

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Monday, November 7, 2016
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 12, 2015, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **REVIEW OF MINUTES:**
 - a. Reorganization Meeting of January 6, 2016
 - b. Regular Meeting of April 13, 2016
 - c. Worksession Meeting of May 9, 2016
 - d. Worksession of October 24, 2016
 - e. Regular Meeting of October 26, 2016
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing an Interlocal Services Contract with Middlesex County for Health Officer Administration Services. (Resolution R.768-112016)
 - b. Award of Contract/Purchase Order for Signage at the Municipal Complex (Resolution R.785-112016)
 - c. Award of Contract/Purchase Order for Networking Infrastructure at Minnie B. Veal Community Center (Resolution R.786-112016)
 - d. Award of Contract for Public Bid No. 16-12-04 Office Supplies (Resolution R.787-112016).
 - e. Award of Contract for Public Bid No.16-03-23 Medical Services (Resolution R.788-112016)
 - f. Award of Contract/Purchase Order for one (1) 2016 Ford Transit-150 Cargo Van for the Animal Shelter (Resolution R.789-112016)
 - g. Award of Contract/Purchase Order for Upgrade to Avaya Phone System for Minnie B. Veal (Resolution R.790-112016)
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through November 3, 2016 (Resolution R.766-112016)
 - b. Resolution authorizing refund in the amount of \$129,253.51 for redemption of tax sale certificates (Resolution R.767-112016)

- c. Resolutions requesting permission for the Dedications by Riders (Resolutions R.769-112016 through R.776-112016).
 - d. Resolution requesting approval of Items of Revenue and Appropriations per N.J.S.A. 40A:4-87 (Resolution R.781-112016).
 - e. Resolution authorizing cancelation of prior charges on a Township Owner Property (Resolution R.797-112016)
9. **FROM THE DEPARTMENT OF LAW:**
- a. Ordinance Amending Chapter 37 Affordable Housing with regard to Block 3B, Lot 18 and Portion of Lt 19 (Ordinance O.1953-2016)
 - b. Ordinance amending and supplementing Chapter 30 “Affordable Housing” obligations. (Ordinance O.1954-2016)
 - c. Resolution supplementing Appendix II of the Affirmative Marketing Plan for the Township of Edison. (Resolution R.779-112016)
 - d. Resolution referring the Camp Kilmer Redevelopment Plan for Block 3-E, Lot 3.013 (Road 2) (aka 111 Truman Drive) to the Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (Resolution R.796-112016)
 - e. Resolution approving a Developer of the Camp Kilmer Affordable Housing Project, identified on the Township Tax Maps as Block 3-E, Lot 3.013 (Road 2) (aka 111 Truman Drive) (Resolution R.800-112016)
10. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolution authorizing Change Order No. 1 in the amount of \$3,053.90 for Black Rock Enterprises, LLC Contractor for the CDBG – Funded Project, Improvements to Reverend Samuel C. Carpenter Boulevard (Resolution R.780-112016).
 - b. Resolution releasing of Performance Guarantee Bond (Resolution R.798-112016)
 - c. Resolution authorizing Final Change Order, Final Payment and project close out for Talmadge Road Resurfacing Phase. (Resolution R.799-112016)
11. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Resolution to Release Street Opening Escrow (Resolution R. 778-112016)
 - b. Award of Contracts for Public Bid No. 16-09-14 Sweeper Parts (Resolutions R.791-112016 through R.793-112016)
 - c. Award of Contract for Public Bid No. 15-06-18 Automated Side Loader Refuse Collection Vehicle (Resolution R.794-112016)
 - d. Award of Contract for Public Bid No. 16-07-21 Hydraulic System Supply and Repair Service (Resolution R.795-112016)
12. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolution authorizing a reimbursement for Karate Program. (Resolution R.777-112016)

13. **FROM THE CHIEF OF FIRE:**
a. Resolution authorizing the 2015 LOSAP Payment to AIG Valic c/o JP Morgan Chase in the amount of \$32,000.00 (Resolution R.782-112016)

14. **FROM THE CHIEF OF POLICE:**
a. Resolution authorizing the submission of Drive Sober or Get Pulled Over 2016 Year Grant (Resolution R.783-112016)
b. Award of Contract/Purchase order for the repairs of the Police Pistol Range (Resolution R.784-112016)

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

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

O.1950-2016 ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$830,000 FOR CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES IN CONNECTION WITH THE LAYOFF OR RETIREMENT OF TOWNSHIP EMPLOYEES, IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

O.1951-2016 ORDINANCE AUTHORIZING A MONTH TO MONTH LEASE OF STORAGE OF TOWNSHIP VEHICLES AND EQUIPMENT.

O.1952-2016 AN ORDINANCE AMENDING CHAPTER 37, SUBCHAPTER 66.3 NONCONFORMING USES OF LAND, ADDING A NEW SUBCHAPTER 66.5, NON CONFORMING LOTS, AND RENUMBERING ABANDONMENT OF NONCONFORMING USES OR STRUCTURES TO SUBCHAPTER 66.6 OF THE TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES.

17. **COMMUNICATIONS:**
a. None

18. **DISCUSSION ITEMS:**

Council President Lombardi

- a. None

Councilmember Coyle

- a. None

Councilmember Diehl

- a. None

Councilmember Gomez

- a. None

Councilmember Patil

- a. None

Councilmember Sendelsky

- a. None

Councilmember Shah

- a. None

19. **APPROVAL OF MINUTES:**

- a. Reorganization Meeting of January 6, 2016
- b. Regular Meeting of April 13, 2016
- c. Worksession Meeting of May 9, 2016
- d. Worksession of October 24, 2016
- e. Regular Meeting of October 26, 2016

20. **COUNCIL PRESIDENT'S REMARKS**

21. **UNFINISHED BUSINESS:**

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

O.1950-2016 ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$830,000 FOR CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES IN CONNECTION WITH THE LAYOFF OR RETIREMENT OF TOWNSHIP EMPLOYEES, IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

O.1951-2016 ORDINANCE AUTHORIZING A MONTH TO MONTH LEASE OF STORAGE OF TOWNSHIP VEHICLES AND EQUIPMENT.

O.1952-2016 AN ORDINANCE AMENDING CHAPTER 37, SUBCHAPTER 66.3 NONCONFORMING USES OF LAND, ADDING A NEW

SUBCHAPTER 66.5, NON CONFORMING LOTS, AND
RENUMBERING ABANDONMENT OF NONCONFORMING
USES OR STRUCTURES TO SUBCHAPTER 66.6 OF THE
TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES.

22. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR MONDAY,
NOVEMBER 21, 2016.**

O.1953-2016 AN ORDINANCE AMENDING THE TOWNSHIP CODE TO
INCORPORATE CHANGES RESULTING FROM CHANGES
MADE TO THE TOWNSHIP'S AFFORDABLE HOUSING
ORDINANCE REGARDING INCLUSIONARY ZONING AND
AFFORDABLE HOUSING SET ASIDE REQUIREMENT.

O.1954-2016 AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 30 "AFFORDABLE HOUSING" OF THE
TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES
REGARDING COMPLIANCE WITH THE TOWNSHIP'S
AFFORDABLE HOUSING OBLIGATIONS.

23. **PUBLIC COMMENT ON THE RESOLUTIONS**

24. **PROPOSED RESOLUTIONS**

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

Consent Agenda

R.766-112016 Resolution approving disbursements for the period ending November 3,
2016.

R.767-112016 Resolution authorizing refund in the amount of \$129,253.51 for
redemption of tax sale certificates.

R.768-112016 Resolution authorizing an Interlocal Services Contract with Middlesex
County for Health Officer Administration Services for 2016 in the amount
of \$60,000.00.

R.769-112016 Resolution requesting permission for the Dedications by Rider for Park
Improvement Fund.

R.770-112016 Resolution requesting permission for the Dedications by Rider for Tax
Lien Foreclosure Interest Trust.

R.771-112016 Resolution requesting permission for the Dedications by Rider for
Employee Flexible Spending Account under IRS Code Section 125
Cafeteria Plan.

- R.772-112016 Resolution requesting permission for the Dedications by Rider for Street Opening Fund
- R.773-112016 Resolution requesting permission for the Dedications by Rider for Towing Fund.
- R.774-112016 Resolution requesting permission for the Dedications by Rider Tree Fund.
- R.775-112016 Resolution requesting permission for the Dedications by Rider for Unemployment Compensation Insurance Trust Fund.
- R.776-112016 Resolution requesting permission for the Dedications by Rider for Fire Fines.
- R.777-112016 Resolution authorizing a reimbursement to Ewelina Rahman for the Karate Program in the amount of \$60.00.
- R.778-112016 Resolution to Release Street Opening Escrow to P.S.E. & G for Blk. 336, Lot 25.A3 in the amount of \$2,250.00.
- R.779-112016 Resolution supplementing Appendix II of the Affirmative Marketing Plan for the Township of Edison.
- R.780-112016 Resolution authorizing Change Order No. 1 in the amount of \$3,053.90 for Black Rock Enterprises, LLC Contractor for the CDBG – Funded Project, Improvements to Reverend Samuel C. Carpenter Boulevard, for a total revised contract amount of \$142,089.90.
- R.781-112016 Resolution requesting approval of Items of Revenue and Appropriations per N.J.S.A. 40A:4-87.
- R.782-112016 Resolution authorizing the 2015 LOSAP Payment to AIG Valic c/o JP Morgan Chase in the amount of \$32,000.00.
- R.783-112016 Resolution authorizing the submission of Drive Sober or Get Pulled Over 2016 Year Grant End Statewide Crackdown.
- R.784-112016 Award of Contract/Purchase order for the repairs of the Police Pistol Range to Meggitt Training Systems, Inc. in the amount of \$15,945.00.
- R.785-112016 Award of Contract/Purchase Order for Signage at the Municipal Complex To Signarama in the amount of \$17,270.00.
- R.786-112016 Award of Contract/Purchase Order for Networking Infrastructure at Minnie B. Veal Community Center to CDW Government LLC in an amount not to exceed \$10,000.00.
- R.787-112016 Award of Contract for Public Bid No. 16-12-04 Office Supplies to W.B. Mason Company, Inc. in an amount not to exceed \$75,000.00.
- R.788-112016 Award of Contract for Public Bid No.16-03-23 Medical Services to JFK Occupational Medicine & Employee Health Servies in an amount not to exceed \$50,000.00.
- R.789-112016 Award of Contract/Purchase Order for one (1) 2016 Ford Transit-150 Cargo Van for the Animal Shelter to DFFLM, LLC in the amount of \$20,394.00.
- R.790-112016 Award of Contract/Purchase Order for Upgrade to Avaya Phone System for Minnie B. Veal to Johnston GP, Inc. in the amount of \$10,544.51.
- R.791-112016 Award of Contract for Public Bid No. 16-09-14 Sweeper Parts to Old Dominion Bruch Co. in an amount not to exceed \$25,000.00.
- R.792-112016 Award of Contract for Public Bid No. 16-09-14 Sweeper Partsto W.E. Timmerman Co., Inc. in an amount not to exceed \$25,000.00.

- R.793-112016 Award of Contract for Public Bid No. 16-09-14 Sweeper Parts to H.A. Dehart & Son, Inc. in an amount not to exceed \$30,000.00.
- R.794-112016 Award of Contract for Public Bid No. 15-06-18 Automated Side Loader Refuse Collection Vehicle to Cambria Truck Center in an amount not to exceed \$272,100.00.
- R.795-112016 Award of Contract for Public Bid No. 16-07-21 Hydraulic System Supply and Repair Service to the Hose Shop, Inc. in an amount not to exceed \$75,000.00.
- R.796-112016 Resolution referring the Camp Kilmer Redevelopment Plan for Block 3-E, Lot 3.013 (Road 2) (aka 111 Truman Drive) to the Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (Resolution R.796-112016)
- R.797-112016 Resolution authorizing cancelation of prior charges on a Township Owner Property Block 592, Lot 3.A.
- R.798-112016 Resolution releasing of Performance Guarantee Bond to Macy's for Block 390C, Lot 20, application #P4-2014, account #7763342323.
- R.799-112016 Resolution authorizing Final Change Order, Final Payment and project close out for Talmadge Road Resurfacing Phase.
- R.800-112016 Resolution approving a Developer of the Camp Kilmer Affordable Housing Project, identified on the Township Tax Maps as Block 3-E, Lot 3.013 (Road 2) (aka 111 Truman Drive)

25. **ORAL PETITIONS AND REMARKS**

26. **ADJOURNMENT**

O.1950-2016

ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$830,000 FOR CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES IN CONNECTION WITH THE LAYOFF OR RETIREMENT OF TOWNSHIP EMPLOYEES, IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISION, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. A special emergency appropriation is hereby authorized pursuant to N.J.S.A. 40A:4-53(h), in the amount of **\$830,000** to provide for contractually required severance liabilities incurred in connection with the layoff or retirement of various Township employees.

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

O.1951-2016

EXPLANATION: An Ordinance authorizing a month to month lease for storage of Township vehicles and equipment

**ORDINANCE OF THE TOWNSHIP OF EDISON
AUTHORIZING A MONTH TO MONTH LEASE OF CERTAIN PREMISES
LOCATED AT 212 DURHAM AVENUE, IN THE BOROUGH OF
METUCHEN, NEW JERSEY, FOR STORAGE OF
MUNICIPAL VEHICLES AND EQUIPMENT, AND AUTHORIZING THE EXECUTION
OF A LEASE AGREEMENT ASSOCIATED THEREWITH**

WHEREAS, Metuchen Acquisition Realty, LLC is the owner of certain premises located at 212 Durham Avenue, in the Borough of Metuchen (the “Premises); and

WHEREAS, the Premises consists of approximately 9,975 square feet of space; and

WHEREAS, the Township of Edison (the “Township”) has an immediate, emergent need of temporary storage for its vehicles and equipment during the winter season, and wishes to acquire an interest in the Premises by way of a month to month lease agreement with Metuchen Acquisition Realty, LLC, effective on or about December 1, 2016, in order to provide for storage for such vehicles and equipment; and

WHEREAS, the Lease Agreement shall be on a month to month basis, not to exceed four (4) months, at a monthly rental amount of \$8,911.00 gross for the Premises, which includes all utilities; and

WHEREAS, the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and specifically, N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, consistent with the foregoing, the Mayor and Township Council wish to authorize the execution of a Lease Agreement, effective on or about December 1, 2016, with Metuchen Acquisition Realty, LLC, on behalf of the Township, for the public purposes set forth above, in a form satisfactory to the Township Attorney.

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

1. That the Mayor is hereby authorized and directed to execute, and the Township Clerk to attest, a Lease Agreement between the Township of Edison and Metuchen Acquisition Realty, LLC regarding the Premises, so that the Township may rent the Premises for the public purposes referenced above. Said Lease Agreement shall be consistent with the representations referenced above, and shall be in a form satisfactory to the Township Attorney.
2. The Lease Agreement shall be effective on or about December 1, 2016.
3. That this Ordinance shall take effect in accordance with all applicable laws.

O.1952-2016

EXPLANATION:An Ordinance amending Chapter 37, Subchapter 66.3, Nonconforming Uses of Land, adding a new Subchapter 66.5, Nonconforming Lots, and renumbering Abandonment of Nonconforming Uses or Structures to Subchapter 66.6 of the Township of Edison Code of General Ordinances.

ORDINANCE

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

WHEREAS, due to the desire to ensure uniformity throughout the Township’s Code of General Ordinances (the “**Code**”) regarding the Township’s evaluation of applications concerning non-conforming lots and/or non-conforming structures; and

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Code in accordance with the terms provided for herein and;

WHEREAS, the Township Council has determined to amend Chapter 37-66, of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 37 “Zoning,” Subchapter 66 “Nonconforming Structures and Uses” of the Code to read as follows:

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

37-66.3 Nonconforming Uses of Land

a. Where a lawful use of land exists that is no longer permissible under the terms of this chapter, the same use may be continued.

b. No such nonconforming use shall be enlarged, increased, intensified, extended to occupy a greater area of structure or land or moved in whole or in part to a different portion of the lot or structures thereon, provided that:

1. Repair and maintenance of any buildings wherein there exists a nonconforming use will be permitted, provided that such maintenance and repair does not in any way constitute or result in a further expansion or intensification of a nonconforming use.
2. Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
3. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.

c. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.

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

37-66.5 Nonconforming Lots

- A. Any existing lot in a residential zone on which a residential building or structure is located and which lot does not meet the minimum lot size or structure violates any yard requirements may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief, provided:
1. The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone, unless approved by the Board of Adjustment.
 2. Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be made more nonconforming, but any improvement may maintain the same nonconforming setbacks.
 3. All existing and proposed improvements on the nonconforming improved lot shall not exceed the allowable limits for maximum building coverage or maximum lot coverage set forth in Schedule A for the applicable zone.
- B. The Zoning Official is hereby authorized and empowered to issue any necessary permits in accordance with the provisions of this section.

37-66.[5]6 Abandonment of Nonconforming Uses or Structures.

When a nonconforming use is discontinued for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure and premises in combination shall be presumed to have been abandoned and shall not thereafter be used except in conformance with the regulations of the district in which they are located.

Section 3. 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.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

EXPLANATION:An Ordinance amending the Township Code to incorporate changes resulting from changes made to the Township’s Affordable Housing Ordinance regarding inclusionary zoning and affordable housing set aside requirements.

ORDINANCE

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

WHEREAS, due to amendments to the Township’s Affordable Housing Ordinance of the Township Code of General Ordinances (the “**Code**”) regarding certain inclusionary zoning and affordable housing requirements affecting residential zoning districts and other zoning districts; and

WHEREAS, the Township desires to maintain uniformity throughout the Code by amending Chapter 37, “Zoning,” to read as follows (additions are underlined and deletions are in [brackets]).

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

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

Section 2. The Municipal Council hereby amends Chapter 37 “Zoning” of the Code to read as follows:

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

37-13.6 Planned Unit Development Standards and Requirements

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

j. Affordable Housing Requirements

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

C. Pursuant to the Amended Settlement Agreement In the Matter of Certification or Judgement of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No. MID-L-3944-15 (the “Settlement Agreement”), certain terms and conditions applicable to the inclusionary development of Block 762, Lot 1A, and Block 3[8]B, [Lots 18 and 19]Lot 18 in its entirety and a portion of Lot 19] (the “Properties”) were agreed to by the Parties and which terms and conditions were approved by the Court. Where the terms of the Settlement Agreement conflict with terms of the Township Affordable Housing Ordinance, the terms of the Settlement Agreement shall control any development application relative to the Properties.

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

37-15.7 Affordable Housing Requirements

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

C. Pursuant to the Amended Settlement Agreement In the Matter of Certification or Judgement of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No. MID-L-3944-15 (the “Settlement Agreement”), certain terms and conditions applicable to the inclusionary development of Block 762, Lot 1A, and Block 3[8]B, [Lots 18 and 19]Lot 18 in its entirety and a

portion of Lot 19] (the “Properties”) were agreed to by the Parties and which terms and conditions were approved by the Court. Where the terms of the Settlement Agreement conflict with terms of the Township Affordable Housing Ordinance, the terms of the Settlement Agreement shall control any development application relative to the Properties.

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

Section 3. 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.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. 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.

O.1954-2016

EXPLANATION:An Ordinance amending and supplementing Chapter 30 “Affordable Housing,” of the Township of Edison Code of General Ordinances regarding compliance with the Township’s affordable housing obligations.

ORDINANCE

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

WHEREAS, the Township recently adopted Ordinance 1942-2016, which replaced Chapter 30 “Affordable Housing” of the Township of Edison Code of Ordinances in its entirety to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Control (“UHAC”) Rules, regarding compliance with the Township’s affordable housing obligations; and

WHEREAS, there is a need to amend Section 2 of the Code, entitled “Applicability”, to add additional language and supplement Chapter 30, to include a new Section 22, entitled, “Reporting and Monitoring Requirements” to address certain reporting and monitoring requirements, which changes are required by the Special Court Master and the Fair Share Housing Center for compliance, in *IMO Application of the Township of Edison*, Docket No. MID-L-3944-15.

WHEREAS, the Township Council has determined to amend Chapter 30 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 30 “Affordable Housing” of the Code, to add additional language to Section 2, and supplements Chapter 30 to add a new Section 22, “Reporting and Monitoring Requirements”, as follows:

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

Section 2. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Edison pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan.

2. In addition, any property in the Township of Edison that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in Section 6.5. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

3. The following sections shall apply to **all** developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

4. All affordable housing developments, including those intended to be funded through federal Low Income Housing Tax Credit programs, shall be deed restricted to comply with COAH and UHAC Rules pertaining to the income and bedroom distributions of the units.

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

Section 22. Reporting and Monitoring Requirements

1. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or such other entity designated by the State of New Jersey, with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

2. On the first anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every anniversary thereafter, through the end of the Repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the Township through posting on the Township website with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Court-appointed Special Master and Fair Share Housing Center.

3. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its Township website, with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may, by motion, request a hearing before the Court regarding these issues.

4. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting the Township a Final Judgment of Compliance and Repose, and every third year thereafter, the Township shall post on its Township website, with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township with copies provided to Fair Share Housing Center and the Intervenor in *IMO Application of the Township of Edison*, Docket No.: MID-L-3944-15, on the issue of whether the municipality has complied with its very low income housing obligation.

Section 3. It is the intent of the Municipal Council to incorporate the amendment to Section 2 and the supplement set forth in the new Section 22, contained in this Ordinance into the Code. All of the remaining provisions in Chapters 30 of the Code shall remain unchanged.

Section 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.

Section 5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 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 R.766-112016

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING NOVEMBER 3, 2016

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through November 3, 2016.

FUND	AMOUNT
Current	\$24,364,430.74
Affordable Housing	7,106.50
Capital	25,457.49
Cash Performance	0.00
CDBG	20,378.00
Developers Escrow	21,516.59
Dog (Animal Control)	79.80
Federal Forfeited	0.00
Grant Funds	5,297.06
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	500,479.48
Sanitation Fund	373,417.62
Sewer Utility	150,098.04
Tax Sale Redemption	35,173.79
Tree Fund	5,175.00
Tree Planting	6,930.00
Trust	108,634.26
TOTAL	\$25,624,174.37

/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.767-112016

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 **\$129,253.51**.

November 7, 2016

RESOLUTION R.768-112016

EXPLANATION: RESOLUTION AWARDS A CONTRACT WITH THE COUNTY OF MIDDLESEX FOR HEALTH OFFICER ADMINISTRATION SERVICES

WHEREAS, The Township of Edison is in need of a Health Officer and related for Health Officer services for the calendar year 2016 and

WHEREAS, the County of Middlesex has agreed to provide these services to the Township of Edison; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey that, the Township Council hereby approves the attached contract with the County of Middlesex for Health Officer Administration services and hereby authorizes the Mayor, Township Clerk and other necessary staff to execute and deliver said contract and all other necessary documents and undertake all actions reasonably necessary to effectuate the award of this contract and the intent of this Resolution.

CERTIFICATION OF FUNDS

I hereby certify that funds in the amount of \$60,000.00 are available in Account 6-01-27-0330-001-028 of the 2016 Calendar year Budget .

Nicholas Fargo
Chief Financial Officer

RESOLUTION R.769-112016

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
PARK IMPROVEMENT FUND**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive Park Improvement Fund revenues by transferring from not more than 30% of the Tree Fund outstanding account balance on the annual basis for the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Park Improvement Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of the Park Improvement fund per N.J.S.A. 40A:4-39.
2. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.770-112016
**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
TAX LIEN FORECLOSURE INTEREST TRUST**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive of tax lien foreclosure interest by the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the tax lien foreclosure interest trust fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of the tax lien foreclosure trust fund per N.J.S.A. 40A:4-39.
2. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.771-112016

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
EMPLOYEE FLEXIBLE SPENDING ACCOUNT UNDER
IRS CODE SECTION 125 CAFETERIA PLAN**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive Employee Flexible Spending-Section 125 Funds by the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Employee Flexible Spending –Section 125 Funds are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of Employee Flexible Spending-Section 125 Funds per N.J.S.A. 40A:4-39.
2. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.772-112016

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
STREET OPENING FUND**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive street opening deposits for the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from street opening deposits are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

3. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of street openings per N.J.S.A. 40A:4-39.
4. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.773-112016

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
TOWING FUND**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive towing funds for the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from towing fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

5. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of towing fund per N.J.S.A. 40A:4-39.
6. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.774-112016

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR TREE FUND

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive Tree Fund as contribution in lieu of replacement trees by the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Tree Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

7. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of the Tree Fund per N.J.S.A. 40A:4-39.
8. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.775-112016

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR
UNEMPLOYMENT COMPENSATION INSURANCE TRUST FUND**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive of unemployment compensation insurance by the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the unemployment compensation insurance are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

9. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of the unemployment compensation insurance Per N.J.S.A. 40A:4-39.
10. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.776-112016

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR FIRE FINES

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:4-39 allows municipalities to receive fire fines for the municipality to provide for operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from fire fines are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The governing body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of fire fines per N.J.S.A. 40A:4-39.
2. The Clerk of the Township of Edison, County of Middlesex is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

RESOLUTION R.777-112016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
EWELINA RAHMAN FOR THE KARATE PROGRAM**

WHEREAS Ewelina made payment in the amount of \$60.00 for her children Camellia Rahman and Ramy Rahman's participation in the Fall Karate Program at the Stelton Community Center; and

WHEREAS the children were removed from the program before they started.

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 \$60.00 to Ewelina, 13 Heathcote Ave., Edison, NJ 08817, which represents the amount for the Karate Program for two children.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$60.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R. 778-112016

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 STO0000218, to the following:

Permit Number:	20081
Opening Location:	410 Silver Lake Avenue
Block/Lot:	366/25.A3
Applicant's Name & Address:	Kleinfelder 3 AAA Drive, First Floor Hamilton, NJ 08691
Initial Deposit Date:	09/12/16
Deposit Amount:	\$2,250.00
Paid by & refunded to:	PSEG Services Crop. P.O. Box 1868 Newark, NJ 07101

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 R.779-112016

EXPLANATION: A Resolution supplementing Appendix II of the Affirmative Marketing Plan for the Township of Edison.

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls, N.J.A.C. 5:80-26-1, et seq., the Township of Edison is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Township of Edison are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Edison; and

WHEREAS, on August 24, 2016, the Council of the Township of Edison (the “Township”) adopted an Affirmative Marketing Plan for the Township; and

WHEREAS, there is a need to supplement the Region 3 Pre-Application Distribution List set forth as Appendix II of the Affirmative Marketing Plan, to include as part of the List, the Fair Share Housing Center, the State NAACP, the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP, and the Latino Action Center.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Edison, County of Middlesex, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

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

Section 2. Appendix II of the Township of Edison Affirmative Marketing Plan is hereby supplemented to include the Fair Share Housing Center, the State NAACP, the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP, and the Latino Action Center, as part of the Region 3 Pre-Application Distribution List.

Section 3. This Resolution shall take effect immediately.

RESOLUTION R.780-112016

EXPLANATION: Resolution authorizing Change Order No. 1 in the amount of \$3,053.90 for Black Rock Enterprises, LLC, Contractor for the CDBG-Funded Project, Improvements to Reverend Samuel C. Carpenter Boulevard, for a total revised contract amount of \$142,089.90.

WHEREAS, the Township Council awarded a contract through competitive bidding (Bid No. 15-25-02) to Black Rock Enterprises, LLC (1316 Englishtown Road, Old Bridge, NJ 08857) in the amount of \$139,036.00 for the Improvements to Reverend Samuel C. Carpenter Boulevard; and

WHEREAS, the contract was awarded through Resolution R. 489-082015, dated August 19, 2015; and

WHEREAS, during the course of the work, additional reconstruction of the roadway base at the western terminus of the project limits was determined to be necessary based on the condition of the roadway following milling operations; and

WHEREAS, the additional roadway reconstruction resulted in increases in various contract quantities for Pay Items established in the construction Contract; and

WHEREAS, the net sum of contract Pay Item increases and Pay Item decreases for all of the items in the contract resulted in an overall increase in the contract ceiling by \$3,053.90; and

WHEREAS, the Township Engineer has found the above described work to be outside of the Scope of Services contained within the original project bid; and

WHEREAS, additional funds in the amount of \$3,053.90 have been certified to be available in the Capital Account for CDBG Capital Improvements, Account Number T-14-14-0520-000-007; and

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP Of EDISON, in the State of New Jersey, that Change Order No. 1 be awarded to Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, NJ08857, in an amount not to exceed \$3,053.90 resulting in a revised contract amount of \$142,089.90.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$3,053.90 are available for the above contract in Account No. T-14-14-0520-000-0

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.781-112016

**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 State of New Jersey and wishes to amend its CY 2016 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 2016 in the amount of \$ 5,000.00 which is now available as 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:

Drive Sober or Get Pulled Over Grant 2016 Labor Day Crackdown..... **\$ 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:

Drive Sober or Get Pulled Over Grant 2016 Labor Day Crackdown..... **\$ 5,000.00**

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.

RESOLUTION R.782-112016

RESOLUTION AUTHORIZING THE 2015 LOSAP PAYMENT TO AIG VALIC C/O JP MORGAN CHASE IN THE AMOUNT OF \$32,000.00

WHEREAS, On June 26, 2002, the Edison Township Municipal Council adopted Resolution R.376-062002 which implemented the Township's Length of Service Award "LOSAP" program; and

WHEREAS, this program was created to ensure retention of existing volunteers and to provide incentives for recruiting new volunteer firefighter and first aid/rescue squad members; and

WHEREAS, the original resolution contributed yearly five hundred dollars (\$500.00) per eligible member to a deferred income account and Ordinance O.1576-2007 increased this contribution to one thousand dollars (\$1,000.00); and

WHEREAS, for the 2015 contribution, there are thirty-two (32) eligible members at one thousand dollars (\$1,000.00) each for a total amount of thirty two thousand dollars (\$32,000.00); and

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

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make the 2015 LOSAP payment to AIG VALIC C/O JP MORGAN CHASE, PO BOX 301154, Dallas, TX 75303-1154 in the amount of \$32,000.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$32,000.00 are available for the above payment in Account No. 5-01-24-0230-000-028.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.783-112016

**DRIVE SOBER OR GET PULLED OVER 2016
Year End Statewide Crackdown
Grant Application**

WHEREAS, the Division of Police will apply for grant funding in the amount of \$5,000.00 to provide additional manpower hours to enforce DWI Laws; and

WHEREAS, in 2012, Nationwide traffic fatalities increased due to alcohol; 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 9, 2016 through January 1, 2017; 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 2016 Year End Statewide Crackdown between December 9, 2016 – January 1, 2017 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 R.784-112016

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO
MEGGITT TRAINING SYSTEMS, INC. FOR THE REPAIRS OF THE POLICE PISTOL RANGE FOR
THE DIVISION OF POLICE**

WHEREAS, quotes were solicited for the repairs of the Police pistol range; and

WHEREAS, MEGGITT TRAINING SYSTEMS, INC., 296 Brogdon Rd., Suwanee, GA 30024-8616, is determined to be the quote in the best interest of the Township; and

WHEREAS, the maximum amount of the purchase shall not exceed \$15,945.00; and

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

WHEREAS, MEGGITT TRAINING SYSTEMS, INC., 296 Brogdon Rd., Suwanee, GA 30024-8616, 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 MEGGITT TRAINING SYSTEMS from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$15,945.00 have been certified to be available in the Police Department Computer Hard & Software, Account Number 6-01-25-0240-000-059; 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 quotes have been reviewed, and the quote submitted by MEGGITT TRAINING SYSTEMS, INC., 296 Brogdon Rd., Suwanee, GA 30024-8616 for repairs of the Police pistol range for the Division of Police, is determined to be the quote in the best interest of the Township.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$15,945.00, and any other necessary documents, with MEGGITT TRAINING SYSTEMS, INC. as described herein.
3. 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 **\$15,945.00** are available for the above in Account No. **6-01-25-0240-000-059**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.785-112016

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO
SIGNARAMA FOR SIGNAGE AT THE MUNICIPAL COMPLEX**

WHEREAS, quotes were solicited by The Township of Edison for the purchase, installation and where needed, removal of Signage at the Municipal Complex; and

WHEREAS, SIGNARAMA, 1633 Stelton Road, Piscataway, NJ 08854, submitted the sole quote in the amount of \$17,270.00; and

WHEREAS, the maximum amount of the purchase shall not exceed \$17,270.00; and

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

WHEREAS, SIGNARAMA, 1633 Stelton Road, Piscataway, NJ 08854, 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 SIGNARAMA from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$17,270.00 have been certified to be available in the Various Building Improvements Account, Number C-04-14-1872-310-001; and

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

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

1. All quotes have been reviewed, and the sole quote as submitted by SIGNARAMA, 1633 Stelton Road, Piscataway, NJ 08854 for the purchase, installation and where needed, removal of Signage for the Municipal Complex, is determined to be the sole quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$17,270.00 and any other necessary documents with SIGNARAMA as described herein.
3. 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 **\$17,270.00** are available for the above in Account No. **C-04-14-1872-310-001**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.786-112016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT, LLC TO UPGRADE AND EXPAND THE NETWORKING INFRASTRUCTURE AT MINNIE B. VEAL COMMUNITY CENTER AS WELL AS OTHER VARIOUS NETWORK UPGRADES AND MAINTENANCE TO TOWNSHIP FACILITIES

WHEREAS, there is a need to upgrade and expand the networking infrastructure at Minnie B. Veal Community Center as well as other various network upgrades and maintenance to Township facilities; and

WHEREAS, CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 has been awarded State Contract Number 87722 under M-7000/DATA COMMUNICATIONS EQUIPMENT; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, funds in the amount of \$1,760.00 are needed to upgrade and expand the networking infrastructure at Minnie B. Veal Community Center and the balance of \$8,240.00 will be for various network upgrades and maintenance to Township facilities; and

WHEREAS, the total amount of this contract, not to exceed \$10,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$10,000.00 and any other necessary documents, with CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 87722 under M-7000.

RESOLUTION R.787-112016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO W.B. MASON COMPANY INC.
FOR OFFICE SUPPLIES**

WHEREAS, bids were received by the Township of Edison on September 27, 2016 for Public Bid No.16-12-04-Office Supplies for the Township of Edison; and

WHEREAS, W.B. MASON COMPANY INC., 59 Centre Street, Brockton, MA 02303, submitted the lowest legally responsible, responsive bidder; and

WHEREAS, W.B. MASON COMPANY INC. has also been awarded State Contract Number 88839 under T-0052-Office Supplies & Recycled Copy Paper Statewide; and

WHEREAS, it is in the best interest of the township to purchase office supplies from W.B. MASON INC. utilizing both of these contracts to obtain the best pricing for various items as highlighted on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$75,000.00 cannot be encumbered at this time; and

WHEREAS, The amount not to exceed \$55,000.00 will be awarded under the Township Contract Number 16-12-04 and the amount not to exceed \$20,000.00 will be awarded under State Contract Number 88839 under T-0052-Office Supplies & Recycled Copy Paper Statewide; 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 W.B. MASON COMPANY INC., 59 Centre Street, Brockton, MA 02303 for Office Supplies for the Township of Edison, is determined to be the lowest legally responsible, responsive bid for various items as listed on the spreadsheet and stated herein under Contract No. 16-12-04 and State Contract Number 88839; T-0052-Office Supplies & Recycled Copy Paper Statewide.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$75,000.00 and any other necessary documents, with W.B. MASON COMPANY INC. as described herein.

RESOLUTION R.788-112016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO JFK OCCUPATIONAL MEDICINE & EMPLOYEE HEALTH SERVICES FOR THE FURNISHING OF MEDICAL SERVICES

WHEREAS, bids were received by the Township of Edison on October 14, 2016 for Public Bid No. 16-03-23-Medical Services; and

WHEREAS, JFK OCCUPATIONAL MEDICINE & EMPLOYEE HEALTH SERVICES, 65 James Street, Edison, NJ 08820, submitted the lowest legally responsible bid; and

WHEREAS, the contract is for a period of one year with the option of two, one year renewals at the Township's sole discretion should the township renew after the first year; and

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$50,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by JFK OCCUPATIONAL MEDICINE & EMPLOYEE HEALTH SERVICES, 65 James Street, Edison, NJ 08820 for Medical Services is determined to be the lowest legally responsible bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00 per year for a total not to exceed amount of \$150,000.00 for all three years should the Township renew and any other necessary documents, with JFK OCCUPATIONAL MEDICINE & EMPLOYEE HEALTH SERVICES.

RESOLUTION R.789-112016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO DFFLM, LLC FOR THE PURCHASE OF ONE (1) 2016 FORD TRANSIT-150 CARGO VAN FOR THE ANIMAL SHELTER

WHEREAS, there is a need to purchase one (1) 2016 Ford Transit -150 Cargo Van for the Animal Shelter; and

WHEREAS, DFFLM, LLC, 215 Route 202 & 31, Flemington, NJ 08822, has been awarded State Contract Number 88211 under T-2103/Vehicles, Cargo Vans, Class 1/2/3, Regular and Extended; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with DFFLM, LLC for the purchase of one (1) 2016 Ford Transit -150 Cargo Van at a price of \$20,394.00; and

WHEREAS, funds in the amount of \$20,394.00 have been certified to be available in the Acquisition of a Shelter Van Account, Number C-04-14-1872-330-000; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the 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 \$20,394.00, and any other necessary documents, with DFFLM, LLC, 215 Route 202 & 31, Flemington, NJ 08822 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 88211 under T-2103.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$20,394.00** are available for the above in Account No. **C-04-14-1872-330-000**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.790-112016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO JOHNSTON GP, INC. /JOHNSTON COMMUNICATIONS FOR THE UPGRADE TO THE AVAYA PHONE SYSTEM AT MINNIE B. VEAL COMMUNITY CENTER

WHEREAS, there is a need to upgrade the Avaya phone system at Minnie B. Veal Community Center; and

WHEREAS, JOHNSTON GP, INC./JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031 has been awarded State Contract Number 80802 under T-1316/Telecommunications Equipment and Services; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, funds in the amount of \$10,544.51 have been certified to be available in the Acquisition of Computer and Camera Equipment Account, Number C-04-15-1914-101-000; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$10,544.51 and any other necessary documents, with JOHNSTON GP, INC./JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 80802 under T-1316.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$10,544.51** are available for the above in Account No. **C-04-15-1914-101-000**.

Nicholas C.
Fargo
Chief Financial Officer

Date

RESOLUTION R.791-112016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO OLD DOMINION BRUSH CO.
FOR SWEEPER PARTS**

WHEREAS, bids were received by the Township of Edison on October 12, 2016 for Public Bid No. 16-09-14-Sweeper Parts (Elgin & Schwarze); and

WHEREAS, OLD DOMINION BRUSH CO., 5118 Glen Alden Dr., Richmond, VA 23231 submitted the lowest legally responsible, responsive bid for various items as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; and

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

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

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

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

4. All bids have been reviewed, and the bid submitted by OLD DOMINION BRUSH CO., 5118 Glen Alden Dr., Richmond, VA 23231 for Sweeper Parts (Elgin & Schwarze), is determined to be the lowest legally responsible, responsive bid for various items as listed on the spreadsheet.
5. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$25,000.00 and any other necessary documents, with OLD DOMINION BRUSH CO. as described herein.

RESOLUTION R.792-112016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO W. E. TIMMERMAN CO., INC.
FOR SWEEPER PARTS**

WHEREAS, bids were received by the Township of Edison on October 12, 2016 for Public Bid No. 16-09-14-Sweeper Parts (Elgin & Schwarze); and

WHEREAS, W. E. TIMMERMAN CO., INC., 3554 Route 22 West, Whitehouse, NJ 08888 submitted the lowest legally responsible, responsive bid for various items as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by W. E. TIMMERMAN CO., INC., 3554 Route 22 West, Whitehouse, NJ 08888 for Sweeper Parts (Elgin & Schwarze), is determined to be the lowest legally responsible, responsive bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$25,000.00 and any other necessary documents, with W. E. TIMMERMAN CO., INC. as described herein.

RESOLUTION R.793-112016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO H.A. DEHART & SON, INC. FOR SWEEPER PARTS

WHEREAS, bids were received by the Township of Edison on October 12, 2016 for Public Bid No. 16-09-14-Sweeper Parts (Elgin & Schwarze); and

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

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

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

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

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

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

1. All bids have been reviewed, and the bid submitted by H.A. DEHART & SON, INC., 311 Crown Point Rd., Thorofare, NJ 08086 for Sweeper Parts (Elgin & Schwarze), is determined to be the lowest legally responsible, responsive bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 and any other necessary documents, with H.A. DEHART & SON, INC., as described herein.

RESOLUTION R.794-112016

RESOLUTION AWARDING CONTRACT TO CAMBRIA TRUCK CENTER FOR THE PURCHASE OF ONE (1) AUTOMATED SIDE LOADER REFUSE COLLECTION VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, bids were received by the Township of Edison on November 25, 2015 for Public Bid No. 15-06-18 Automated Side Loader Refuse Collection Vehicle for the Department of Public Works; and

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

WHEREAS, Resolution R. 857-122015 authorized the award of a contract to CAMBRIA TRUCK CENTER for the purchase of one automated side loader; and

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

WHEREAS, the maximum amount of the purchase shall not exceed \$272,100.00; and

WHEREAS, funds in the amount of \$272,100.00 have been certified to be available in the Sanitation Capital Outlay Account, Number 06-09-55-0880-000-600; and

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, the Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents, with CAMBRIA TRUCK CENTER, 116 Talmadge Rd., Edison, NJ 08817, as described herein, in the amount not to exceed \$272,100.00 for one additional automated side loader.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$272,100.00** for the above have been certified to be available in Account Number **06-09-55-0880-000-600**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.795-112016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO THE HOSE SHOP INC. FOR
HYDRAULIC SYSTEM SUPPLY AND REPAIR SERVICE**

WHEREAS, bids were received by the Township of Edison on October 14, 2016 for Public Bid No. 16-07-21-Hydraulic System Supply and Repair Service; and

WHEREAS, THE HOSE SHOP INC., 100 New England Ave., Piscataway, NJ 08854 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the contract is for a period of one year with the option of two, one year renewals at the Township's sole discretion should the township renew after the first year; and

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$25,000.00, 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 THE HOSE SHOP INC., 100 New England Ave., Piscataway, NJ 08854 for Hydraulic System Supply and Repair, 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 \$25,000.00 per year for a total not to exceed amount of \$75,000.00 for all three years should the Township renew and any other necessary documents, with THE HOSE SHOP INC., as described herein.

RESOLUTION R.796-112016

EXPLANATION: A Resolution referring the Camp Kilmer Redevelopment Plan (Road 2, aka 111 Truman Drive) in the Township, to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “Township Council”) of the Township of Edison (the “Township”), by way of Resolution R.520-072016, adopted July 27, 2016, authorized and directed the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the property identified as Road 2, aka 111 Truman Drive, and more commonly known as Block 3-E, Lot 3.013 on the Township’s tax maps (the “Study Area”), and to determine that the Study Area meets the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on September 19, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on September 28, 2016, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 3-E, Lot 3.013 (aka Road 2, aka 111 Truman Drive) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law;

WHEREAS, by commission of the Municipal Council, the Planning Consultant has prepared a redevelopment plan for the Redevelopment Area entitled the “Camp Kilmer Redevelopment Plan” (“Redevelopment Plan,” attached hereto as *Exhibit A*); and

WHEREAS, the Municipal Council desires to refer the Redevelopment Plan to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

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

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

Section 2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Municipal Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

RESOLUTION R.797-112016

AUTHORIZING CANCELATION OF PRIOR CHARGES ON A TOWNSHIP OWNED PROPERTY

WHEREAS, on a property located within the Township of Edison, known and described as follow:

BLOCK / LOT / QUALIFIER	592 / 3.A
PROPERTY LOCATION	205 NEW YORK BLVD
CURRENTLY OWNED BY	EDISON TOWNSHIP
FORMERLY OWNED BY	EDISON TWP (L/E KRIEGL,J&NOTTE,A M)

WHEREAS, The Property was granted to the Township by the former owner and heirs with a Life Estate condition. Property continued being taxable while the existence of the life estate, and life estate beneficiaries were responsible for payment.

WHEREAS, John Kriegl, last survivor, passed away 3/21/14, and the property was officially recorded our tax books as owned by the Township and non-taxable effective 2015.

WHEREAS, The Life Estate beneficiaries didn't pay taxes for 3 quarters in 2010 (\$4,977.26), one quarter in 2012 (\$1,737.47). Total principal amount left unpaid was \$6,714.73. Three more quarters of 2014 (\$5,559.26) were also billed the expiration of the Life Estate condition.

WHEREAS, the Township's Lawyer has investigated the matter and concurs that it is in the best interest of the Township to cancel all prior outstanding taxes on this property, for cost benefit reasons.

WHEREAS, The Tax Collector then further advises that the principal total \$12,273.99 shall be cancelled from the Tax Account;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that three tax quarters of 2010 (\$4,977.26), one quarter of 2012 (\$1,737.47), and three quarters of 2014 (\$5,559.26) should be canceled and removed from any delinquent record for the referred Township owed property. Total principal amount to be removed is \$12,273.99.

November 7, 2016

RESOLUTION R.798-112016

EXPLANATION: Resolution releasing a Performance Bond and refunding a Cash Performance Bond to Macy's Corporate Services, Inc., for the Warehouse Expansion Project, 401 Clearview Road; Application #P4-2014; Block 390.C, Lot 20; Account #7763342323

WHEREAS, on September 19, 2014, Macy's Corporate Services, Inc. having offices at 7 West Seventh Street, Cincinnati, Ohio 45202, posted a Performance Surety Bond #0026874 in the amount of \$2,524,834.15, to guarantee the installation of improvements for the project at 401 Clearview Road, Block 390.C, Lot 20; and

WHEREAS, a Cash Performance check was posted on September 19, 2014 by Check #249751, in the amount of \$280,537.13, on deposit in account #7763342323; and

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed; and

WHEREAS the applicant has been notified of a requirement to post a two-year Maintenance Bond in the amount of \$350,671.41.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$280,537.13** plus accrued interest, if applicable, on deposit in account #7763342323 to the applicant, and the Surety Bond #0026874 in the amount of **\$2,524,834.15** be refunded to Macy's Corporate Services, Inc. having offices at 7 West Seventh Street, Cincinnati, Ohio 45202, following confirmation by the Township Engineer of receipt of a two-year Maintenance Bond issued to the Township of Edison in the amount of \$350,671.41.

RESOLUTION R.799-112016

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 14-31-02: Talmadge Road Resurfacing Phase II, from National Road to I-287; authorizes a Corrective Change Order No. 1 for Final As-Built Quantities; and authorizes FINAL CONTRACT PAYMENT for release of retainage and close-out of the construction project.

WHEREAS, the Township of Edison advertised for a construction contract for the Resurfacing of Talmadge Road Phase II, from National Road to I-287, Township of Edison, Middlesex County, New Jersey under Public Bid No. 14-31-02; and

WHEREAS, Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 was awarded a construction contract through resolution R.305-052015 in a contract amount not to exceed \$572,913.50 for the project; and

WHEREAS, upon tabulation and review of as-built construction quantities, it has been determined by the Township Engineer that there is a net reduction of \$52,722.08 in the final construction costs resulting in a revised and final total construction contract amount of \$520,141.42, as detailed in the attached Change Order No. 1; and

WHEREAS, the Township Engineer has reviewed the project and certifies the construction work has been completed, and therefore recommends project acceptance, release of the performance bond following receipt of a two-year maintenance bond; and that final payment, including retainage, be made to Fischer Contracting Inc., in an amount of \$10,402.83 for a total construction contract as-built cost of \$520,141.42.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the project under Public Bid No. 14-31-02: Talmadge Road Resurfacing Phase II, from National Road to I-287, is deemed accepted by the Township of Edison, and that the performance bond shall be released upon receipt of a fully executed Maintenance Bond, and that final payment, including retainage, shall be made to Fischer Contracting Inc., in an amount not to exceed \$10,402.83 for a total construction contract as-built cost of \$520,141.42, and that the remaining contract balance of \$52,722.08 be deducted from the contract and is to be unencumbered after final payment is made, and said unexpended contract amount shall be restored to the appropriate Township account.

RESOLUTION R.800-112016

EXPLANATION:A Resolution approving a Developer of the Camp Kilmer Affordable Housing Project, identified on the Township tax maps as Block 3-E, Lot 3.013 (Road 2) (aka 111 Truman Drive).

WHEREAS, the Township of Edison’s Final 2016 Housing Element and Fair Share Plan (the “HEFSP”) is currently pending before the Middlesex County Superior Court for final review and action with respect to issuance of a Final Judgment of Compliance and Repose for the Township (the “Compliance Action”); and

WHEREAS, one of the housing elements included in the HEFSP, involves the construction of 170 units of 100% affordable housing on Lot 3.03 (Road 2) (111 Truman Drive) in the Camp Kilmer Area of the Township (the “Property”), which housing shall be made available for homeless, low and moderate income veterans and other eligible households (the “Project”) ; and

WHEREAS, the Township issued a Request for Qualifications/Request for Proposals (“RFQ/RFP”) for the Project and received four (4) proposals in response thereto; and

WHEREAS, proposals were submitted by the Alpert Group, the Michael’s Organization, Pennrose Properties, LLC and RPM Development, and each proposal has been reviewed and several interviews have been conducted; and

WHEREAS, the Special Court Master in the Township’s pending Compliance Action has required the Township, as part of its final submission to the Court to identify the developer of the Project; and

WHEREAS, based on the review and evaluation of the proposals submitted, interviews conducted and subsequent potential project financing information provided by each developer, the Township has determined that Pennrose Properties, LLC, has demonstrated experience and expertise in developing a 100% affordable housing project, and has the organizational and financial resources and capacity to implement, manage and complete the Project in accordance with the RFQ/RFP and the Township’s HEFSP; and

WHEREAS, due to the timelines imposed upon the Township by the Special Court Master to identify the developer for the Property, the Township desires at this time to approve Pennrose Properties, LLC as the Developer for the Project and to advise the Court accordingly.

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

- Section 1. The foregoing recitals are incorporated herein as if set forth in full.
- Section 2. The Township hereby approves Pennrose Properties, LLC as the Developer for the Project as set forth herein.
- Section 3. This Resolution shall take effect immediately.