

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

September 27, 2017

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, September 27, 2017. The meeting was called to order at 7:00 p.m. by Council President Lombardi, followed by the Pledge of Allegiance.

Present were Councilmembers Coyle, Diehl, Lombardi, Sendelsky and Shah.

Councilmember Gomez entered at 7:04pm.

Councilmember Patil entered at 7:06pm.

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney Northgrave, Business Administrator Ruane, Health Inspector Spearnock, Police Deputy Chief Mieczkowski, Fire Captain Toth and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, and the Sentinel on December 30, 2016 and posted in the Main Lobby of the Municipal Complex on the same date.

COUNCIL PRESIDENT'S REMARKS

Council President Lombardi, reminded everyone tomorrow night to attend the public meeting on the feedback for a Community Center. The study was done by Suburban Consulting Engineers. Meeting will begin at 7:30pm in Council Chambers. He mentioned again Edison Eats Campaign for restaurants to participate. A Nixle went out this Saturday utility work is being done on Talmadge Road the road will be closed starting from 5:00 am we hope the work will be complete before Dushara Festival . He encouraged residents to sign up for the Nixle so you may get these updates.

UNFINISHED BUSINESS

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinance, which was introduced by Title on September 13, 2017 passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

**O. 1989-2017 AN ORDINANCE AUTHORIZING THE TOWNSHIP TO
ACCEPT A SECURITY CAMERA AS A GIFT FROM
EQUISTAR CHEMICAL, LP AND EXECUTE A LICENSE
AGREEMENT FOR ACCESS THERETO.**

(The above Ordinance O.1989-2017 can be found in its entirety in Ordinance Book #27.)

Council President Lombardi declared the Public Hearing opened for O.1989-2017

None

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

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

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

NAYS - None

NEW BUSINESS:

**PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR, WEDNESDAY,
OCTOBER 11, 2017.**

The following Ordinance was introduced by title:

O.1990-2017 ORDINANCE AMENDING THE TOWNSHIP CODE TO UPDATE THE ADDRESS LIST OF PERSONS ENTITLED TO HANDICAPPED PARKING SPACES

On a motion made by Councilmember Coyle seconded by Councilmember Diehl this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on October 11, 2017

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

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Lombardi opened the meeting to the public for comments on Proposed Resolutions R.541-092017 through R.566-092017.

None

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

The following Resolutions R.541-092017 through R.551-092017 and R.553-092017 through R.566-092017 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Sendelsky.

RESOLUTION 541-092017

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 21, 2017

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through September 21, 2017.

FUND	AMOUNT
Current	\$18,876,741.40
Sewer Utility	2,285,282.81
Capital	368,233.13
Grant Funds	19,911.66
Dog (Animal Control)	2,253.62
Trust	220,294.67
CDBG	13,655.00
Tree Fund	0.00
Payroll Deduction	597,466.35
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Sanitation Fund	226,731.12
Self Insurance	0.00
Affordable Housing	3,742.64
Cash Performance	0.00
Developers Escrow	29,120.61
Tree Planting	0.00
Federal Forfeited	0.00
Tax Sale Redemption	123,301.30
TOTAL	\$22,766,734.31

/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.542-092017

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

WHEREAS, the Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$36,792.73**.

RESOLUTION R.543-092017

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 **\$7,147.81**.

RESOLUTION R.544-092017

Authorizing Overpayment Refund caused by Successful Tax Court Appeal

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

TAXPAYER	MANSURI, SALIM & SHAGUFTA
PROPERTY LOCATION	235 CONWAY ST
BLOCK / LOT / QUALIFIER	918/5

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

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
010243-2016	2016	348,300	325,000	(23,300)
010196-2017	2017	348,300	325,000	(23,300)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$2,379.40** for the years as follows:

TAX YEAR	TAX AMOUNT
2016	1,178.05
2017	1201.35

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$2,379.40**.

RESOLUTION R.545-092017

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

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

TAXPAYER	JOSEPH BARTONEK LLC
PROPERTY LOCATION	949 NEW DURHAM RD
BLOCK / LOT / QUALIFIER	21/9

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced as follow for the tax years below, including Freeze Act Year(s) as per provisions of N.J.S.A. 54:51A-8 (Freeze Act):

DOCKET NUMBER	TAX YEAR	ASSESSMENT
012342-2015	2015	(26,900)
012342-2015	2016	(26,900)
010192-2017	2017	(26,900)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$4,230.29** for the years as follows:

TAX YEAR	TAX AMOUNT
2015	1364.91
2016 (FREEZE ACT)	1419.24
2017	1446.14

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$4,230.29**.

RESOLUTION R.546-092017

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

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

TAXPAYER	JOSEPH BARTONEK LLC
PROPERTY LOCATION	967 NEW DURHAM RD
BLOCK / LOT / QUALIFIER	21/3.A1

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced as follow for the tax years below, including Freeze Act Year(s) as per provisions of N.J.S.A. 54:51A-8 (Freeze Act):

DOCKET NUMBER	TAX YEAR	ASSESSMENT
012344-2015	2015	(15,000)
012344-2015	2016	(15,000)
010194-2017	2017	(15,000)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$2,358.90** for the years as follows:

TAX YEAR	TAX AMOUNT
2015	761.10
2016	791.40
2017	806.40

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$2358.90**.

RESOLUTION R.547-092017

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO
F & S TIRE CORP. INC. FOR RETREAD TIRES**

WHEREAS, bids were received by the Township of Edison on September 7, 2017 for Public Bid No. 17-05-20-Retread Tires; and

WHEREAS, F & S TIRE CORP. INC., 58 Brunswick Ave., Edison, NJ 08817 submitted the lowest legally responsible, responsive bid; and

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

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$80,000.00, 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 F & S TIRE CORP. INC., 58 Brunswick Ave., Edison, NJ 08817 for Retread Tires, 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 \$80,000.00 for the first year and any succeeding renewal year and any other necessary documents, with F & S TIRE CORP. INC. as described herein.

RESOLUTION R.548-092017

EXPLANATION: Resolution approving the submission of a 2018 New Jersey Department of Transportation – Safe Streets to Transit grant application and execution of a grant agreement for the Edison Station Pedestrian Improvements project.

WHEREAS, the Township of Edison wishes to apply for and obtain funding through the New Jersey Department of Transportation – Safe Streets to Transit grant program for the completion of the Edison Station Pedestrian Improvements project.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Edison do hereby authorize the submission of such a grant application, for the said project, titled *SST-2018-Edison Station Pedestrian Safety Im-00025*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and City Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

RESOLUTION R.549-092017

EXPLANATION: Resolution approving the submission of a 2018 New Jersey Department of Transportation – Municipal Aid grant application and execution of a grant agreement for the Grandview Avenue Rehabilitation project.

WHEREAS, the Township of Edison wishes to apply for and obtain funding through the 2018 New Jersey Department of Transportation – Municipal Aid grant program for the completion of the Grandview Avenue Rehabilitation Project.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Edison do hereby authorize the submission of such a grant application, for the said project, titled *MA-2018-Grandview Avenue Rehabilitation-00149*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Township Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

RESOLUTION R.550-092017

EXPLANATION: Resolution approving the submission of a 2018 New Jersey Department of Transportation – Municipal Aid grant application and execution of a grant agreement for the Lindquist Park Area Paving Project.

WHEREAS, the Township of Edison wishes to apply for and obtain funding through the 2018 New Jersey Department of Transportation – Municipal Aid grant program for the completion of the Lindquist Park Area Paving Project.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Edison do hereby authorize the submission of such a grant application, for the said project, titled *MA-2018-Lindquist Park Area Paving Project-00233*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Township Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and

RESOLUTION R.551-092017

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with Lincoln Property Management, LLC, with respect to Block 1143, Lots 26 and 27.02 (more commonly known as 1906 Route 27), as shown on the Township of Edison tax maps.

WHEREAS, Block 1143, Lots 26 and 27.02 (more commonly known as 1906 Route 27) 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 Lincoln Property

Management, LLC (“**Developer**”) for preliminary and final site plan approval to construct two (2) commercial buildings on Lot 27.02 and reconfigure access and parking on Lots 26 and 27.02 (the “**Project**”); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on May 17, 2017 (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 Resolution and the Code of the Township of Edison require 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:

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

RESOLUTION R.553-092017

EXPLANATION: This resolution provides for the refund of the unused portion of Developers Escrow Fees posted by Suburban Development for the Zoning Board application No Z52-2014

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Suburban Development for a project located at 31 Harding Avenue , Edison, N.J. 08820 in Block 556, Lot 31 and Application # Z52-2014; and

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

WHEREAS; on August 8 , 2014, Suburban Development posted fees on deposit with the Township of Edison in the account # 7763328753 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 \$ 332.50 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Federal Business; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$332.50 plus accrued interest, if applicable be refunded to Suburban Development,228 A Pierson Avenue , Edison , N.J 08817

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$ 332.50, plus accrued interest, if applicable, in account #7763328753 to the applicant.

RESOLTUION R.554-092017

EXPLANATION: This resolution provides for the refund of the unused portion of Developers Escrow Fees posted by Bentley of Edison (Penske) for the Planning Board application No #P5-2013

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Bentley of Edison (Penske)for a project located at Route One and Wasko , Edison, N.J. in Block 265.BB Lot 115 and Application #P5-2013 ; and

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

WHEREAS; on July 31,2013, Glendale Properties posted fees on deposit with the Township of Edison in the account # 7760296238 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 \$ 904.50 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Bentley of Edison (Penske); and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$904.50 plus accrued interest, if applicable be refunded to Bentley of Edison (Penske) 808 Route One ,Edison , N.J 08817

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$904.50 plus accrued interest, if applicable, in account #770296238 to the applicant.

S;/Escrow Accounts/Resolution/Dev Escrow / 7760296238

RESOLUTION R.555-092017

EXPLANATION: Resolution for a Final Return of Escrow fees for Middlesex Logistics Phase 2 Application #P29-05/06

WHEREAS, the Project Engineer advises that a request came in for a return in escrow fees for Middlesex Logistics located at Mill Road Application #P29-05/06 located in Block: 398, Lot:18

WHEREAS, the applicant posted engineering inspection fees August 6, 2012, check #400054715 in the amount of \$219,126.20 on deposit in account #7760296200

WHEREAS, the applicant then had requested the reduction of 70% of inspection fees \$219,126.20 less 70% keeping \$65,737.86 in the current account #7760296200 and was returned in August 2012.

WHEREAS, the applicant now has requested the return of the final engineering Inspection fees in the Amount of **\$47,917.14**.

WHEREAS, it is now in order that the sum of **\$47,917.74**, which represents the amount due and owing the applicant, be returned to Middlesex Logistics Center having offices at 171 State Route 173, Suite 201, Asbury, NJ 08802

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of **\$47,917.74**, be refunded to the applicant; and

BE IT FURTHER RESOLVED that the Acting Financial Officer be and is hereby authorized to refund said sum of **\$47,917.14**, in account #7760296200 to the applicant.

RESOLUTION R.556-092017

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 August 11, 2017, a Construction Permit fee, check #61794, permit #2017-3559, was posted in the total amount of \$264.00 by the contractor, Edison Heating & Cooling, having offices at 191 Vineyard Rd., Edison, NJ 08817; and

WHEREAS, the application was submitted for a A/C unit at 40 Terry Ave., by the hired contractor; Edison Heating & Cooling, who did not make known to the Construction Code Enforcement Division that the homeowner, Ashok Patel, 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 \$245.00, derived from the \$264.00 total construction permit fee less the \$19.00 DCA fee, be refunded to the contractor Edison Heating & Cooling.; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-3559, in the amount of \$245.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$245.00 on construction permit fees posted by Edison Heating & Cooling. for 40 Terry 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 \$245.00 from the Refund of Revenue Fund to the Contractor, Edison Heating & Cooling, 191 Vineyard Rd., Edison, NJ 08817.

RESOLUTION R.557-092017

RESOLUTION ACCEPTING QUOTE AND AWARING CONTRACT TO NEW VENTURE CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2015 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, quotes were received by the Township of Edison for Case Number 0216; and

WHEREAS, NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817, submitted the lowest quote in the amount of \$5,260.00 and funds in the amount of \$5,260.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001; and

WHEREAS, for the previous twelve months, the Township expended in excess of \$17,500 with NEW VENTURE CONSTRUCTION, and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

WHEREAS, prior to contract/Purchase order, NEW VENTURE CONSTRUCTION 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 NEW VENTURE CONSTRUCTION from making any reportable contributions through the term of the contract; and

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

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

1. Quotes have been reviewed and the quote in the amount of \$5,260.00 by NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817 for home improvements (Case #0216) is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$5,260.00 and any other necessary documents, with NEW VENTURE CONSTRUCTION.
3. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, as described herein.
4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,260.00** are available for the above contract in Account No. **T-14-15-0510-000-001**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.558-092017

RESOLUTION ACCEPTING QUOTE AND AWARDED CONTRACT/PURCHASE ORDER TO NEW VENTURE CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2015 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, an emergency occurred for Case Number 0117 where the roof was leaking in several rooms of the home, compromising the interior of the home; and

WHEREAS, pursuant to Local Public Contract Law N.J.S.A. 40A:11-6 et seq, a contract may be awarded and immediate delivery of goods or the performance of services may be provided when an emergency affects the public health, safety or welfare; and

WHEREAS, NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817, submitted a quote in the amount of \$6,450.00; and

WHEREAS, funds in the amount of \$6,450.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001; and

WHEREAS, for the previous twelve months, the Township expended in excess of \$17,500 with NEW VENTURE CONSTRUCTION, and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

WHEREAS, prior to contract/Purchase order, NEW VENTURE CONSTRUCTION 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 NEW VENTURE CONSTRUCTION from making any reportable contributions through the term of the contract; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$6,450.00 and any other necessary documents with NEW VENTURE CONSTRUCTION as described herein.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-6 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$6,450.00** are available for the above contract in Account No. **T-14-15-0510-000-001**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.559-092017

RESOLUTION AWARDING CONTRACT TO CGP&H, LLC FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES

WHEREAS, the Township of Edison advertised on the Township website for Request for Proposals on August 7, 2017 for RFP 17-06-AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES for a bid opening date of August 22, 2017 and two (2) proposals were received; and

WHEREAS, after review and evaluation of said proposals, it has been recommended by the Township that the contract be awarded to CGP&H, LLC, 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512; and

WHEREAS, funds in the amount of \$200,000.00 have been certified to be available in the Affordable Housing Account, No. T-13-00-0000-000-006; and

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

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

1. The proposal as submitted by CGP&H, LLC, 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512 is determined to be in the best interest of the Township for Affordable Housing Administrative Agent Services.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00, and any other necessary documents, with CGP&H, LLC in accordance with the proposal.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$200,000.00** are available for the above contract in Account No. **T-13-00-0000-000-006**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.560-092017

RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT/PO WITH LONGO ELECTRICAL-MECHANICAL, INC. FOR THE FURNISHING AND INSTALLATION OF A VARIABLE FREQUENCY DRIVE AND PLC CONTROL AT THE EVERGREEN PUMP STATION

WHEREAS, an emergency condition exists in which the Township needs to purchase a variable frequency drive and PLC control at the Evergreen Pump Station; and

WHEREAS, LONGO ELECTRICAL-MECHANICAL INC., 1 Harry Shupe Blvd, Wharton, NJ 07885, our current contractor for Electrical Services for Sewer Pump Stations under Contract No. 16-12-12 quoted a price not to exceed \$27,299.91; and

WHEREAS, funds in the amount of \$27,299.91 have been certified to be available in the Sewer Maintenance of Other Equipment Account, number 7-07-55-0501-000-026; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$27,299.91 and any other necessary documents with LONGO ELECTRICAL-MECHANICAL, INC. as described herein.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-6 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$27,299.91** are available for the above contract in Account No. **7-07-55-0501-000-026**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.561-092017

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
GONGHUA WANG FOR THE ABC PROGRAM**

WHEREAS Gonghua Wang made payment in the amount of \$300.00 for her child Benjamin Fei's participation in the ABC Program at John Marshall Elementary School for the month of September 2017; and

WHEREAS the child was removed from the program before he attended.

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 \$300.00 to Gonghua Wang, 2614 Rivendell Way, 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 \$300.00 are available in Account #7-01-55-0291-000-000.

RESOLUTION R.562-092017

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ELA GUPTA FOR THE ABC PROGRAM**

WHEREAS Ela Gupta made payment in the amount of \$180.00 for her child Anya Gupta's participation in the ABC Program at Martin Luther King Elementary School for the month of September 2017; and

WHEREAS the child was removed from the program before she attended.

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 \$180.00 to Ela Gupta, 2 Petti Ln., 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 \$180.00 are available in Account #7-01-55-0291-000-000.

RESOLUTION R.563-092017**RESOLUTION REJECTING BID FOR EMERGENCY VEHICLE REPAIRS**

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on May 25, 2017, for Public Bid No. 17-10-02, EMERGENCY VEHICLE REPAIRS with a bid opening date of June 13, 2017; and

WHEREAS, the bid received by Campbell Supply Company, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831 was the sole bid received and deemed non responsive and therefore rejected by Resolution R.458-072017; and

WHEREAS, the Township of Edison again advertised for bids by public notice published in the Home News on August 1, 2017, for Public Bid No. 17-10-02R, EMERGENCY VEHICLE REPAIRS with a bid opening date of August 15, 2017; and

WHEREAS, the bid received by Campbell Supply Company, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831 was again the sole bid received; and

WHEREAS, the bid received by Campbell Supply Company was non responsive and therefore is hereby rejected by the Township of Edison; and

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

1. The sole bid for Public Bid No. 17-10-02R, EMERGENCY VEHICLE REPAIRS is hereby rejected.
2. The Purchasing Agent is hereby authorized to modify specifications and rebid said project.

RESOLUTION R.564-092017

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza Inc. to discharge fireworks for the Dushahra Festival at Lake Papaiani in Edison, New Jersey scheduled for September 30, 2017 with a rain date of October 7, 2017.

WHEREAS, Fireworks Extravaganza Inc. has applied to the Township of Edison for a permit to discharge fireworks on September 30, 2017 with a rain date of October 7, 2017 for the Dushahra Festival taking place at Lake Papaiani; and

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

WHEREAS, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Official 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 Inc. to conduct a fireworks display on the evening of September 30, 2017 at approximately 8:30 p.m. on the grounds of the Lake Papaiani in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Official shall not issue the fireworks permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Fireworks Extravaganza Inc. posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Fireworks Extravaganza Inc. post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit. **4.** 1 pumper must be on Stand – By for the purpose of suppression, prior to the start of the show.
3. The Division of Fire and or The Fire Official shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirements of law.
4. The Township clerk of Edison Township is directed to forward a copy of this Resolution to, Fireworks Extravaganza Inc, the Division of Fire, and Division of Police.

RESOLUTION R.565-092017

This Resolution Revises R.391-062017 for the Vehicle Identification Number (VIN) of the 2013 Ford Interceptor Sedan Included Among The On-Line Auction Vehicle Surplus Inventory No Longer Needed For Public Use

WHEREAS, the Township of Edison (the “Township”) through resolution R.391-062017 has determined that the property described therein is no longer needed for public use and shall be sold on an on-line auction website; and

WHEREAS, resolution R.391-062017 attachment Schedule A lists a Public Safety Department 2013 Ford Interceptor Sedan (Asset Tag 22) with an incorrect vehicle identification number; and

WHEREAS, the Township wishes to amend resolution R.391-062017 to revise the vehicle identification number of this Ford Interceptor Sedan as listed on Schedule A from 1FAHP2M83DG148656 to 1FAHP2M89DG148659; 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 Resolution R.391-062017 Schedule A is amended to include the 2013 Ford Interceptor Sedan with vehicle identification number 1FAHP2M89DG148659.

RESOLUTION R.566-092017

EXPLANATION: A Resolution authorizing and approving the Person-to-Person transfer of the Plenary Retail Consumption License held by Last Call Operating Co II, Inc. (Pocket License) .

WHEREAS, an application has been filed with the Township of Edison (“Township”) for a Person-to-Person transfer of the Plenary Retail Consumption Liquor License No. 1205-33-025-009 (“License”), issued to Last Call Operating Co. II, Inc.. (“Seller”) to Fun Eat and Drinks, LLC (“Applicant”)/

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

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

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

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

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

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby approves the Person-to-Person transfer of the License to the Applicant.
3. The Township Clerk is hereby directed to endorse the Applicant’s current license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to Fun Eat and Drinks, LLC.(Pocket)
4. This Resolution shall take effect immediately.

(New License No. 1205-33-025-010)

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

NAYS - None

The following Resolutions will be voted upon separately:

RESOLUTION R.552-092017

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with GSZ Realty, LLC, with respect to Block 288, Lots 1 through 7 (more commonly known as 1808 Woodbridge Avenue), as shown on the Township of Edison tax maps.

WHEREAS, Block 288, Lots 1 through 7 (more commonly known as 1808 Woodbridge Avenue) as shown on the Township of Edison tax maps (the “**Property**”) was the subject of an application before the Zoning Board of Adjustment of the Township of Edison (hereinafter the “**Board**”) made by GSZ Realty, LLC (“**Developer**”) for bulk variance relief to install a new canopy over the gas pumps, with a kiosk and relocation of the gas station sign with improvements to the site (the “**Project**”); and

WHEREAS, the Board granted the requested variance for the Project by adoption of a resolution on January 19, 2016 (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 Resolution and the Code of the Township of Edison require 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:

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

A motion was made by Councilmember Diehl, seconded by Councilmember Sendelsky to adopt this Resolution.

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

ABSTAIN – Councilmember Shah

NAYS - None

ORAL PETITIONS AND REMARKS

Council President Lombardi opened the meeting for public comment.

James Daniel, 680 Amboy Avenue, paving on Amboy Avenue, it’s a nice ride except for the 100 ft. under the bridge.

Ms. Ruane, it should be done in the next couple weeks.

Mr. Daniel asked when the paving will begin on the local streets.

Ms. Ruane, it will be starting on October 9th thru November 6th if weather holds.

Mr. Daniel asked about the triangle it’s a mess.

Councilmember Coyle, the triangle is owned by NJDOT we have been in touch with them.

Elaine Kaufman, 15 Cutter Avenue, asked where is the camera in O.1989 - 2017 being installed? She passed out a Seepage Pits article from the EPA. She asked for explanation on Seepage Pit.

Councilmember Sendelsky explained perk test, seepage pit. He will talk to engineer make sure they have the perk for the seepage pit.

Mr. Northgrave said it will be installed across from the recycling center on Meadow Road. The purpose will be to track any dumping.

Sam Lamm, 20 Parch Place, about a year ago he asked if we are considering to put in Fiberoptic network.

Ms. Ruane, not at this time.

Keith Hahn, 81 Fairview Avenue, asked Mr. Northgrave for an update on the investigation on Sam Khan.

Mr. Northgrave replied its continuing.

Mr. Hahn, asked about Penn Avenue paving.

Ms. Ruane will take care of.

Esther Nemitz, 162B Fay Street, asked for status on the bricks at Barton and Amboy.

Mr. Russomanno, not sure it's the contractor that was doing the work out there, he is looking into.

Ms. Nemitz, trees for Clara Barton section turnpike to church.

Walt Shneer, Park Way, can we get a sweeper at Park Way, grass growing in the cracks of street.

Mr. Russomanno, we will be scheduling more sweeping since the leaves are falling.

Mr. Shneer when will camera be installed.

Council President Lombardi explained when the ordinance will be in effect and the camera is installed.

Mr. Shneer asked how to get rid of old gasoline.

Councilmember Diehl, Middlesex County has a hazardous waste drop off at Middlesex College. The next one is Sunday, November 19th, 8:00am – 2:00pm.

Maria Orchid, 83 Jefferson Avenue, the blind spot on Grandview is at the corner of Carlton Street. She reminded everyone this Saturday is the Clara Barton Fall Clean Up day.

Council President Lombardi, wished Councilmember Diehl and Deputy Clerk Marlana a Happy Birthday!

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

Having no further business to discuss, on a motion made by Councilmember Diehl seconded by Councilmember Sendelsky the meeting was adjourned at 7:44 p.m.

Michael R. Lombardi
Council President

Cheryl Russomanno, RMC
Municipal Clerk