

**MUNICIPAL COUNCIL
WORKSESSION MEETING
MONDAY, OCTOBER 22, 2018
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 9, 2017 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **REVIEW OF MINUTES:**
 - a. Worksession Meeting of March 26, 2018
 - b. Worksession Meeting of August 20, 2018
 - c. Regular Meeting of August 22, 2018
 - d. Combined Meeting of September 12, 2018
 - e. Combined Meeting of September 26, 2018
 - f. Closed Session of September 12, 2018
 - g. Combined Meeting of October 10, 2018
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing a Professional Services Contract to HDR, Inc. for NJDEP Tier a Municipal Storm Water Permit Support (\$49,800.00)
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through October 18, 2018.
 - b. Resolution authorizing refund in the amount of \$ 99,794.32 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$3,721.31.
 - d. Resolution authorizing the refund of Sewer Charges overpayments, totaling \$54.01.
 - e. Resolution requesting approval of Items of Revenue and Appropriation per NJSA 40A:4-87 (aka Chapter 159) (\$5,000.00)
10. **FROM THE DEPARTMENT OF HEALTH:**

- a. Resolution authorizing the development and submission to Wal-Mart Foundation Grant Application.

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

- a. Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 55, Lot 1.G (aka 51 Runyons Lane) satisfies the criteria to be designated ‘an area in need of redevelopment’ pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*
- b. Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 1100, Lot 37.A, 38.A and 39.A (aka 18-20 Vineyard Road; Mandy’s Towing) satisfies the criteria to be designated ‘an area in need of redevelopment’ pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*
- c. An Ordinance amending Township Code Chapter 4-8 and Chapter 4-11 with respect to the award of public contracts to political contributors.
- d. Resolution authorizes the Township Council to accept, on behalf of the Township of Edison, the donation of garden wall and retaining wall blocks, from Clayton Block Co. Inc., and authorize the execution of a Noncash Charitable Contribution Form 8283.
- e. Resolution waiving Township Building Permit Fees for the Shree Umiya Parivar of USA, Inc. for construction work to be performed at Block 643.DD, Lot 33 (1697 Oak Tree Road, Edison, New Jersey).

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

- a. Resolution authorizing Change Order No.1 in the amount of \$1,600.00 for New Venture Construction for case number 0118, for a total revised Contract Amount of \$15,930.00.
- b. Resolution refunding of a Construction Fee Permit
- c. Resolution returning of Engineering Inspection Fees
- d. Resolution releasing of Cash Maintenance Bond.

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

- a. Resolution to release Street Opening Escrow

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

- a. Resolutions authorizing a reimbursement for the ABC Program

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

- a. Resolution authorizing the submission of grant application for Drive Sober or Get Pulled Over 2018 Year End Statewide Crackdown
- b. Resolution authorizing the submission of grant application for Federal Safety Fund 2019.
- c. Awarding of Contract for Public Bid No.18-05-23 SWAT Team Equipment (not to exceed \$220,000.00)

16. **FROM THE TOWNSHIP CLERK:**
 - a. Resolution renewing Liquor License for 2018-2019 Term.
17. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**
18. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**
 - O.2027-2018 ORDINANCE AUTHORIZING A SPECIAL EMERGENCY
APPROPRIATION IN THE AMOUNT OF \$1,201,000 TO
FUND ACCRUED SICK AND VACATION TIME EXPENSE
ARISING FROM THE RETIREMENT OF SEVERAL
EMPLOYEES**
 - O.2028-2018 BOND ORDINANCE PROVIDING FOR
VARIOUS CAPITAL IMPROVEMENTS IN
AND BY THE TOWNSHIP OF EDISON, IN
THE COUNTY OF MIDDLESEX, NEW
JERSEY, APPROPRIATING \$15,000,000
THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$14,250,000 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF.**
 - O.2029-2018 ORDINANCE AMENDING CHAPTER 2-31 POLICE
EXTRA DUTY EMPLOYMENT**
 - O.2030-2018 AN ORDINANCE AUTHORIZING A MONTH TO MONTH
LEASE FOR STORAGE OF TOWNSHIP VEHICLES AND
EQUIPMENT**
 - O.2031-2018 ORDINANCE OF THE TOWNSHIP OF EDISON
GRANTING PERMISSION TO MOBILITIE, LLC TO
PLACE CERTAIN TELECOMMUNICATIONS FACILITIES
WITHIN THE TOWNSHIP OF EDISON.**
19. **COMMUNICATIONS:**
 - a. Email received from Ralph Bucci regarding moving School Board Elections.
20. **DISCUSSION ITEMS:**

Council President Patil

 - a. Resolution of Recognition – World War I Remembrance

Councilmember Coyle

a. None

Councilmember Diehl

a. None

Councilmember Gomez

a. None

Councilmember Joshi

a. None

Councilmember Lombardi

a. None

Councilmember Sendelsky

a. None

21. **ADJOURNMENT**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO HDR, INC. FOR
NJDEP TIER A MUNICIPAL STORMWATER PERMIT SUPPORT**

WHEREAS, the Township of Edison (the Township) has the need for stormwater permit support services, and the Township is authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, HDR, INC., 1 International Blvd., 10th Floor, Suite 1000, Mahwah, NJ 07495 has submitted a proposal to provide such services to assist the Township of Edison in complying with NJDEP's Tier A Municipal Stormwater General Permit; and

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

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

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

WHEREAS; the total amount of this contract shall be in the amount not to exceed \$49,800.00; and

WHEREAS, funds in the amount of \$49,800.00 have been certified to be available in the Capital Improvements Sec 20 Costs Account, Number C-04-15-1914-490-000; and

WHEREAS, prior to contract/Purchase order, HDR, INC., 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 HDR, INC., 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 Township is hereby authorized to execute a contract and any other necessary documents, with HDR, INC, 1 International Blvd., 10th Floor, Suite 1000, Mahwah, NJ 07495, in an amount not to exceed \$49,800.00 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$49,800.00** are available for the above contract in Account No. **C-04-15-1914-490-000**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING OCTOBER 18, 2018.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through October 18, 2018.

FUND	AMOUNT
Current	\$14,533,802.86
Affordable Housing	5,501.00
Capital	1,723,798.43
Cash Performance	0.00
CDBG	0.00
Developers Escrow	93,857.38
Dog (Animal Control)	6,941.13
Federal Forfeited	0.00
Grant Funds	64,251.24
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	552,560.35
Sanitation Fund	103,336.56
Self Insurance	0.00
Sewer Utility	72,009.29
Tax Sale Redemption	39,052.33
Tree Fund	41,487.86
Tree Planting	0.00
Trust	200,318.60
TOTAL	\$17,437,277.03

/s/ Nicholas C. Fargo
Chief Financial Officer

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

RESOLUTION

Authorizing refund for redemption of tax sale certificates

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

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$99,794.32**.

RESOLUTION

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments, and

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$3,721.31**.

RESOLUTION

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 \$ **54.01**, and that this Resolution shall take effect immediately.

TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY
RESOLUTION

**FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$5,000.00 from Investors Foundation and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2018 in the amount of \$5,000.00 which is now available as a revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

Investors Foundation Grant..... \$5,000.00

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations excluded from "CAPS": Public & Private Programs Off-Set by Revenues:

Investors Foundation Grant.....\$5,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, The Edison Department of Health and Human Services established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty five years ago; and

WHEREAS, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the Wal-Mart Foundation has grant funds available, through its FY18 Community Grants Program for eligible programs, projects, activities and related costs of qualified organizations in the communities *Sam's Club and Wal-Mart* serves, for which it continues to solicit on-line requests; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$2,500.00 from the *Wal-Mart Foundation*, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from the *Wal-Mart Foundation*; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by *Wal-Mart Foundation* as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal requirements, guidelines, regulations and statutes; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled, Public Meeting on the evening of Wednesday, October 24, 2018.

RESOLUTION

EXPLANATION: This Resolution authorizes the Township Council to accept, on behalf of the Township of Edison, the donation of garden wall and retaining wall blocks, from Clayton Block Co. Inc., and authorize the execution of a Noncash Charitable Contribution Form 8283.

WHEREAS, Clayton Block Co., Inc. (“Clayton Block”), with an address of 1025 U.S. Route 1, Edison, New Jersey 08837, desires to donate approximately 2000 garden wall and retaining wall blocks, valued at \$11,960.43, for use in public parks throughout the Township of Edison (the “Township”); and

WHEREAS, pursuant to N.J.S.A. 40:12-29, the Township may accept donations, by gift, bequest, or devise, of personal property or in-kind items by private persons for the purpose of public open space preservation or the establishment and maintenance of public parks and recreation areas; and

WHEREAS, the Municipal Council of the Township desires to accept the aforesaid donated items.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township of Edison graciously accepts the donation of the aforesaid garden wall and retaining wall blocks from Clayton Block.
3. The Mayor is authorized to execute the Noncash Charitable Contribution Form 8283, attached hereto as **Exhibit A**, acknowledging the donation of the aforesaid garden wall and retaining wall blocks in the total amount of \$11,960.43, and, upon execution, the Township Clerk is directed to return said forms to Clayton Block Co., Inc., P.O. Box 3015, Lakewood, New Jersey 08701.
4. This resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: A Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 1100, Lot 37.A, 38.A and 39.A (aka 18-20 Vineyard Road; Mandy's Towing) satisfies the criteria to be designated 'an area in need of redevelopment' pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council ("**Municipal Council**") of the Township of Edison (the "**Township**") must authorize the planning board of the Township (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to the property commonly known as Block 1100, Lot 37.A, 38.A and 39.A (aka 18-20 Vineyard Road; Mandy's Towing) on the tax map of the Township (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a "**Non-Condemnation Redevelopment Area**").

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

ORDINANCE O.2020-2018

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

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 immediately preceding the date of the contract or agreement.

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 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.

4-11 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 immediately preceding the date of the contract or agreement.

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 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 (\$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.

4-11 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.

RESOLUTION

EXPLANATION: This Resolution authorizes the Township Council to accept, on behalf of the Township of Edison, the donation of garden wall and retaining wall blocks, from Clayton Block Co. Inc., and authorize the execution of a Noncash Charitable Contribution Form 8283.

WHEREAS, Clayton Block Co., Inc. (“Clayton Block”), with an address of 1025 U.S. Route 1, Edison, New Jersey 08837, desires to donate approximately 2000 garden wall and retaining wall blocks, valued at \$11,960.43, for use in public parks throughout the Township of Edison (the “Township”); and

WHEREAS, pursuant to N.J.S.A. 40:12-29, the Township may accept donations, by gift, bequest, or devise, of personal property or in-kind items by private persons for the purpose of public open space preservation or the establishment and maintenance of public parks and recreation areas; and

WHEREAS, the Municipal Council of the Township desires to accept the aforesaid donated items.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township of Edison graciously accepts the donation of the aforesaid garden wall and retaining wall blocks from Clayton Block.
3. The Mayor is authorized to execute the Noncash Charitable Contribution Form 8283, attached hereto as **Exhibit A**, acknowledging the donation of the aforesaid garden wall and retaining wall blocks in the total amount of \$11,960.43, and, upon execution, the Township Clerk is directed to return said forms to Clayton Block Co., Inc., P.O. Box 3015, Lakewood, New Jersey 08701.
4. This resolution shall take effect immediately.

RESOLUTION

EXPLANATION:A resolution waiving Township Building Permit Fees for the Shree Umiya Parivar of USA, Inc. for construction work to be performed at Block 643.DD, Lot 33 (1697 Oak Tree Road, Edison, New Jersey).

WHEREAS, Shree Umiya Parivar of USA, Inc., in connection with certain construction and improvements to be made in the Township of Edison (the “Township”) at 643.DD, Lot 33 (1697 Oak Tree Road) (the “Project”) has requested a reduction of certain construction and building permit fees; and

WHEREAS, the Project requires various construction and building permit fees pursuant to the New Jersey State Uniform Construction Code, *N.J.S.A. 52:27D-119 et seq.* and *N.J.A.C. 5:23-1.1 et seq.*, (the “Building Permit Fees”), of which the State Uniform Construction Code Act, *N.J.S.A. 52:27D-119 et seq.* and the Township Code at Section 14-1 *et seq.* allows for the waiver of the Township’s portion of Building Permit Fees; and

WHEREAS, the Municipal Council desires to waive fifty percent (50%) of the Township’s portion of Building Permit Fees, since the waiver of said Township Building Permit Fees will serve a public purpose and promote the public health, safety and welfare of the Township, and because Shree Umiya Parivar of USA, Inc. is a religious nonprofit organization; and

WHEREAS, Shree Umiya Parivar of USA, Inc. shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive the following fees and costs:

1. The Township’s portion of the various construction permit and inspection fees pursuant to the New Jersey State Uniform Construction Code, *N.J.S.A. 52:27D-119 et seq.* and *N.J.A.C. 5:23-1.1 et seq.*, and, Township Ordinance Section 14-1, not to include any other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project, are waived in an amount of fifty percent (50%) of the Township’s portion of same.
2. Shree Umiya Parivar of USA, Inc. shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project.
3. This Resolution shall take effect immediately.

RESOLUTION

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. There was a duplicate permit submitted.

WHEREAS, on May 24, 2018 a Construction Permit fee, check #29288, permit #2018-2096, was posted in the total amount of \$1389.00 by the contractor Lou Fasano Heating & Cooling having offices at 1451 South Washington Ave. South Plainfield, NJ- 07080 ; and

WHEREAS, the application was submitted for 2 boiler replacements at 50 North Evergreen Rd. East, Edison, NJ 08837, by the hired contractor; Lou Fasano Heating & Cooling.

WHEREAS, appropriate documents have been submitted to the Township indicating that the permit was submitted in duplicate therefore appropriate that the municipal permit fee in the amount of \$1068.00, derived from the \$1389.00 total construction permit fee less the \$54.00 DCA fee, and the \$267.00 plan review fee be refunded to the contractor ; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2096, in the amount of \$1068.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$1068.00 on construction permit fees posted by Lou Fasano Heating & Cooling be refunded ;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$1068.00 from the Refund of Revenue Fund to the contractor, Lou Fasano Heating & Cooling having offices at 1451 South Washington Ave. South Plainfield, NJ- 07080.

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$1,600.00 FOR NEW VENTURE CONSTRUCTION FOR CASE NUMBER 0118, FOR A TOTAL REVISED CONTRACT AMOUNT OF 15,930.00

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, NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817, was awarded a contract through resolution R.440-082018 on August 22, 2018 in the amount of \$14,330.00; and

WHEREAS, during the course of the work, repairs were found to be needed on the roof (remove damaged roof plywood, wood and vinyl soffits, cut damaged roof rafters and install new); and

WHEREAS, funds for this change order in the amount of \$1,600.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001.

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 Change Order No. 1 be awarded to NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817 in an amount not to exceed \$1,600.00 resulting in a revised contract amount of \$15,930.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$1,600.00** are available for the above contract in Account No. **T-14-15-0510-000-001**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION

WHEREAS, the Division of Engineering Services advises that an inspection has been made of Bank of America , at 816 Route One Application # Z40-2015 located in Block #265.BB Lot #46.E; and

WHEREAS, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and North Field Construction Company posted the fees;

WHEREAS, North Field Construction Company, posted a check in the amount of \$2,050.60, 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 \$ 0; and

WHEREAS, it is in now in order that the sum of \$2,050.60 which represents the amount due and owing the applicant, be returned to North Field Construction Company ; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$ 2,050.60 plus interest be refunded to , having offices at North Field construction Company,16 Ray Place , Fairfield, NJ 07044; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$2,050.60 plus interest in account # EI161018NO to the applicant.

EXPLANATION: Resolution Releasing of Cash Maintenance Bond on Site Improvements, under application Technical Pro (VicMarr) No.Z53-2013, 9 Kilmer Court Block: 3.B Lots: 10.A. Account No. CP160823TE, 68391846

RESOLUTION

WHEREAS, The Township Engineer advises that an inspection has been made of Technical Pros Vic – Marr built on 9 Kilmer Court in Block: 3.B and Lot: 10.A Application #Z53-2013, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on August 18,2016,Technical Pros Vic- Marr posted a Cash Maintenance Bond check #1476 in the amount of \$8,363.75 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 # 1476 in the amount of \$8,363.75. The principal being Technical Pro(Vic- Marr) having offices at 9 Kilmer Court, Edison, N.J. 08817 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Chief Financial Officer of finance is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of **\$8,363.75** plus accrued interest.

BE IT FURTHER RESOLVED that Chief Financial Officer of Finance be and is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of **\$8,363.75** plus accrued interest to the applicant account # **CP160823TE. 68391846.**

RESOLUTION TO RELEASE STREET OPENING ESCROW

WHEREAS, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000309, to the following:

Permit Number: DEV-0035

Opening Location: 35 Stiles Rd

Block/Lot: 1112/13

Applicant's Name & Address:

Copeland Construction, Inc

144 Riverside Ave

Lyndhurst, NJ 07071

Initial Deposit Date: 8/30/2018

Deposit Amount: \$1200.00

Paid by & refunded to:

Copeland Construction, Inc

144 Riverside Ave

Lyndhurst, NJ 07071

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
VIKRAM SUMAN FOR THE ABC PROGRAM**

WHEREAS Vikram Suman made payment in the amount of \$190.00 for his child Keshav Suman's participation in the ABC Program at Martin Luther King Elementary School for the month of October 2018; and

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

WHEREAS payment was already made for the month of October, 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 Vikram Suman, 14 Cactus Ct., 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 \$190.00 are available in Account #8-01-55-0291-000-000.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
AYLISIA EVANS FOR THE ABC PROGRAM**

WHEREAS Aylisia Evans made payment in the amount of \$380.00 for her child Shamaï Evans-Edward's participation in the ABC Program at James Madison Intermediate School for the months of October and November, 2018; and

WHEREAS the child was transferred to Menlo Park Elementary School; and

WHEREAS there are no openings in the after-care program at Menlo Park Elementary School; and

WHEREAS payment was already made for the months of October and November, 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 \$380.00 to Aylisia Evans, 1045 Grove Ave., Apt. 15E, 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 \$380.00 are available in Account #8-01-55-0291-000-000.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SOUAD ROBINSON FOR THE ABC PROGRAM**

WHEREAS Souad Robinson, in partnership with Community Child Care Solutions, made payment in the amount of \$130.00 for her child Na'im Robinson's participation in the ABC Program at Lincoln Elementary School; and

WHEREAS Community Child Care Solutions submitted a monthly payment for the full amount due for Na'im Robinson's participation in the ABC Program; thereby causing an overpayment by Souad Robinson.

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 Souad Robinson, 23 Colfax Rd., Edison, NJ 08817, which amount represents the overpayment 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

***DRIVE SOBER OR GET PULLED OVER 2018 Year End Statewide Crackdown
Grant Application***

WHEREAS, the Division of Police will apply for grant funding in the amount of \$5,500.00 to provide additional manpower hours to enforce DWI Laws; and

WHEREAS, in 2016, Nationwide, traffic fatalities due to alcohol averaged 29 per day; and

WHEREAS, an enforcement crackdown is planned to combat violations related to DWI Laws to reduce the number of fatalities related to impaired drivers; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the grant; and

WHEREAS; the project will involve increased enforcement from December 7, 2018 through January 1, 2019; and

WHEREAS; an increase in enforcement will save lives on our roadways;

THEREFORE, be it resolved that the Edison Township Council on behalf of the Division of Police wishes to apply for the grant, Drive Sober or Get Pulled Over 2018 Year End Statewide Crackdown between December 7, 2018 – January 1, 2019 and pledges to increase awareness of DWI Laws.

BE IT FURTHER RESOLVED, that the Business Administrator or designee be and is hereby authorized to sign the aforesaid grant application for and on behalf of the Township of Edison.

RESOLUTION

**Federal Highway Safety Fund 2019
Grant Acceptance**

WHEREAS, the Division of Police has been approved for \$16,500.00 to provide additional manpower hours for speed enforcement as well as to combat distracted driving; and

WHEREAS, an enforcement crackdown is planned to reduce violations related to speeding and distracted driver's to reduce the number of crashes and potential fatalities related to these offenses; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the grant; and

WHEREAS; the project will involve increased enforcement from October 1, 2018 through September 30, 2019; and

WHEREAS; an increase in enforcement will reduce accidents and save lives on our roadways;

THEREFORE, be it resolved that the Edison Township Council and the Division of Police declares it's support for the grant acceptance and participation in the Federal Highway Safety Fund Grant Program 2019.

BE IT FURTHER RESOLVED, that the Business Administrator be and is hereby authorized to sign the aforesaid grant for and on behalf of the Township of Edison.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO LAWMEN SUPPLY COMPANY OF NJ, INC. FOR THE FURNISHING OF SWAT TEAM EQUIPMENT FOR THE DIVISION OF POLICE

WHEREAS, bids were received by the Township of Edison on June 12, 2018 for Public Bid No. 18-05-23-SWAT Team Equipment for the Division of Police; and

WHEREAS, LAWMEN SUPPLY COMPANY OF NJ, INC., 7150 Airport Highway, Pennsauken, NJ 08109 submitted the lowest legally responsible 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 total amount of the first year and any succeeding renewal year shall not exceed \$220,000.00, 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 LAWMEN SUPPLY COMPANY OF NJ, INC., 7150 Airport Highway, Pennsauken, NJ 08109 for SWAT Team Equipment for the Division of Police is determined to be the lowest legally responsible 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 \$220,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with LAWMEN SUPPLY COMPANY OF NJ, INC.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received or did not meet the Townships specifications.

RESOLUTION R.

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2018 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective October 24, 2018.

LICENSE NUMBER

LICENSEE AND LOCATION

ADDRESS

1205-33-008-008

Gabriel Roman
196 Deans Lane
Monmouth Junction

POCKET