abandoned and vacant properties shall provide the following information to the Public Officer on the registration form or form(s) prescribed by the Public Officer:

1. Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable;
2. Name, address, email address and contact telephone number of any local agent(s) or representative for the building or lot;
3. Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the building or lot;
4. Common address and Tax Assessor's block and lot designation of the building or lot;
5. The date on which the building became abandoned;
6. Proof of utility (gas, electric, water) connections or disconnections; and

7. Any other information reasonably required by the Township to ensure the safety of all persons and to prevent neglect.

b. Any government entity that owns abandoned property will be exempt from the provisions of this subsection. For purposes of this section, the holder of a Federal Housing Administration (“FHA”) mortgage, United States Housing and Urban Development (“HUD”) mortgage, or any other federally insured mortgage shall not be considered a government entity and shall not be exempt from the provisions of this section. The owner of any property that is acquired by the owner through the foreclosure of a FHA mortgage, HUD mortgage or any other federally insured mortgage shall also not be exempt from the provisions of this section.

c. By designating an authorized agent under the provisions of this subsection, the owner consents to receive any and all notices of code violations concerning the registered abandoned property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered abandoned property by service of the notice of process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township of a change of an authorized agent or until the owner files a new annual registration statement.

d. The owner is required to update the form within thirty (30) days of a change of any information contained within the form.

e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the abandoned property.

f. The Public Officer may identify abandoned properties through his/her routine inspection process as well as through notification by residents, or other community groups that a property may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five (5) days after service by first class mail.

15-3.[3]5 Registration for Vacant and Abandoned Property Creditors.

a. Every creditor filing an action to foreclose on a mortgage of any residential property within the Township shall, within ten (10) days thereof, notify the Township Clerk for the Township in writing by mail of said filing. (See N.J.S.A. 46:10B-51). The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor.

b. The notice shall also contain the name and contact information of the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and abandoned.

1. A creditor filing a summons and complaint in an action to foreclose on a vacant and abandoned property, or a creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes vacant and abandoned, shall within thirty (30) calendar days after the building becomes vacant and abandoned or within thirty (30) calendar days after assuming ownership of the vacant and abandoned property, whichever is earlier; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such vacant and abandoned property with the Public Officer consistent with subsection 15-3.4a, of this section, for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the vacant and abandoned property.

2. Each vacant and abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

3. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such creditor in connection with the enforcement of any applicable code.

4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the abandoned and vacant property. The individual or representative of the firm responsible for maintaining the abandoned and vacant property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed in subsection 15-3.7 for each vacant and abandoned property registered.

6. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

7. The creditor shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Clerk for such purpose.

8. The registration statements shall be deemed prima facie proof of the statements therein contained in any administrative enforcement processing or court proceeding instituted by the Township against the creditor.

15-3.[5]6 Abandoned Property Inspection.

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner and/or creditor of any abandoned property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, during the period covered by the initial registration or any subsequent renewal.

15-3.[6]7 Requirements for Owners and/or Creditors of Abandoned Properties.

a. The owner and/or creditor of any abandoned property, shall immediately upon possession or the filing of a summons and complaint in an action to foreclose on a residential property within the Township be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes vacant and abandoned and shall:

1. Enclose and secure the building against unauthorized entry in accordance with the applicable provisions of the Code of the Township of Edison and as per the specifications established by the Department of Housing and Urban Development (“HUD”) for securing abandoned and/or vacant properties.

2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, owner's authorized agent for the purpose of service of process (if designated pursuant to this section) and a New Jersey resident[person] responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8” x 10” and shall state “WARNING: THIS BUILDING IS SECURED PURSUANT TO CHAPTER 15 OF THE TOWNSHIP OF EDISON REVISED GENERAL ORDINANCES. ANYONE ENTERING THIS BUILDING WITHOUT AUTHORIZATION WILL BE SUBJECT TO ARREST.”

3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the property is complete.

4. Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.

5. Ensure that grass does not exceed eight (8) inches in height and that all grass clippings are removed from the lot when the grass is cut.

6. Lots must be clear of all garbage, litter and debris. Abandoned properties must be clear of all vehicles: cars, boats, campers, etc.

7. All sidewalks bordering abandoned properties must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.

8. The owner and/or creditor shall perform regular weekly inspections of the abandoned property to ensure compliance with the requirements of this section.

9. The owner and/or creditor shall maintain a property insurance policy for each registered property. Buildings with fewer than four (4) residential units are required to be insured at a minimum of \$300,000.00. All other properties must be insured at a minimum of \$1,000,000.00.

b. If the owner and/or creditor of the abandoned property fails to comply with all provisions of section, the Township shall take the necessary steps to bring the property into compliance with this section. All costs incurred by the Township in connection with its efforts to bring the property into compliance shall be forwarded to the Tax Collector for inclusion as a municipal lien on the property.

15-3.[7]§ Fees, Penalties, and Enforcement.

a. The initial registration fee for each abandoned property shall be [five hundred (\$500.00)] one thousand (\$1,000.00) dollars. The fee for a second year renewal shall be [one thousand (\$1,000.00)] two thousand (\$2,000.00) dollars, and three thousand (\$3,000.00) dollars for each subsequent year thereafter. The registration shall remain valid for one (1) year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The owner and/or creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed in paragraph b. of this subsection for each vacant and abandoned property registered. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

b. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than [two hundred fifty (\$250.00)] five hundred (\$500.00) dollars and not more than [one thousand (\$1,000.00)] two-thousand five hundred (\$2,500.00) dollars. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

c. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, and/or failure to comply with any other provisions of this section shall be deemed to be a violation hereunder.

d. The Public Officer shall be authorized to issue a notice to an owner and/or creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the Public Officer determines that the owner and/or creditor has failed to provide for the care, maintenance, security, and/or upkeep of a vacant property.

e. Where an owner and/or creditor is an out-of-State owner and/or creditor, the notice shall be issued to the representative or agent that has been identified by the owner and/or creditor pursuant to subsection 15-3.3a-b. of this section.

f. The notice referenced in paragraph d. of this subsection shall require the owner and/or creditor to correct the violation within twenty (20) days of receipt of the notice, or within five (5)

days of receipt of the notice if the violation presents an imminent threat to public health and safety.

g. The issuance of notice pursuant to paragraph d. of this subsection shall constitute proof that a residential property is vacant and abandoned for the purposes of this section.

h. An entity designated as a redeveloper pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., may apply for a registration fee exemption if all approved plans for the property comply with Township regulations, and development has been delayed as a result project financing applications.

i. Any fee collected pursuant to subsection a. above shall be utilized by the Township for the further maintenance and regulation of abandoned properties.

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

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

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

2. The Municipal Council hereby amends Chapter 27-9 of the Code, entitled “Township Council” to read as follows:

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

15-3 ABANDONED AND VACANT PROPERTIES, REGISTRATION AND MAINTENANCE.

15-3.1 Definition of Terms.

The following terms, wherever used herein or referred to in this section, shall have the respected meanings assigned to them, unless a different meaning clearly appears from the context; as used in this section:

Creditor shall mean a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the “New Jersey Residential Mortgage Act,” P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

Exterior of premises shall mean those portions of a structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto, and the open land space of any premises outside of any building or structure erected thereon, including vacant lots.

Nuisance shall mean:

- a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township.
- b. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where the condition exists.

Operator shall mean any person, persons or entity not the owner, but including any agent of the owner, who has charge, possession, custody, care or control of a dwelling or premises or a part thereof.

Owner shall mean any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, including any fiduciary, trustee, receiver, guardian or mortgagee in possession. Any lessee, sublessee or assignee of a lessee of any part of any premises shall be deemed an "owner" with respect to that portion of the premises sublet, leased or assigned.

Premises shall mean a lot, plot or parcel of land, right-of-way or multiples thereof, including the building or structures thereon.

Public Officer shall mean the individual designated by the Township, in accordance with N.J.S.A. 55:19-80.

Refuse or rubbish shall mean all discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery, wood, plastic, rubber, leather, furniture, household goods, appliances, bedding, scrap lumber, scrap metal, construction material, inoperable machinery or parts thereof, garden or farming implements and supplies, dead or rotting vegetation, tires and abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste. Anything herein to the contrary notwithstanding, a compost pile free of discarded foodstuffs shall not be deemed to be "refuse" or "rubbish."

Unregistered motor vehicle shall mean a motor vehicle without a valid and current State inspection sticker.

Vacant property shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Residential properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant property in accordance with P.L. 2014, c. 35. Property deemed to be "abandoned property" in accordance with the meaning of such term in the Abandoned

Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for purposes of this section.

Vacant and abandoned residential property shall mean a residential property which is not occupied and at least two of the following conditions exist:

- a) Overgrown or neglected vegetation;
- b) The accumulation of the newspapers, circulars, flyers or mails on the property;
- c) Disconnected gas, electric, or water utility services to the property;
- d) The accumulation of hazardous, noxious, or unhealthy substances or material on the property;
- e) The accumulation of junk, liter, trash or debris on the property;
- f) The absence of window treatment such as blinds, curtains or shutters
- g) The absences of furnishings and personal items
- h) Statements of neighbors, association management, delivery person or government employee indicating that the residence is vacant and abandoned
- i) Window or entrances to the property that are boarded up or closed off or multiple panes that are damaged, broken and unrepaired;
- j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- k) A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l) An uncorrected violation of the municipal building, housing, or similar code during preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- m) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- n) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property;
- o) Any responsible indicia of abandonment.

15-3.2 Creation of Abandoned Property List.

The Public Officer is directed to identify abandoned property for the purpose of creating an “abandoned property list” throughout the Township. Each item of abandoned property so identified shall include the tax block and lot number, the name and address of the owner of record, if known, the street address of the lot and the basis for a determination that the property is abandoned.

15-3.3 General Requirements.

a. Sixty (60) days after the effective date of this section or thirty (30) days after a building or lot becomes abandoned as defined within this section, the owner shall file a registration statement for each such abandoned property with the Public Officer, on forms provided by the Public Officer for such purposes. The registration shall remain valid for one (1) year. The owner shall be required to renew the registration annually as long as the building or lot continues to be abandoned as defined herein and shall pay a registration or renewal fee in the amount prescribed within this section.

b. The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.

c. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the property.

15-3.4 Registration for Abandoned and Vacant Property Owners.

a. The owner of abandoned and vacant properties shall provide the following information to the Public Officer on the registration form or form(s) prescribed by the Public Officer:

1. Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable;

2. Name, address, email address and contact telephone number of any local agent(s) or representative for the building or lot;

3. Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the building or lot;

4. Common address and Tax Assessor's block and lot designation of the building or lot;

5. The date on which the building became abandoned;

6. Proof of utility (gas, electric, water) connections or disconnections; and

7. Any other information reasonably required by the Township to ensure the safety of all persons and to prevent neglect.

b. Any government entity that owns abandoned property will be exempt from the provisions of this subsection. For purposes of this section, the holder of a Federal Housing Administration ("FHA") mortgage, United States Housing and Urban Development ("HUD") mortgage, or any other federally insured mortgage shall not be considered a government entity and shall not be exempt from the provisions of this section. The owner of any property that is acquired by the owner through the foreclosure of a FHA mortgage, HUD mortgage or any other federally insured mortgage shall also not be exempt from the provisions of this section.

c. By designating an authorized agent under the provisions of this subsection, the owner consents to receive any and all notices of code violations concerning the registered abandoned property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered abandoned property by service of the notice of process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township of a change of an authorized agent or until the owner files a new annual registration statement.

d. The owner is required to update the form within thirty (30) days of a change of any information contained within the form.

e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the abandoned property.

f. The Public Officer may identify abandoned properties through his/her routine inspection process as well as through notification by residents, or other community groups that a property may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five (5) days after service by first class mail.

15-3.5 Registration for Vacant and Abandoned Property Creditors.

a. Every creditor filing an action to foreclose on a mortgage of any residential property within the Township shall, within ten (10) days thereof, notify the Township Clerk for the Township in writing by mail of said filing. (See N.J.S.A. 46:10B-51). The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor.

b. The notice shall also contain the name and contact information of the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and abandoned.

1. A creditor filing a summons and complaint in an action to foreclose on a vacant and abandoned property, or a creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes vacant and abandoned, shall within thirty (30) calendar days after the building becomes vacant and abandoned or within thirty (30) calendar days after assuming ownership of the vacant and abandoned property, whichever is earlier; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such vacant and abandoned property with the Public Officer consistent with subsection 15-3.4a, of this section, for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the vacant and abandoned property.

2. Each vacant and abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

3. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such creditor in connection with the enforcement of any applicable code.

4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the abandoned and vacant property. The individual or representative of the firm responsible for maintaining the abandoned and vacant property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed in subsection 15-3.7 for each vacant and abandoned property registered.

6. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

7. The creditor shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Clerk for such purpose.

8. The registration statements shall be deemed prima facie proof of the statements therein contained in any administrative enforcement processing or court proceeding instituted by the Township against the creditor.

15-3.6 Abandoned Property Inspection.

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner and/or creditor of any abandoned property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, during the period covered by the initial registration or any subsequent renewal.

15-3.7 Requirements for Owners and/or Creditors of Abandoned Properties.

a. The owner and/or creditor of any abandoned property, shall immediately upon possession or the filing of a summons and complaint in an action to foreclose on a residential property within the Township be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes vacant and abandoned and shall:

1. Enclose and secure the building against unauthorized entry in accordance with the applicable provisions of the Code of the Township of Edison and as per the specifications established by the Department of Housing and Urban Development (“HUD”) for securing abandoned and/or vacant properties.

2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, owner's authorized agent for the purpose of service of process (if designated pursuant to this section) and a New Jersey resident responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8” x 10” and shall state “WARNING: THIS BUILDING IS SECURED PURSUANT TO CHAPTER 15 OF THE TOWNSHIP OF EDISON REVISED GENERAL ORDINANCES. ANYONE ENTERING THIS BUILDING WITHOUT AUTHORIZATION WILL BE SUBJECT TO ARREST.”

3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the property is complete.

4. Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.

5. Ensure that grass does not exceed eight (8) inches in height and that all grass clippings are removed from the lot when the grass is cut.

6. Lots must be clear of all garbage, litter and debris. Abandoned properties must be clear of all vehicles: cars, boats, campers, etc.

7. All sidewalks bordering abandoned properties must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.

8. The owner and/or creditor shall perform regular weekly inspections of the abandoned property to ensure compliance with the requirements of this section.

9. The owner and/or creditor shall maintain a property insurance policy for each registered property. Buildings with fewer than four (4) residential units are required to be insured at a minimum of \$300,000.00. All other properties must be insured at a minimum of \$1,000,000.00.

b. If the owner and/or creditor of the abandoned property fails to comply with all provisions of section, the Township shall take the necessary steps to bring the property into compliance with this section. All costs incurred by the Township in connection with its efforts to

bring the property into compliance shall be forwarded to the Tax Collector for inclusion as a municipal lien on the property.

15-3.8 Fees, Penalties, and Enforcement.

a. The initial registration fee for each abandoned property shall be one thousand (\$1,000.00) dollars. The fee for a second year renewal shall be two thousand (\$2,000.00) dollars, and three thousand (\$3,000.00) dollars for each subsequent year thereafter. The registration shall remain valid for one (1) year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The owner and/or creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed in paragraph b. of this subsection for each vacant and abandoned property registered. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

b. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than five hundred (\$500.00) dollars and not more than two-thousand five hundred (\$2,500.00) dollars. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

c. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, and/or failure to comply with any other provisions of this section shall be deemed to be a violation hereunder.

d. The Public Officer shall be authorized to issue a notice to an owner and/or creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the Public Officer determines that the owner and/or creditor has failed to provide for the care, maintenance, security, and/or upkeep of a vacant property.

e. Where an owner and/or creditor is an out-of-State owner and/or creditor, the notice shall be issued to the representative or agent that has been identified by the owner and/or creditor pursuant to subsection 15-3.3a-b. of this section.

f. The notice referenced in paragraph d. of this subsection shall require the owner and/or creditor to correct the violation within twenty (20) days of receipt of the notice, or within five (5) days of receipt of the notice if the violation presents an imminent threat to public health and safety.

g. The issuance of notice pursuant to paragraph d. of this subsection shall constitute proof that a residential property is vacant and abandoned for the purposes of this section.

h. An entity designated as a redeveloper pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., may apply for a registration fee exemption if all approved plans for the property comply with Township regulations, and development has been delayed as a result project financing applications.

i. Any fee collected pursuant to subsection a. above shall be utilized by the Township for the further maintenance and regulation of abandoned properties.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 15 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.

EXPLANATION: An Ordinance amending Township Code Chapter 4-8 and Chapter 4-11 with respect to the award of public contracts to political contributors.

ORDINANCE O.2020-2018

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

WHEREAS, the Municipal Council of the Township desires to amend Township Code Chapter 4-8 and Chapter 4-11 to ensure further regulation of political contributions made to elected Township officials; and

WHEREAS, the Municipal Council has determined that Chapter 4-8 and Chapter 4-11 of the Township Code, as currently constructed, have caused confusion among those seeking or performing business within the Township; and

WHEREAS, the Municipal Council has determined that it would be in the best interest of the Township to amend Chapters 4-8 and 4-11 of the Township Code, entitled “Public Contracts to Certain Contributors,” as follows:

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

**4-8 [PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS]
RESTRICTIONS ON POLITICAL CONTRIBUTIONS.**

4-8.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services, from any professional business entity, as defined in subsection d. below, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any Edison Township or Middlesex County party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) in excess of the thresholds specified in paragraph c. within one (1) calendar year before [preceding] the date of the contract or agreement and for one year after termination.

b. No professional business entity, as defined in subsection d. below, which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting service shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate of officeholder, or to any Edison

Township or Middlesex County party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties [between] for one (1) year from the time of first communications between that business entity and the Township regarding a specific professional services agreement. [and the later of the termination of negotiations or the completion of the contract or agreement.]

c. 1. Subject to the limitations in 2. any entity meeting the definition of "professional business entity" in subsection d. below, as well as any PAC as referenced in this section, [under this section] may annually contribute a maximum of three hundred fifty [four hundred] (\$350.00) [(\$400.00)] dollars for any purpose to each candidate for Mayor, Council, or Edison Township Board of Education, four hundred (\$400.00) dollars for any candidate for the Middlesex County Board of Chosen Freeholders, and five hundred (\$500.00) dollars to each Edison Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. However, 2. any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, as well as any PAC as referenced in this section, may not annually contribute for any purpose in excess of a total of [two] one thousand [five] four hundred [(\$2,500.00)] (\$1,400.00) dollars to all Edison Township candidates and officeholders with ultimate responsibility for the award of the contract and all Edison Township, Edison Township Board of Education, Middlesex County Board of Chosen Freeholders or Middlesex County political parties and PACs referenced in this section combined, without violating paragraph a.

d. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional, banking or insurance coverage services, any other consulting services, and any other businesses, builders, planners, consultants, developers, engineers or employees of an engineering firm, and attorneys representing persons doing business in the Township, and which may be an individual, including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

e. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Township of Edison Council and the Mayor of the Township of Edison, if the contract requires approval or appropriation from the Council.

2. The Mayor of the Township of Edison, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

4-8.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal

or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

4-8.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other consulting services, with any professional business entity, the township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution within one year from the first communication about the contract, in violation of subsection 4-8.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

4-8.4 Return of Excess Contributions.

A professional business entity or Township candidate or officeholder or municipal or county party committee or PAC referenced in this section may cure a violation of subsection 4-8.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or municipal or County political party or PAC referenced in this section.

4-8.5 Penalty.

a. It shall be a breach of the terms of the Edison Township professional service agreement for a business entity to 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future Edison Township contracts for a period of four (4) calendar years from the date of the violation.

4-8.6 Contributions in Any Amount Prohibited.

a. Contributions in any amount are prohibited from the following individuals:

1. Any active member of a Township Board or Commission; and

2. Any current employee of the Township.

b. Any contribution made in violation of this section 4-8.6 shall subject the contributor to fine not to exceed the amount of the contribution.

4-11 REDEVELOPMENT PAY-TO-PLAY REFORM.

4-11.1 Prohibition of Entering into or Amending Redevelopment Agreements with Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township of Edison or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper, as defined in subsection d. below, for the planning, re-planning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Township of Edison pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as [specified below] defined in subsection b. below, to a campaign committee of any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any municipal political campaign committee, or to any County party committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC).

b. For purposes of this section, the "applicable time period" shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq., and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement, [, whichever is shorter.]

[b.] c. All redevelopment agreements or amendments thereto entered into by the Township of Edison shall contain a provision prohibiting redevelopers as defined in paragraph c. to solicit or make any contribution of money or pledge of a contribution including in-kind

contributions, to any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any Edison Township political campaign committee, or to any Edison Township or Middlesex County Party Committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC), between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.

[c.] d. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this section, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this section the definition of a redeveloper includes all principals who own [ten] five [(10%)] (5%) percent or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.

[d.] e. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:

1. The Township of Edison Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or

2. The Mayor of Edison Township if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.

4-11.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any Edison Township candidate for Mayor or Edison Township Council or Edison Township political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

4-11.3 Notice Given by Municipality; Sworn Statement of Redeveloper.

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

b. Prior to arranging and entering into the redevelopment agreement with any redeveloper, the Township of Edison or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of subsection 4-11.1a. above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur while arranging and entering into the redevelopment agreement, and until all specified terms of the agreement have been completed. The sworn statement required under this section shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

4-11.4 Contribution Restrictions and Disclosure Requirement; Applicability to Consultants.

a. The contribution and disclosure requirements in this section shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted or employed by the [business entity ultimately designated as] the redeveloper, as defined in 4-11.1(d), to provide services related to the:

1. Lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan;
2. Obtaining the designation or appointment as redeveloper;
3. Negotiating the terms of a redevelopment agreement or any amendments or modifications thereof; and/or
4. Performing the terms of a redevelopment agreement.

b. It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and/or disclosure requirements in this section.

c. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach.

4-11.5 Return of Excess Contributions.

A redeveloper or municipal candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 4-11.1 and deemed not to be in breach, if, within thirty (30) days after the cited violation, the redeveloper

notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal or County political party or PAC referenced in this section.

4-11.6 Penalty.

a. It shall be a breach of the terms of the Township of Edison redevelopment agreement for a redeveloper to: 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any redeveloper who violates paragraph a.1. through a.8. above shall be disqualified from eligibility for future Edison Township redevelopment agreements for a period of four (4) calendar years from the date of the violation.

... [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, as follows:

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

2. The Municipal Council hereby amends Chapter 4-8 and Chapter 4-11 of the Code to read as follows:

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

4-8 RESTRICTIONS ON POLITICAL CONTRIBUTIONS.

4-8.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance

coverage services or any other consulting services, from any professional business entity, as defined in subsection d. below, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any Edison Township or Middlesex County party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) in excess of the thresholds specified in paragraph c. within one (1) calendar year before the date of the contract or agreement and for one year after termination.

b. No professional business entity, as defined in subsection d. below, which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting service shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate of officeholder, or to any Edison Township or Middlesex County party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties for one (1) year from the time of first communications between that business entity and the Township regarding a specific professional services agreement.

c. 1. Subject to the limitations in 2. any entity meeting the definition of "professional business entity" in subsection d. below, as well as any PAC as referenced in this section, [under this section] may annually contribute a maximum of three hundred fifty (\$350.00) dollars for any purpose to each candidate for Mayor, Council, or Edison Township Board of Education, four hundred (\$400.00) dollars for any candidate for the Middlesex County Board of Chosen Freeholders, and five hundred (\$500.00) dollars to each Edison Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. However, 2. any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, as well as any PAC as referenced in this section, may not annually contribute for any purpose in excess of a total of one thousand four hundred (\$1,400.00) dollars to all Edison Township candidates and officeholders with ultimate responsibility for the award of the contract and all Edison Township, Edison Township Board of Education, Middlesex County Board of Chosen Freeholders or Middlesex County political parties and PACs referenced in this section combined, without violating paragraph a.

d. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional, banking or insurance coverage services, any other consulting services, and any other businesses, builders, planners, consultants, developers, engineers or employees of an engineering firm, and attorneys representing persons doing business in the Township, and which may be an individual, including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust,

partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

e. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Township of Edison Council and the Mayor of the Township of Edison, if the contract requires approval or appropriation from the Council.

2. The Mayor of the Township of Edison, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

4-8.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

4-8.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other consulting services, with any professional business entity, the township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution within one year from the first communication about the contract, in violation of subsection 4-8.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

4-8.4 Return of Excess Contributions.

A professional business entity or Township candidate or officeholder or municipal or county party committee or PAC referenced in this section may cure a violation of subsection 4-8.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or municipal or County political party or PAC referenced in this section.

4-8.5 Penalty.

a. It shall be a breach of the terms of the Edison Township professional service agreement for a business entity to 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future Edison Township contracts for a period of four (4) calendar years from the date of the violation.

4-8.6 Contributions in Any Amount Prohibited.

a. Contributions in any amount are prohibited from the following individuals:

1. Any active member of a Township Board or Commission; and
2. Any current employee of the Township.

b. Any contribution made in violation of this section 4-8.6 shall subject the contributor to fine not to exceed the amount of the contribution.

4-11 REDEVELOPMENT PAY-TO-PLAY REFORM.

4-11.1 Prohibition of Entering into or Amending Redevelopment Agreements with Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township of Edison or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper, as defined in subsection d. below, for the planning, re-planning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Township of Edison pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as defined in subsection b. below, to a campaign committee of any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for

appointing those who enter into the agreement on behalf of the Township of Edison or; to any municipal political campaign committee, or to any County party committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC).

b. For purposes of this section, the "applicable time period" shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq., and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement.

c. All redevelopment agreements or amendments thereto entered into by the Township of Edison shall contain a provision prohibiting redevelopers as defined in paragraph c. to solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any Edison Township political campaign committee, or to any Edison Township or Middlesex County Party Committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC), between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.

d. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this section, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this section the definition of a redeveloper includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.

e. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:

1. The Township of Edison Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or

2. The Mayor of Edison Township if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.

4-11.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any Edison Township candidate for Mayor or Edison Township Council or Edison Township political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

4-11.3 Notice Given by Municipality; Sworn Statement of Redeveloper.

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

b. Prior to arranging and entering into the redevelopment agreement with any redeveloper, the Township of Edison or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of subsection 4-11.1a. above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur while arranging and entering into the redevelopment agreement, and until all specified terms of the agreement have been completed. The sworn statement required under this section shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

4-11.4 Contribution Restrictions and Disclosure Requirement; Applicability to Consultants.

a. The contribution and disclosure requirements in this section shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted or employed by the redeveloper, as defined in 4-11.1(d), to provide services related to the:

1. Lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan;
2. Obtaining the designation or appointment as redeveloper;
3. Negotiating the terms of a redevelopment agreement or any amendments or modifications thereof; and/or

4. Performing the terms of a redevelopment agreement.

b. It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and/or disclosure requirements in this section.

c. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach.

4-11.5 Return of Excess Contributions.

A redeveloper or municipal candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 4-11.1 and deemed not to be in breach, if, within thirty (30) days after the cited violation, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal or County political party or PAC referenced in this section.

4-11.6 Penalty.

a. It shall be a breach of the terms of the Township of Edison redevelopment agreement for a redeveloper to: 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any redeveloper who violates paragraph a.1. through a.8. above shall be disqualified from eligibility for future Edison Township redevelopment agreements for a period of four (4) calendar years from the date of the violation.

... [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 4 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.

EXPLANATION: This Ordinance authorizes the Mayor, or his authorized designee, to execute the Lease Agreement between the Township and Edison Sheltered Workshop, Inc., allowing for the organization's use of the leased property.

ORDINANCE O.2022-2018

WHEREAS, the Township of Edison, whose address is 100 Municipal Boulevard, Edison, NJ 08817 (“**Township**” or “**Landlord**”), and Edison Sheltered Workshop, Inc., an I.R.C. 501(c)(3) non-profit organization, whose present address is 328 Plainfield Avenue, Edison, New Jersey 08817 (“**ESW**” or “**Tenant**”), desire to enter into a Lease Agreement (the “**Lease**”), pursuant to the terms of which ESW will lease from the Township the building situated on 48 Ethel Road, located at Block 21, Lot 6.D (the “**Property**”) in the Township; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-14 (c), the Township is authorized to lease the Property to ESW upon adoption of an ordinance by Municipal Council of the Township (the “**Municipal Council**”); and

WHEREAS, the Lease provides that ESW will be permitted to use the Property to provide vocational rehabilitation services to people with disabilities who are residents of Middlesex County and at least 16 years of age; and

WHEREAS, ESW will be required by the terms of the Lease to submit an annual report to the Township Business Administrator regarding their operations at the Property; and

WHEREAS, ESW will pay to the Township basic rent, additional rent and other required payments in consideration for the use of the Property; and

WHEREAS, the Municipal Council hereby authorizes and approves the Mayor, or his authorized designee, to execute the Lease, as more fully described and attached hereto, and made a part of this Ordinance by reference as Exhibit A.

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Lease, attached hereto as Exhibit A, is hereby approved and accepted. The Mayor, or his authorized designee, is authorized to execute the Lease on behalf of the Township in substantially the same form as the Lease attached hereto, with such additions, deletions and modifications as the Mayor, or his authorized designee, may determine necessary upon consultation with ESW.
3. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

4. 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.2025-2018

EXPLANATION: An Ordinance amending the Township Code Chapter 22 “Environmental Regulations,” to incorporate regulations related to local waterways.

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

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently sets forth regulations providing for the protection of the local environment; and

WHEREAS, the Township desires to amend Chapter 22 of the Code, entitled “Environmental Regulations,” to incorporate regulations related to local waterways; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 22 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] ...

22-4 PROTECTION OF WATERWAYS

22-4.1 Declaration of Policy.

It is hereby declared that pollution of the waters in and about the Township of Edison presents serious problems of health and safety to the citizens of the Township. For the purpose of controlling and reducing these health and safety hazards, it is declared to be the policy of this Township to minimize water pollution and, in furtherance of this policy, to coordinate these efforts with the New Jersey Department of Environmental Protection (NJDEP) and the United States Environmental Protection Agency (EPA).

22-4.2 Compliance with rules and regulations required.

The streams, rivers and other bodies of water in and around the Township are subject to the jurisdiction of the NJDEP and EPA. All persons placing any substance or object in these waters shall comply with all applicable rules, statutes and regulations.

22-4.3 Exceptions.

The only exceptions to the prohibitions contained in this section shall be actions for which the EPA, the NJDEP, or a formally delegated utility authority, as authorized by NJDEP or other authorized agent, has issued a permit under either the federal or New Jersey water pollution

control statutes, provided that such discharges do not exceed the limitation set forth in any such permit.

22-4.4 Violations and penalties.

a. The Business Administrator, or her designee, shall appoint or designate some suitable person or agency to administer this chapter on or before its effective date.

b. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 90 days, or both. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. This provision shall not preclude the right of the Township to pursue or cooperate with any enforcement action for violation of any applicable federal or state water pollution control statute and or regulation.

c. Violations of any of the provisions of this chapter or any permit issued under the authority of this chapter may result in the termination of any permit issued, as referenced in subsection 22-4.3 above.

... [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 22 of the Code, entitled “Environmental Regulations” to read as follows:

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

22-4 PROTECTION OF WATERWAYS

22-4.1 Declaration of Policy.

It is hereby declared that pollution of the waters in and about the Township of Edison presents serious problems of health and safety to the citizens of the Township. For the purpose of controlling and reducing these health and safety hazards, it is declared to be the policy of this Township to minimize water pollution and, in furtherance of this policy, to coordinate these efforts with the New Jersey Department of Environmental Protection (NJDEP) and the United States Environmental Protection Agency (EPA).

22-4.2 Compliance with rules and regulations required.

The streams, rivers and other bodies of water in and around the Township are subject to the jurisdiction of the NJDEP and EPA. All persons placing any substance or object in these waters shall comply with all applicable rules, statutes and regulations.

22-4.3 Exceptions.

The only exceptions to the prohibitions contained in this section shall be actions for which the EPA, the NJDEP, or a formally delegated utility authority, as authorized by NJDEP or other authorized agent, has issued a permit under either the federal or New Jersey water pollution control statutes, provided that such discharges do not exceed the limitation set forth in any such permit.

22-4.4 Violations and penalties.

a. The Business Administrator, or her designee, shall appoint or designate some suitable person or agency to administer this chapter on or before its effective date.

b. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 90 days, or both. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation. This provision shall not preclude the right of the Township to pursue or cooperate with any enforcement action for violation of any applicable federal or state water pollution control statute and or regulation.

c. Violations of any of the provisions of this chapter or any permit issued under the authority of this chapter may result in the termination of any permit issued, as referenced in subsection 22-4.3 above.

... [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 22 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.2026-2018

EXPLANATION: An Ordinance requiring the Department of Park and Recreation to document a weekly inspection of each of Edison Township's thirty (30) parks.

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

WHEREAS, the Township is responsible for the proper maintenance of thirty (30) public parks; and

WHEREAS, the position of Director for Department Of Parks And Recreation is currently vacant;

WHEREAS, the Department of Public Works is tasked with the proper maintenance of the Township's public parks and has been allocated a budget and other resources for this purpose; and

WHEREAS, the Township's public parks are an important component of the Township, serve as a place for public gatherings, acts as a venue for youth sports, and offers residents the ability to enjoy open space for recreation, exercise, and quiet enjoyment; and

WHEREAS, certain portions of the Township's parks have fallen into a state of disrepair, either due to the lack of proper maintenance, vandalism, or aged infrastructure and may create a hazard to the public safety; and

WHEREAS, it is in the interest of the Township to properly maintain its public parks and to protect the public from preventable injuries during the use of said parks;

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

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

2. The Municipal Council hereby amends Chapter III, Article 2, Section 77 of the Code pertaining to the Duties of Director, to read as follows:
... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

2-77.2 Divisions; Duties of Director.

c. The Director of the Department of Public Works shall ensure that each of the township's public parks are inspected on a weekly basis and that said inspection will note whether the following activities have been performed by the Department of Public Works during the week:

1. Performance of vegetation management;
2. Performance of weed management;
3. Performance of tree management;
4. Performance of aging tree assessment;
5. Performance of litter collection;
6. Evaluation of all public safety hazards;
7. Evaluation of all trip hazards;
8. Evaluation of the functionality of apparatuses;
9. Evaluation of divots and un-level ground conditions;
10. Sidewalk and park trail inspections;
11. Hardware inspection, including without limitation, brackets, bolts, and footings;
12. Mulch inspection

13. Inspection of park grounds for drug paraphernalia
14. Maintenance of all sports fields, including without limitation baseball fields, softball fields, cricket field, basketball courts, and tennis courts
15. Cleaning of graffiti

d. The Director Department of Public Works shall ensure that the weekly inspections described in section c above is contemporaneously documented and signed by the inspector on an inspection report. The inspection report shall note at minimum the date of the inspection, the time of the inspection, the location of the inspection and the inspector's findings for each of the 12 items listed in section c above. The Department of Public Works shall retain each inspection report for a period of no less than 10 years.

e. Within 90 days from the effective date of this Ordinance or the determination, the Director of the Department of Public Works shall identify any areas within each public park that are deemed unsafe for public use and shall take all reasonable measures to quarantine those sections. Any area within a public park that is subsequently determined to be unsafe for public use shall be quarantined within 48 hours. Quarantined, as utilized in this section, shall include, without limitation, fencing the unsafe area to make it inaccessible to the public, posting warnings, and/or other reasonable remedies. The unsafe areas will remain quarantined until the Township implements remedial measures and the quarantined area is determined to be safe for public use.

f. Within 90 days from the effective date of this Ordinance the Director Department of Public Works shall create a list of deficiencies for each public park, describing the deficiency, the remedial measures required to cure the deficiency, and the estimated cost of the remedial measure. Additionally, the Director Department of Public Works shall update this list on at least a semi-annual basis, to note any wear and tear of park equipment and any cosmetic changes that are necessary.

RESOLUTION R.506-092018

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 20, 2018

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through September 20, 2018

FUND	AMOUNT
Current	\$14,311,887.38
Affordable Housing	2,977.17
Capital	808,578.01
Cash Performance	22,249.74
CDBG	0.00
Developers Escrow	36,137.00
Dog (Animal Control)	4,203.50
Federal Forfeited	0.00
Grant Funds	8,254.19
Law Enforcement	0.00
Open Space	0.00
Park Improvements	600.00
Payroll Deduction	531,582.41
Sanitation Fund	96,993.37
Self Insurance	0.00
Sewer Utility	164,628.34
Tax Sale Redemption	236,766.07
Tree Fund	0.00
Tree Planting	9,748.14
Trust	146,530.23
TOTAL	\$16,381,135.75

/s/ Nicholas C. Fargo
Chief Financial Officer

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

RESOLUTION R.507-092018

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 **\$291,967.52**.

RESOLUTION R.508-092018

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 **\$10,272.90**.

RESOLUTION R.509-092018

EXPLANATION: This Resolution Grants The Township Council's Advice And Consent To The Re-Appointment of Gary Price, Esq, as Municipal Judge for the Township of Edison.

BE IT RESOLVED that the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby grant it's advice and consent to the re-appointment of Gary Price, Esq. as Municipal Judge for a three (3) year term expiring August 13, 2021.

RESOLUTION R.510-092018

EXPLANATION: This Resolution Grants The Township Council's Advice And Consent To The Re-Appointment of Parag P. Patel, Esq, As Municipal Judge for the Township of Edison.

BE IT RESOLVED that the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby grant it's advice and consent to the re-appointment of Parag P. Patel, Esq. as Municipal Judge for a three (3) year term expiring August 13, 2021.

RESOLUTION R.511-092018

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Delta Community Supports, Inc. for rehab of water damaged bathroom and ADA improvements, as well as vinyl replacement of flooring at 22 Riverview Road in the amount of \$23,500.00.

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

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

WHEREAS, an application to participate in the Program was submitted by Delta Community Supports, was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Delta Community Supports in the amount of \$23,500.00 for the purposes set forth herein under the Township's Emergency Repair Program to include the rehab of the bathroom to meet ADA compliance and the replacement of flooring at the group home located at 22 Riverview Road, and to authorize the execution of an Agreement between the Township and Delta Community Supports, Inc., with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$23,500 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to Delta Community Supports, Inc., 1130 Rt. 202 South Building C, Raritan, NJ 08869, for the purposes set forth herein and authorizes the execution of an Agreement with Delta Community Supports, Inc. with respect to such grant.
2. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.512-092018

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Mission First Housing Group, Inc. for the repair of the ceiling in community room at Amandla's Crossing in the amount of \$13,000.

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

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

WHEREAS, an application to participate in the Program was submitted by Mission First Housing Group, Inc., was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Mission First Housing Group, Inc. for repairs to the community room ceiling at Amandla's Crossing in the amount of \$13,000 for the purposes set forth herein under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Mission First Housing Group, Inc., with respect to such grant.

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

3. The Township Council hereby approves and authorizes a grant in the amount of \$13,000.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to Mission First Housing Group, Inc. 100 Mitch Snyder Drive, Edison, NJ 08817, for the purposes set forth herein and authorizes the execution of an Agreement with Mission First Housing Group, Inc., with respect to such grant.
4. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.513-092018

**EXPLANATION: Resolution Releasing of Cash Maintenance Bond on Site Improvements, under application #P-2013 for OTR Associates ,1655-1665 Oak Tree Road, Edison, NJ .08820
Block: 643.DD Lots: 36**

WHEREAS, The Township Engineer advises that an inspection has been made of OTR Associates/ Omni Services , 1655-1665 Oak Tree Road , Edison, NJ in Block: 643.DD and Lot: 36 Application # P9-2013 , and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on February 18, 2016 OTR Associates posted a Cash Maintenance Bond check # 013132 in the amount of \$ **5,604.05** of with the Township of Edison, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Cash Maintenance Bond check # 013132 in the amount of \$ 5,604.05. plus any accrued interest and the principal being having offices at 1655-1665 Oak Tree Road , Edison, N.J. 08820 and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of Finance be and is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of **\$5,604.05** and any accrued to the applicant account **#7763342638**

RESOLUTION R.514-092018

WHEREAS, the Division of Engineering Services advises that an inspection has been made of Omni Services – OTR Associates , at 1655-1665 Oak Tree Road Application # P9-2013 located in Block #643.DD Lot 36; and

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

WHEREAS, Omni Services, posted a check in the amount of \$1,868.02, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals \$ 1,060.42; and

WHEREAS, it is in now in order that the sum of \$807.60 which represents the amount due and owing the applicant, be returned to OTR Associates /OTR Day Care ; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$ 807.60 plus interest be refunded to OTR Associates , having offices at 4 Cornwall Drive ,Suite 222, East Brunswick, NJ, 08816 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$807.60 plus interest in account # 7763329131 to the applicant.

RESOLUTION R.515-092018

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. The work was never performed.

WHEREAS, on January 2, 2018 , a Construction Permit fee, check #2014628, permit #2018-0016, was posted in the total amount of \$377.00 by the contractor, SunRun, having offices at 26 Worlds Fair Dr., Somerset, NJ 08873 ; and

WHEREAS, the application was submitted for a Solar Installation at 19 Richmond Rd. Edison, NJ 08817, by the hired contractor; SunRun

WHEREAS, appropriate documents have been submitted to the Township indicating that the contract was cancelled therefore appropriate that the municipal permit fee in the amount of \$280.00, derived from the \$377.00 total construction permit fee less the \$27.00 DCA fee, and less the 20% plan review fee of \$70.00 be refunded to the contractor SunRun.; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-0016, in the amount of \$280.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$280.00 on construction permit fees posted by SunRun for 19 Richmond Rd. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$280.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.

RESOLUTION R.516-092018

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. The work was never performed.

WHEREAS, on December 4, 2017 , a Construction Permit fee, check #2014533, permit #2017-5280, was posted in the total amount of \$496.00 by the contractor, SunRun, having offices at 26 Worlds Fair Dr., Somerset, NJ 08873 ; and

WHEREAS, the application was submitted for a Solar Installation at 27 Ovington Ave. Edison, NJ 08817, by the hired contractor; SunRun

WHEREAS, appropriate documents have been submitted to the Township indicating that the contract was cancelled therefore appropriate that the municipal permit fee in the amount of \$380.00, derived from the \$496.00 total construction permit fee less the \$21.00 DCA fee, and less the 20% plan review fee of \$95.00 be refunded to the contractor SunRun.; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2017-5280, in the amount of \$380.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$380.00 on construction permit fees posted by SunRun for 27 Ovington Ave. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$380.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.

RESOLUTION R.517-092018

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

WHEREAS, on May 29,2018 , a Construction Permit fee, check #373, permit #2018-2117, was posted in the total amount of \$336.00 by the contractor, D & M Air Conditioning & Heating, having offices at 2313 Elizabeth Ave., Scotch Plains, NJ- 07076 ; and

WHEREAS, the application was submitted for a A/C and Furnace at 164 Mundy Ave. by the hired contractor; D & M Air Conditioning & Heating, who did not make known to the Construction Code Enforcement Division that the homeowner, Ibrahim Nasser, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$320.00, derived from the \$336.00 total construction permit fee less the \$16.00 DCA fee, be refunded to the contractor D & M Air Conditioning & Heating; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2117, in the amount of \$320.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$320.00 on construction permit fees posted by D & M Air Conditioning & Heating for 164 Mundy Ave. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, D & M Air Conditioning & Heating, having offices at 2313 Elizabeth Ave., Scotch Plains, NJ- 07076

RESOLUTION R.518-092018

**RESOLUTION AUTHORIZING CHANGE ORDER # 1 FOR CONTRACT NO. 17-03-11 WITH
SAFeway CONTRACTING, INC. FOR ROOF REPLACEMENT AT THE EDISON TOWNSHIP MAIN
LIBRARY**

WHEREAS, Resolution R.068-022018 dated February 15, 2018 authorized a contract with Safeway Contracting Inc., 136 Market Street, Kenilworth, NJ 07033 for Roof Replacement at the Edison Main Library; and

WHEREAS, Change order No 1 is needed to address unforeseen conditions that are found to be necessary that was not initially anticipated at the time of contract award in the amount of \$13,600.00; and

WHEREAS, the changes will not alter the contract in such a manner as to nullify the effect of the competitive determination of lowest responsible bidder which was made at the time of the contract award; and

WHEREAS, funds in the amount of \$13,600.00 have been certified to be available in the Various Building Improvements Account, No C-04-14-1872-310-001; 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, that Change Order #1 to the contract with Safeway Contracting Inc., 136 Market Street, Kenilworth, NJ 07033 is hereby authorized in the amount of \$13,600.00 for a total amended contract amount of \$170,350.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$13,600.00** are available for the above in Account No. **C-04-14-1872-310-001** for a revised construction contract amount of \$170,350.00.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.519-092018

RESOLUTION AUTHORIZING CONTRIBUTION OF FIRST AID SQUAD FUNDS TO RARITAN VALLEY REGIONAL EMERGENCY MEDICAL SERVICES, INC. FROM THE 2018 CALENDAR YEAR BUDGET IN AN AMOUNT NOT TO EXCEED \$105,000.00

WHEREAS, the Township of Edison budgeted \$105,000.00 in the calendar year 2018 budget and desires to distribute said funds to Raritan Valley Regional Emergency Medical Services, Inc., 848 New Dover Road, Edison, NJ 08820 for the volunteer first aid squad of the Township of Edison; and

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

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

WHEREAS, funds in the amount of \$105,000.00 have been certified to be available in the Aid To Vol First Aid Squad Account, Number 8-01-25-0260-000-030; 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 in the County of Middlesex, New Jersey that the proper Township officials are hereby authorized to make the donation of \$105,000.00 as indicated herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$105,000.00 are available for the above expenditure in Account No. 8-01-25-0260-000-030.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.520-092018

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF A VIDEO CONFERENCE SYSTEM WITH A ONE YEAR WARRANTY FOR THE EDISON MUNICIPAL COURT

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

WHEREAS, the Township of Edison is a member of the EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM #65MCESCCPS; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484 has been awarded Contract ESCNJ 18/19-03 (Technology Supplies & Services) through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order(s) with CDW GOVERNMENT INCORPORATED for the purchase of a video conference system with a one year warranty to be compatible with Middlesex County's new system; and

WHEREAS, funds in the amount of \$10,904.70 have been certified to be available in Acquisition of Computer and Camera Equipment Account, number C-04-15-1914-101-000; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of \$10,904.70 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$10,904.70** are available in Account number **C-04-15-1914-101-000**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.521-092018

EXPLANATION: This Municipal Resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to help support the development and implementation of viable plans and strategies to enhance residential compliance assistance and enforcement programs for Edison Department of Public Work Recycling programs, efforts, activities and initiatives throughout the Township.

WHEREAS, the Township of Edison desires to apply for and obtain a grant from the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program to provide up to \$7,500.00 in awarded grant funds to help support viable plans and strategies for the development and implementation of residential compliance assistance and enforcement programs for Edison Department of Public Work Recycling programs, efforts, activities and initiatives throughout the Township; and

WHEREAS, the development of effective plans and strategies shall assist the Edison Department of Public Works with its efforts to enhance the collection of local recyclable materials throughout the Township that would otherwise enter the general waste stream, landfills and waterways of Edison and Middlesex County; and

WHEREAS, upon receipt of said grant award, the Township of Edison agrees to encumber any municipal funds needed in addition to those awarded by the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program per stated terms and conditions, for the development and implementation of viable plans and strategies to enhance residential compliance assistance and enforcement programs for Edison Department of Public Works Recycling programs, efforts, activities and initiatives throughout the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the development and submission of a viable application for a maximum amount of \$7,500.00 of grant funds, according to the regulations and guidelines of the Middlesex County Department of Public Safety & Health Office of Health Services Division of Solid Waste Management 2019 Recycling Enhancement Grant Program, at its regularly-scheduled Public Meeting, on the evening of Wednesday September 26, 2018.

RESOLUTION R.522-092018

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO INDEPENDENT EDISON DOOR CO. FOR OVERHEAD DOOR REPAIR/MAINTENANCE

WHEREAS, bids were received by the Township of Edison on August 21, 2018 for Public Bid No. 18-08-31R-Overhead Door Repair/Maintenance for the Township of Edison; and

WHEREAS, INDEPENDENT EDISON DOOR CO., 176 US Highway 206, Hillsborough, NJ 08844, submitted the lowest legally responsible, responsive bid; 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 \$50,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by INDEPENDENT EDISON DOOR CO., 176 US Highway 206, Hillsborough, NJ 08844, for Overhead Door Repair/Maintenance for the Township of Edison, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with INDEPENDENT EDISON DOOR CO. as described herein.

RESOLUTION R.523-092018

RESOLUTION AWARDING CONTRACT TO CAMBRIA TRUCK CENTER FOR THE PURCHASE OF TWO (2) AUTOMATED SIDE LOADER REFUSE COLLECTION VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, bids were received by the Township of Edison on November 29, 2017 for Public Bid No. 17-06-18 Automated Side Loader Refuse Collection Vehicle for the Department of Public Works; and

WHEREAS, CAMBRIA AUTOMOTIVE COMPANIES, 116 Talmadge Rd., Edison, NJ 08817 submitted the lowest legally responsible, responsive bid; and

WHEREAS, Resolution R. 702-122017 authorized the award of a contract to CAMBRIA AUTOMOTIVE COMPANIES for the purchase of two automated side loaders; and

WHEREAS, contract specifications allow for additional purchases under this contract and the Township of Edison wishes to exercise this option to purchase two additional vehicles; and

WHEREAS, the maximum amount of the purchase shall not exceed \$579,600.00 (\$279,900.00 per vehicle and \$9,900.00 per extended two year warranty); and

WHEREAS, funds in the amount of \$531,050.00 have been certified to be available in the Sanitation Capital Outlay Account, Number 8-09-55-0880-000-600, funds in the amount of \$19,800.00 have been certified to be available in the Sanitation Operating – Equipment Maintenance Account, No. 8-09-55-0800-001-216, and funds in the amount of \$28,750.00 have been certified to be available in the Sanitation Operating – New Equipment Account, No. 8-09-55-0800-001-212; and

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, the Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents, with CAMBRIA AUTOMOTIVE COMPANIES, 116 Talmadge Rd., Edison, NJ 08817, as described herein, in the amount not to exceed \$579,600.00 for two additional automated side loaders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds for the above in the amount of **\$531,050.00** are available in Account Number **8-09-55-0880-000-600**, funds in the amount of **\$19,800.00** are available in Account No. **8-09-55-0800-001-216**, and funds in the amount of **\$28,750.00** are available Account No. **8-09-55-0800-001-212**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.524-092018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO JERSEY MULCH PRODUCTS, LLC FOR THE FURNISHING OF GROUND MATERIALS

WHEREAS, bids were received by the Township of Edison on July 6, 2018 for Public Bid No. 18-10-26 - Ground Materials; and

WHEREAS, JERSEY MULCH PRODUCTS, LLC, 48 Old Jacksonville Rd., Towaco, NJ 07082, 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 \$70,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by JERSEY MULCH PRODUCTS, LLC 48 Old Jacksonville Rd., Towaco, NJ 07082 for Ground Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet .
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$70,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with JERSEY MULCH PRODUCTS, LLC.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.525-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO BRITTON INDUSTRIES, INC.
FOR THE FURNISHING OF GROUND MATERIALS**

WHEREAS, bids were received by the Township of Edison on July 6, 2018 for Public Bid No. 18-10-26 - Ground Materials; and

WHEREAS, BRITTON INDUSTRIES, INC., 227 Bakers Basin Rd., Lawrenceville, NJ 08648, 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, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by BRITTON INDUSTRIES, INC., 227 Bakers Basin Rd., Lawrenceville, NJ 08648 for Ground Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet .
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$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 BRITTON INDUSTRIES, INC.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.526-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO SITEONE LANDSCAPE
SUPPLY FOR THE FURNISHING OF GROUND MATERIALS**

WHEREAS, bids were received by the Township of Edison on July 6, 2018 for Public Bid No. 18-10-26 - Ground Materials; and

WHEREAS, SITEONE LANDSCAPE SUPPLY, 1385 East 36th St., Cleveland, OH 44114, 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 \$5,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by SITEONE LANDSCAPE SUPPLY, 1385 East 36th St., Cleveland, OH 44114 for Ground Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$5,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with SITEONE LANDSCAPE SUPPLY.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.527-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO SILAGY CONTRACTING, INC.
FOR THE FURNISHING OF GROUND MATERIALS**

WHEREAS, bids were received by the Township of Edison on July 6, 2018 for Public Bid No. 18-10-26 - Ground Materials; and

WHEREAS, SILAGY CONTRACTING, INC., P.O. Box 1096, Edison, NJ 08817, 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 \$10,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by SILAGY CONTRACTING, INC., P.O. Box 1096, Edison, NJ 08817 for Ground Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00 for the first year renewal and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with SILAGY CONTRACTING, INC.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.528-092018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO STAVOLA CONSTRUCTION MATERIALS FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, STAVOLA CONSTRUCTION MATERIALS, 175 Drift Road, Tinton Falls, NJ 07724 submitted the lowest legally responsible bid for various items 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 \$90,000.00, and cannot be encumbered at this time; and

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

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

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

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

3. All bids have been reviewed, and the bid by STAVOLA CONSTRUCTION MATERIALS, 175 Drift Road, Tinton Falls, NJ 07724 for Materials is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
4. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$90,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with STAVOLA CONSTRUCTION MATERIALS as described herein.
5. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.529-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO TRAP ROCK INDUSTRIES
INCORPORATED FOR THE FURNISHING OF MATERIALS**

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, TRAP ROCK INDUSTRIES INCORPORATED, P.O. Box 419, Kingston, NJ 08528, submitted the lowest legally responsible bid for various items 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 \$400,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by TRAP ROCK INDUSTRIES INCORPORATED, P.O. Box 419, Kingston, NJ 08528 for Materials is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$400,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with TRAP ROCK INDUSTRIES INCORPORATED as described herein.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.530-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO SITE ONE LANDSCAPE
SUPPLY FOR THE FURNISHING OF MATERIALS**

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, SITE ONE LANDSCAPE SUPPLY, 1385 East 36th St., Cleveland, OH 44114, submitted the lowest legally responsible bid for various items 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, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by SITE ONE LANDSCAPE SUPPLY, 1385 East 36th St., Cleveland, OH 44114 for Materials is determined to be the lowest legally responsible bid for various items 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 SITE ONE LANDSCAPE SUPPLY as described herein.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.531-092018

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHEMUNG SUPPLY CORP.
FOR THE FURNISHING OF MATERIALS**

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, CHEMUNG SUPPLY CORP., P.O. Box 527, Elmira, NY 14902, submitted the lowest legally responsible bid for various items 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 \$10,000.00, and cannot be encumbered at this time; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the 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 Materials is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00 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.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.532-092018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO RARITAN GROUP, INC. FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, RARITAN GROUP, INC., 301 Meadow Rd., Edison, NJ 08817, submitted the lowest legally responsible bid for various items 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 \$10,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by RARITAN GROUP, INC., 301 Meadow Rd., Edison, NJ 08817 for Materials is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with RARITAN GROUP, INC. as described herein.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.533-092018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CORE AND MAIN LP FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on August 2, 2018 for Public Bid No. 18-03-08-Materials; and

WHEREAS, CORE AND MAIN LP, 61 Gross St., Edison, NJ 08837, submitted the lowest legally responsible bid for various items 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 \$4,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by CORE AND MAIN LP, 61 Gross St., Edison, NJ 08837 for Materials is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
4. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$4,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with CORE AND MAIN LP as described herein.
2. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received.

RESOLUTION R.534-092018

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

WHEREAS, bids were received by the Township of Edison on July 31, 2018 for Public Bid No. 18-03-09-Traffic Warning/Street Signs and Related Materials for the Township of Edison; and

WHEREAS, GARDEN STATE HIGHWAY PRODUCTS, INC., 301 Riverside Dr., Millville, NJ 08332, submitted the lowest legally responsible, responsive 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 \$40,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by GARDEN STATE HIGHWAY PRODUCTS, INC., 301 Riverside Dr., Millville, NJ 08332 for Traffic Warning/Street Signs and Related Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$40,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with GARDEN STATE HIGHWAY PRODUCTS, INC., as described herein.

RESOLUTION R.535-092018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO TRAFFIC SAFETY SERVICE, LLC FOR THE FURNISHING OF TRAFFIC WARNING/STREET SIGNS AND RELATED MATERIALS

WHEREAS, bids were received by the Township of Edison on July 31, 2018 for Public Bid No. 18-03-09-Traffic Warning/Street Signs and Related Materials for the Township of Edison; and

WHEREAS, TRAFFIC SAFETY SERVICE, LLC, 601 Hadley Rd., South Plainfield, NJ 07080, submitted the lowest legally responsible, responsive 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 \$5,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by TRAFFIC SAFETY SERVICE, LLC, 601 Hadley Rd., South Plainfield, NJ 07080 for Traffic Warning/Street Signs and Related Materials is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$5,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with TRAFFIC SAFETY SERVICE, LLC, as described herein.

RESOLUTION R.536-092018

**RESOLUTION AWARDING REIMBURSEMENT TO VARIOUS SOFTBALL TEAMS
FOR ENDING THE SEASON IN GOOD STANDING**

WHEREAS, there exists an ordinance for sports teams to pay entrance fees prior to playing in Edison Township’s Recreation leagues.

WHEREAS, the ordinance further states that a “Good Standing Refund” in the amount of \$150.00 shall be made payable to each softball team finishing the season in good standing with the league, and

WHEREAS, fees in the amount of \$1,650.00 have been certified to be available in the Township Trust Account, Number T-13-00-1000-000-014.

WHEREAS, the below listed adult softball teams eligible for a good standing refund are as follows:

<u>REFUND NAME</u>	<u>TEAM</u>
JOHN M. GATTO, AGENT	STATE FARM
THOMAS LANKEY	WHISPERING KNOLL
JACK MIRANDA	JFK
SAL LAGRASSO	MAIN STREET BARBER SHOP
DOUGLAS VW	DOUGLAS VW
DONNA MACAN	CLARA BARTON BASHERS
ROBERT MEDINA	WHO’S ON FIRST
ANTHONY PETERSON	SOUTH SLIDERS
BEN TORO	GREAT WHITES
KC MICHAEL CABONILAS	SCHMONEY GUTS
JACK MIRANDA	JFK MEDICAL CENTER

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison that authorization be given to release said funds to these teams.

CERTIFICATION

I hereby certify that funds in the amount of \$1,650.00 are available for the above teams in Account No.T-13-00-1000-000-014.

RESOLUTION R.537-092018

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
LIN BEN FOR THE ABC PROGRAM**

WHEREAS Lin Ben made payment in the amount of \$130.00 for his child Adalyn Ben's participation in the ABC Program at Menlo Park Elementary School for the month of September; and

WHEREAS the child was removed from the program prior to attending in September; and

WHEREAS payment was already made for the month of September, 2018.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$130.00 to Lin Ben, 72 Calvert Ave., West, Edison, NJ, 08820, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$130.00 are available in Account #8-01-55-0291-000-000.

RESOLUTION R.538-092018

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
VASU LAKKAMRAJU FOR THE ABC PROGRAM**

WHEREAS Vasu Lakkamraju made payment in the amount of \$190.00 for his child Vignesh Lakkamraju's participation in the ABC Program at John Marshall Elementary School for the month of September; and

WHEREAS the child was removed from the program prior to attending in September; and

WHEREAS payment was already made for the month of September, 2018.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$190.00 to 2115 Strawberry Ct., Edison, NJ, 08817, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$190.00 are available in Account #8-01-55-0291-000-000.

RESOLUTION R.539-092018

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SADHIKA SALARIYA FOR THE ABC PROGRAM**

WHEREAS Sadhika Salariya made payment in the amount of \$480.00 for her children Mahika Salariya and Rishaan Salariya's participation in the ABC Program at Martin Luther King Elementary School for the month of September; and

WHEREAS the children were removed from the program prior to attending in September; and

WHEREAS payment was already made for the month of September, 2018.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$480.00 to Sadhika Salariya, 414 Westgate Drive, Edison, NJ, 08820, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$480.00 are available in Account #8-01-55-0291-000-000

RESOLUTION R.540-092018

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO ECONOCRAFTS FOR THE PURCHASE OF PRE-PACKAGED CRAFT KITS FOR THE TOWNSHIP OF EDISON

WHEREAS, the Township of Edison, Department of Recreation, needs to purchase pre-packaged craft kits for the Township for use in their programs throughout the year; and

WHEREAS, the Township contracted vendors could not supply these items and an attempt was made to obtain quotes but other vendors did not meet the state requirements of having a business registration certificate; and

WHEREAS, the Township plans to purchase these items from ECONOCRAFTS, 29 Riverside Ave, Bldg 2, Newark, NJ 07104 pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the total amount of this contract/Purchase Order(s) in the amount not to exceed \$20,000.00 cannot be encumbered at this time; and

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

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

WHEREAS, prior to entering into a contract, ECONOCRAFTS, 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 ECONOCRAFTS from making any reportable contributions through the term of the contract; 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:

3. The Mayor or his designee is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, with ECONOCRAFTS, in the amount not to exceed \$20,000.00 for the purchase of pre-packaged craft kits as set forth above.
4. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
6. 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.

RESOLUTION R.541-092018

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza to discharge fireworks for the Dushahra Festival taking place on the grounds of Lake Papaiani, scheduled for October 13, 2018 with a rain date of October 20, 2018

WHEREAS, Fireworks Extravaganza has applied to the Township of Edison for a permit to discharge fireworks on October 13, 2018 with a rain date of October 20, 2018 for the Dushahra Festival taking place on the grounds of Lake Papaiani; and

WHEREAS, Fireworks Extravaganza 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 Fireworks Extravaganza to conduct a fireworks display on the evening of October 13, 2018
With a rain date of October 20, 2018 at approximately 8:00 p.m. on the grounds of Lake Papaiani 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.** Fireworks Extravaganza 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 and **3.** Fireworks Extravaganza 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 **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 Fireworks Extravaganza, the Fire Marshal's Office, Division of Fire, and Division of Police.

RESOLUTION R.542-092018

**RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS TO VOLUNTEER FIRE COMPANIES
FOR 2018**

WHEREAS, it is the desire of the Township of Edison to appropriate funds for the direct use of the Volunteer Fire Departments located within the Township of Edison; and

WHEREAS, New Jersey State Statutes N.J.S.A. 40A:14-34, et. seq. authorizes said funding; and

WHEREAS, it is understood by the parties that the volunteer fire companies shall be responsible to comply with all Federal, State and Local restrictions and regulations regarding the use of said funds; and

WHEREAS, funds in the amount of \$40,000.00 have been certified to be available in the Aid to Volunteer Fire – Materials & Supplies Account, Number 8-01-25-0255-000-030; and

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

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that in accordance with N.J.S.A. 40A:14-34, et. seq., the following volunteer fire companies are hereby authorized to receive the following appropriations for 2018; and

- Raritan Engine Co.#1- \$10,000.00
- Raritan Engine Co.#2- \$10,000.00
- Edison Volunteer Fire Co. #1-\$10,000.00
- Oak Tree Volunteer Fire Co.- \$10,000.00

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount **\$40,000.00** are available for the above in Account No. **8-01-25-0255-000-030**.

Nicholas C.
Fargo
Chief Financial Officer

Date

RESOLUTION R.543-092018

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE
MANAGEMENT OF SCHOOL CROSSING FUNCTIONS**

WHEREAS, the Local Public Contracts Law specifically N.J.S.A. 40A:11-4.1 et seq., provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and/or services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking, and weighing of criteria as well as cost; and

WHEREAS, the township wishes to initiate competitive contracting for the Management of School Crossing Functions pursuant to N.J.S.A. 40A:11-4.1(k) and as approved by the State of New Jersey, Department of Community Affairs; and

WHEREAS, N.J.S.A. 40A:11-4-3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 is desired to be contracted.

NOW, THEREFORE IT IS RESOLVED, by the Municipal Council of the Township of Edison that the appropriate township officials are hereby authorized to initiate competitive contracting for the aforesaid project in conformance with N.J.S.A. 40A:11-4.1 et seq.

RESOLUTION R.544-092018

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by 48 River Drive LLC. for a project located at 7 Sycamore , N.J. 08817 in Block 106, Lot 65.A,66.A and Application #P-5185 ; and

WHEREAS ; the applicant was required to Post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS; on May 19 , 2017 48 river Drive LLC. posted fees on deposit with the Township of Edison in the account # DE17051948,68391927 for Developers Escrow Fees; and

WHEREAS; the applicant has requested the return of the unused portion of Developers Escrow Fees, as provided by law; and

WHEREAS; it is now in order that the sum \$ 280.50 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to 48 River Drive LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$280.50 plus accrued interest, if applicable be refunded to 48 River Drive LLC, 8 Carter Drive, Marlboro ,NJ. 07746

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$ 280.50 plus accrued interest, if applicable, in account #DE17051948, 68391927 to the applicant.

RESOLUTION R.545-092018

EXPLANATION: Resolution Refunding Cash Performance and Performance Bond to Glendale Warehouse and Distribution Expansion. Application # Z35-2014 in Account # 68392029/ CP180102GL and Performance Surety Bond # 42469.

WHEREAS, the Township Engineer advises that an inspection has been made of Glendale Warehouse and Distribution Application #Z35-2014, 742 Old Post Road Block:266.A Lot: 19.04, 20B.,21 and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance posted on in the amount of **\$11,650.54**, plus accrued interest, if applicable on deposit in account **#68392029/ CP180102GL** with the Township of Edison, principal being Glendale Warehouse and Distribution., having offices at 742 Old Post Road, Edison,NJ,08817 and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the posted Performance Surety Bond **NO.42469** dated December 7, 2017 by the Service Insurance Company Inc. in the amount of **\$104,855.04**.

BE IT FURTHER RESOLVED that the Director of Finance and the Township Clerk be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$11,650.54** plus accrued interest, if applicable, on deposit in account **#68392029/ CP180102GL** to the applicant, Glendale Warehouse and distribution, 742 Old Post Road , Edison , NJ,08817 . And also the Performance Surety Bond **NO.42469** returned to the Service Insurance Company, 80 Main Street, Suite 330, West Orange, NJ 07052

RESOLUTION R.546-092018

EXPLANATION: A Resolution authorizing a Shared Services Agreement with the County of Middlesex for the recovery of Edison's Hazmat response costs.

WHEREAS, the County of Middlesex proposes a shared service agreement for the County to recover Hazmat (hazardous materials) response costs incurred by the Township of Edison for the 2019, 2020 and 2021.

WHEREAS, the County will be the lead agency for recovery of all Hazmat response costs incurred by the Township of Edison when the Township responds to Hazmat spills coordinated by the County, and the Township will not be charged for the County's services in this regard as the County will recoup their administrative expenses for this service from the party responsible for the Hazmat spill; and

WHEREAS, the Township of Edison wishes to enter into a Shared Services Agreement with the County of Middlesex, attached hereto, for the provision of the recovery of Hazmat response costs as permitted by the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1, et seq.

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

1. The attached Shared Services Agreement between the Township of Edison and the County of Middlesex for the provision of the recovery of Hazmat response costs is hereby approved by the Township Council.
2. The Mayor, Township Clerk, Township Attorney and other necessary Township Officials and Employees are hereby authorized to execute and deliver the Shared Services Agreement between the Township of Edison and the County of Middlesex for the provision of the recovery of Hazmat response costs attached hereto and all other documents and undertake all actions reasonably necessary to effectuate and implement this Resolution and the terms of the Shared Services Agreement.

RESOLUTION R.547-092018

WHEREAS, July 13, 2015, O.T.R. Associates posted Tree Maintenance Bond fees in the amount of \$300.00, with Check No. 012718 on deposit with the Township of Edison in account #7763396693 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 1665 Oak Tree Road, Block 643.DD, Lot 20, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$300.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$300.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$300.00, plus any accrued interest as applicable, on deposit in Account #7763396693 to O.T.R. Associates, 4 Cornwall Drive, Suite 222, East Brunswick NJ 08816 for the referenced property at 1665 Oak Tree Road, Edison NJ 08820 Block: 643.DD Lot: 20

RESOLUTION R.548-092018

Authorizing the refund of sewer charge overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various property discharging disposable water into Township of Edison sewer lines, we have received overpayment for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that value billed to their sewer accounts for the indicated year and period; and

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

WHEREAS, the Municipal Council of the Township of Edison desires to authorize the refund of these sewer charge overpayments.

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 in satisfaction of sewer charge overpayments totaling **\$ 209.99**, and that this Resolution shall take effect immediately.

RESOLUTION R.549-092018

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 17-54-01: Interior Floor Replacement and Installation of Above Floor Kennel System; and authorizes FINAL CONTRACT PAYMENT for release of retainage in the amount of \$3,315 and close-out of the construction project.

WHEREAS, the Township of Edison advertised for a construction contract for the Interior Floor Replacement and Installation of Above Floor Kennel System, 125 Municipal Blvd, Township of Edison, Middlesex County, New Jersey under Public Bid No. 17-51-01; and

WHEREAS, ABHZEEN DESIGN, 2152 Whitesville Road, Toms River, NJ 08755 was awarded a construction contract through resolution R.369-062017 in a contract amount not to exceed \$165,750.00 for the project; and

WHEREAS, the Township Engineer has reviewed the project and certifies the construction work has been completed, a two-year (2-year) warrantee has been provided for all goods and services rendered for the project has been received by the Township of Edison.

WHEREAS, the Township Engineer recommends project acceptance, release of the performance bond, and final payment including retainage be made to ABHZEEN DESIGN, in an amount of \$3,315.00 for a total construction contract as-built cost of \$165,750.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the project under Public Bid No. 17-54-01: Interior Floor Replacement and Installation of Above Floor Kennel System, 125 Municipal Blvd is deemed accepted by the Township of Edison, New Jersey, is subject to the provisions of the warrantee received, and that the performance bond may be released and that final payment, including retainage, shall be made to ABHZEEN DESIGN, in an amount not to exceed \$3,315.00 for a total construction contract as-built cost of \$165,750.

RESOLUTION R.550-092018

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer's Agreement with Federal Business Centers with respect to Block 390C, Lot 24 on the Edison Township Tax Map, and more commonly known as 1130 King Georges Road.

WHEREAS, Block 390C, Lot 24, and more commonly known as 1130 King Georges Road, as shown on the Township of Edison tax maps (the "**Property**") was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "**Board**") made by Federal Business Centers ("**Developer**") requesting amended final site plan approval to construct a new 50-stall parking area, loading docks and a water quality installation at the Property (the "**Project**"); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on July 16, 2018 (the "**Resolution**"); and

WHEREAS, the Township of Edison (the "**Township**") and Developer desire to enter this Developer's Agreement to establish the terms pursuant to which the Developer shall undertake construction on the Project, and related matters; and

WHEREAS, the Code of the Township of Edison requires the developer to enter into a Developer's Agreement with the Township in connection with the Project; and

WHEREAS, the Developer's Agreement attached hereto between the Township and Developer (the "**Agreement**") has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the Developer.

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:

5. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.

6. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.

7. This Resolution shall take effect immediately.

RESOLUTION R.551-092018

EXPLANATION: A Resolution supporting the purchase and rehabilitation of a portion of the property containing the Clive Street Pond the Township of Edison, (more commonly known as 110 Clive Street, on the corner of Clive Street and Mason Drive), by the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as a protected wetland area.

WHEREAS, the Township of Edison (the “**Township**”), and the County of Middlesex, New Jersey (the “**County**”), when appropriate, have displayed interests and furthered preservation of certain parcels in the Township and County, as open space, parks, farmland, and/or historic sites; and

WHEREAS, it has come to the attention of the municipal council of the Township (the “**Municipal Council**”), by way of local concerned residents, that there is a desire to preserve a portion of Block 557.H, Lot 30.B on the tax maps of the Township (commonly known as 110 Clive Street, along the border of the Township and the Borough of Metuchen (the “**Borough**”), which contains the Clive Street Pond (the “**Property**”), in furtherance of the Property’s preservation as protected wetland; and

WHEREAS, it is the understanding of the Municipal Council that the County desires to undertake due diligence in furtherance of the potential purchase and rehabilitation of the Property; and

WHEREAS, in furtherance of certain Township objectives to, where appropriate, encourage the preservation of certain parcels in the Township as open or protected space, and in support of the Borough’s interest in same, the Municipal Council hereby supports the County’s efforts to purchase and rehabilitate the Property in furtherance of the Property’s preservation as a protected wetland; and

WHEREAS, the Municipal Council seeks to transmit the Township’s support of the prospective purchase and rehabilitation of the Property, and its continued preservation of same, to the Board of Chosen Freeholders of the County of Middlesex, New Jersey

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council supports the County’s purchase and rehabilitation of the Property in furtherance of wetland preservation.
3. The Municipal Clerk of the Township shall forward a certified copy of this resolution to Board of Chosen Freeholders of the County of Middlesex, New Jersey.
4. This Resolution shall take effect immediately.

RESOLUTION R.552-092018

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

WHEREAS, the municipal council of the Township (“**Municipal Council**”) directed the Township planning board (“**Planning Board**”) to investigate the property bounded by Amboy Avenue and Hoover Avenue to the North, I-95 New Jersey Turnpike to the East, Pierson Avenue to the West and the Middlesex Greenway to the South, which included, amongst other parcels, whether Block 730.G, Lot 28.A, on the tax maps of the Township, constitutes as an “area in need of rehabilitation” as defined in the Redevelopment Law pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (“**Redevelopment Law**”); and

WHEREAS, the Planning Board conducted an investigation and prepared a study and map of the boundaries of the Township and made a recommendation to the Municipal Council to designate the Study Area as an area in need of redevelopment; and

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

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

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

WHEREAS, after reviewing the Planning Board’s recommendation, the Municipal Council adopted the Redevelopment Plan by ordinance on August 24, 2016; and

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

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

WHEREAS, Redeveloper is the owner of the Rehabilitation Area; and

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

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

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

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

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

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

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

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

Section 4. 979 Amboy Avenue, LLC is hereby designated as the redeveloper of the Project, subject to the execution of the Redevelopment Agreement.

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

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

Section 7. This Resolution shall take effect immediately.

RESOLUTION R.553-092018

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE HEAVY DUTY OEM TRUCK PARTS FROM GABRIELLI KENILWORTH THROUGH THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements for its administration; and

WHEREAS, **GABRIELLI KENILWORTH**, 2300 Route 130 North, Dayton, NJ 08810, has been awarded Contract #CC-0129-17 for the cooperative purchase of Heavy Duty OEM Truck Parts through the Somerset County Cooperative Pricing System (#2SOCCP), for which Edison is a member; and

WHEREAS, the Township of Edison wishes to purchase same through this cooperative pricing system; and

WHEREAS, the total amount of this contract, not to exceed \$75,000.00, 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) and any other necessary documents, in the amount of \$75,000.00 with **GABRIELLI KENILWORTH**, 2300 Route 130 North, Dayton, NJ 08810, the approved Somerset County Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Somerset County Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.