

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION AND REGULAR MEETING
November 21, 2016**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:05p.m. by Council President Lombardi , followed by the Pledge of Allegiance.

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

Councilmember Patil entered meeting at 6:15pm.

Councilmember Gomez was absent.

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney London, Business Administrator Ruane, Township Engineer Kataryniak, Assistant Public Works Director Russomanno, Health Inspector Spearnock, Deputy Chief Mieczkowski, Fire Chief Latham and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.

4. REVIEW OF MINUTES:

- a. No comment was made.

5. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Diehl reported Dismal Swamp had a meeting on November 10, 2016 met in Metuchen with Assemblyman Karabinchak and Mayor of a couple of different towns to look into the financing of getting a meets and bounds of several hundreds of acres.

6. POINTS OF LIGHT:

Council President Lombardi, Congrats to Joe Coyle for winning his election last week. He wished everyone a Happy Thanksgiving. The Christmas Tree lighting at the Hertiage in Clara Barton will take place on December 1st. We lost a former Councilmember Sidney Frankel, we wish the sorrow to his family. He asked for a moment of silence for the loss of Sidney Frankel.

Councilmember Sendelsky added we will have a Tree Lighting at the Edison Town, on December 8th.

7. FROM THE DEPARTMENT OF FINANCE:

- a. through f. No comments were made

8. FROM THE DEPARTMENT OF LAW:

- a. and c. No comments were made
- b. Ms. Ruane explained this law suit is from 2013 and we settled for \$100,000.00.
- d. Added to agenda at meeting Resolution R.819-112016 regarding intent to bond if need to meet Affordable Housing obligations, Ms. London explained

9. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

- a. through c. No comments were made.

10. FROM THE PUBLIC WORKS:

- a. and b. No comments were made.

11. FROM THE DEPARTMENT OF RECREATION:

- a. and b. No comments were made.

12. FROM THE CHIEF OF FIRE:

- a. No comment was made.

13. FROM THE CHIEF OF POLICE:

- a. No comment was made.

14. FROM THE TOWNSHIP CLERK:

- a. No comment was made.

15. FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:

Councilmember Sendelsky report as follows:

Minutes of Special Planning Board Meeting of November 9, 2016

There was only one case on for this meeting and it was the re-development study for 340 Meadow Road. John Barree from Heyer and Gruel made his presentation to the board. Mr. Barree stated that the property was 90.28 acres in size and consisted of 5 parcels Block 336.B Lot 4.B1, Block 336.B Lot 14.D1, Block 336.B Lot 14.A, Block 336.B Lot 15 and Block 336.B Lot 16. He stated that it was a non-condemnation study of the property. He was tasked with determining if the property met the Statutory Criteria of an Area in need of re-development by this council. The property fronted on Meadow Road. The Southern portion is the Raritan River and it is adjacent to the boat basin. Lots 15 and 16 are developed with a chemical plant. Lots 14.A and 4.B1 are approximately 70 acres and have wetlands. Mr. Barree stated that lots 14.A and 4.B1 each meet criteria " C" stating that it was unimproved vacant land that was vacant for longer than 10 years. He also stated that there are no structures on the property based on the aerial photography. He stated that the properties are in the flood hazard area which would inhibit the use of the property for development. There is also a recorded deed notice for contamination.

Lots 15 & 16 are a chemical manufacturing plant. Mr. Barree stated that it meets Criteria "B". He stated that the structures are dilapidated and not adequately lit. The site has a history of chemical contamination and groundwater contamination remains on site. This is detrimental to the health welfare and safety to the public. Equistar Chemicals LP has been working to clean up the site. But Mr. Barree stated that the site is functionally obsolete. He said his report was based on the 2013 property appraisal that was used in the settled tax appeal. He said that all properties had significant deterioration and that the appraisals agreed with this. He stated that the property had obsolescence and an obsolete layout therefore it met criteria "B" and therefore the site was an area in need of re-development.

Martin Newmark who is the attorney representing the owner took exception with Mr. Barree's report. Mr. Barree stated that he did not have access to the property and that he was not an appraiser. Mr. Newmark had a loose-leaf binder that he submitted to the board (Technical response to an area in need of re-development). refuting that the property was an area in need of re-development. Mr. Newmark also stated that an OPRA request was not made by Mr. Barree to get up to date information as well as all of the updated property information was not available from the Department of Environmental Protection website. He also stated that there were two contaminated areas and that they have received RAO (Response Action Outcome Reports). He introduced Dave Schrutka the site manager for Lyondell Basell. He stated that two companies Lyondell Bassell and their competitor/tenant W. R. Grace both occupied the site. He said that they both manufacture Poly propylene. He stated that Equistar has owned the property since 2006. He said that they do program maintenance which is 450- \$500,000 per year (painting pipes, insulation). They are also doing Routine maintenance (day to day maintenance) which he stated to be 4.5 to 5 million per year but wrote in his report that it was 10 million per year. When questioned about the discrepancy he stated that this was a typo. I questioned Mr. Schrutka as to how often he met with our fire department for safety meetings and proper emergency protocol and he stated that it was once per year. A meeting is now scheduled for December 12, 2016 with OEM Director Andy Toth and myself to discuss safety at the site and emergency operations.

Dr. George Berkowitz from Langan Engineering was next sworn in. He stated that the Licensed Site remediation Professional (LSRP) law went into effect in 2009. The RAO letter replaced the NFA (no further action letter) from the DEP. He also stated that there are monitoring booms around the two contaminated areas. He said that there is no contaminated soils exposed to the public and the groundwater is controlled. The monitoring wells around the two contaminated areas are clean. Lots 15 and 16 were classified as Classification Exception areas and the site has been monitored quarterly for the last two years. he stated that there is a deed notice on the property for non-residential use which does not preclude the use of the property for other purposes. He also went on to say that just because there is a deed notice on the property does not mean that the property is blighted.

Mr. John McDonough a licensed professional planner also testified that he did the same analysis that John Barrie did. He looked at both the site and the building. He said that the development was through private capitalization. He said that an area in need of development is equal to blight. He said that the property is not an area in need of redevelopment because it is well maintained and the environmental issues are being monitored.

The meeting was then carried over to a **special meeting on November 28, 2016**. All members of the board were given the site manager's telephone number to arrange a tour of the facility prior to this special meeting. The regular planning board meeting is **December 19, 2016**.

Respectfully submitted - Councilman Len Sendelsky

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

O.1953-2016 No comment was made.

O.1954-2016 No comment was made.

17. COMMUNICATIONS:

- a. None

18. DISCUSSION ITEMS:

Council President Lombardi:

- a. None

Councilmember Coyle:

- a. He was very impressed with the report he received from the Administration on Snow Plowing procedures. He said we are in good shape and ready.
- b. Environmental Commission is making great strides along with trying to recruit volunteers for the beautification program.

Councilmember Diehl:

- a. None

Councilmember GOMEZ:

- a. Absent

Councilmember Patil:

- a. None

Councilmember Sendelsky:

- a. He said P.S.E & G updated a gas line on Richard Road and was happy to see they went door to door notifying the residents.
- b. He commented Mr. Elliot and John Soltesz with regards to the property at 10 Liberty Street for the multiple violations, the court date is set for December 16, 2016

Councilmember Shah:

- a. Update on Zoning Officer

Ms. Ruane we have a great qualified candidate he is presently in the position somewhere else.

- b. Update on residents offering free breakfast and free parking. Do you know if any of those residents on the Air B & B site were found?

Camille Spearneck, our housing inspectors are looking into site to get information.

We ask for \$1,000. fine in Municipal court. We are up to \$14,000.00 this year in fines.

- c. Election is over, on the Transportation trust fund what projects in Edison get go forward now.

Mr. Kataryniak the cycle for the application is on hold not open yet looking into that with our grant writers.

She asked if we will be looking into some type of mass transportation.

Mr. Kataryniak we are looking to apply for a Tap grant in the future.

- d. She asked is there an opportunity to get a new school.

Ms. London said the school you are referring to it was a County Improvement Authority it is for Regional High School, very specific Hi Tech School.

19. APPROVAL OF MINUTES:

On a motion made by Councilmember Sendelsky, seconded by Councilmember Diehl, and duly carried, the Minutes of the Combined Meeting of November 7, 2016 were accepted as submitted.

20. COUNCIL PRESIDENT'S REMARKS:

Council President Lombardi, he spoke before regarding our former councilmember.

**21. UNFINISHED BUSINESS
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING**

The following Ordinances, which were introduced by Title on November 7, 2016 passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

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.

(The above Ordinance O. 1953-2016 can be found in its entirety in Ordinance Book .)

Council President Lombardi declared the Public Hearing opened for O.1953-2016

None

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

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

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

ABSENT: Councilmember Gomez

NAYS - None

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.

(The above Ordinance O. 1954-2016 can be found in its entirety in Ordinance Book .)

Council President Lombardi declared the Public Hearing opened for O.1954-2016.

None

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

On a motion made by Councilmember Diehl , seconded by Councilmember Patil , the Ordinance was adopted.

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

ABSENT: Councilmember Gomez

NAYS - None

**NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY, DECEMBER 14, 2016.**

The following Ordinances were introduced by title:

O.1955-2016 AN ORDINANCE ADOPTING THE “CAMP KILMER REDEVELOPMENT PLAN” FOR THE PROPERTY IDENTIFIED ON THE TOWNSHIP TAX MAPS AS BLOCK 3-E, LOT 3.013 (ROAD, AKA 111 TRUMAN DRIVE) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, PURSUANT TO THE

LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

On a motion made by Councilmember Shah seconded by Councilmember Sendelsky this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on December 14, 2016.

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

ABSENT: Councilmember Gomez

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Lombardi opened the meeting to the public for comments on Proposed Resolutions R.801-112016 through R.819-112016.

Irene Wall, 205 Fleet Avenue, Resolution R.807-112016, who is this and what is it regards to.

Council President Lombardi, it was regarding a Contractual agreement with Mr. Kapitan.

Bruce Diamond, 74 Calvert Avenue, Resolution R. 817-112016 what is life cycle for handguns.

Deputy Chief Mieczkowski replied it is 10 years, however we are at about 13 years.

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

The following Resolutions R.801-112016 through R.819-112016 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Sendelsky.

RESOLUTION R.801-112016

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING NOVEMBER 17, 2016

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through November 17, 2016.

FUND	AMOUNT
Current	\$16,659,539.04
Affordable Housing	49,252.98
Capital	3,470.39
Cash Performance	10,308.38
CDBG	285.00
Developers Escrow	0.00
Dog (Animal Control)	20,606.50
Federal Forfeited	0.00
Grant Funds	1,197.35
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	31,285.88
Sanitation Fund	38,758.73
Sewer Utility	100,319.42
Tax Sale Redemption	81,280.25
Tree Fund	0.00
Tree Planting	0.00
Trust	381,059.91
TOTAL	\$17,377,363.83

/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.802-112016

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 **\$201,700.75**.

RESOLUTION R.803-112016

Authorizing refund for tax overpayments

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

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$11,633.32**.

RESOLUTION R.804-112016

Authorizing a tax exemption/refund for a disabled veteran for 19 MIDWOOD AVE

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, **JOSEPH CIMAGLIA** is a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to **09/19/2016**; and

WHEREAS, real estate taxes on this property known as Block **546.C** Lot **37**, **19 MIDWOOD AVE**, have been billed for **2016** and preliminary **2017**; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

WHEREAS, as permitted by N.J.S.A. 54:4-3.32, Township Code Section 5-7(d) also authorizes the return of property taxes for the current year and prior year but not greater than for a twenty-four (24) month period in the aggregate, or, should the Veteran's Administration determine that a veteran's disability date is greater than twenty-four (24) months from the date the applicant submits his/her application with the Tax Assessor's office, the Township will only be obligated to return taxes for a period of no greater than twenty-four (24) months from receipt of a completed application to the Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on **546.c** Lot **37**, assessed to **JOSEPH CIMAGLIA**, be cancelled for the appropriate prorated amount of **3rd and 4th** quarters of **2016** and for the **1st and 2nd** quarters of **2017**, and also refunded for the municipal property taxes already paid for the time period of from **9/19/2016** thru **12/31/2016** in the amount of **\$2,107.53**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of **JOSEPH CIMAGLIA** for taxes already paid during the applicable exemption periods set forth above in the total amount of **\$2,107.53**.

RESOLUTION R.805-112016

Authorizing Overpayment Refund caused by Successful Tax Court Appeal

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

TAXPAYER	JRG HOLDING LLC
PROPERTY LOCATION	1955 LINCOLN HWY RT 27
BLOCK / LOT / QUALIFIER	104.T/7

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

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
013156-2014	2014	305,000	267,500	(37,500)
011799-2015	2015	305,000	267,500	(37,500)
011799-2015 FREEZE ACT	2016	305,000	267,500	(37,500)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$5,728.50** for the years as follows:

TAX YEAR	TAX AMOUNT
2014	1847.25
2015	1902.75
2016	1978.50

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$5,728.50**.

RESOLUTION R.806-112016

Authorizing the refund of sewer charge overpayments to certain property owners in the Township

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year **2016**; and

WHEREAS, applications have been made to the Tax Collector for refunds of the aforesaid overpayments, and the Tax Collector advises that the property owners are entitled to refunds as provided for below; and

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

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

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the appropriate official of the Township to draw and issue checks to the person(s) in the amounts provided for below, in satisfaction of sewer charge overpayments:

Property Owner Property Location: Block/Lot/Qualifier Sewer Account: Amount to be Refunded:	Mediplex Condominium Association 98 James St. 643.FF/17.M2 17003-2 \$ 80.27
Property Owner Property Location: Block/Lot/Qualifier Sewer Account: Amount to be Refunded:	Mediplex Condominium Association 98 James St. 643.FF/17.M2 17003-1 \$ 5770.30
GRAND TOTAL	\$ 5850.57

3. This Resolution shall take effect immediately.

RESOLUTION R.807-112016

EXPLANATION: A Resolution approving the settlement and the execution of a settlement agreement consistent therewith with regard to Docket No. MID-L-7710-13.

WHEREAS, the Township of Edison (“Township”) and former Mayor Antonia Ricigliano (“Ricigliano”) (the “Township Defendants”) are defendants in a lawsuit (Docket No.: MID-L-7710-13) (“Lawsuit”) filed by plaintiffs Gary and Mary Kapitan in New Jersey Superior Court (collectively, “Plaintiffs,” and together with the Township and Ricigliano, the “Parties”); and

WHEREAS, Plaintiffs have asserted various claims in the Lawsuit including that Township Defendants violated the New Jersey Civil Rights Act, *N.J.S.A. 10:6-1 et seq.*, among other such related claims; and

WHEREAS, Plaintiffs voluntarily dismissed the Lawsuit as to Ricigliano; and

WHEREAS, the Township does not and shall not admit liability in the Litigation or otherwise, but is desirous of avoiding the cost and expense of further litigation; and

WHEREAS, the Parties have negotiated settlement terms to fully and finally resolve all claims among them, including, but not limited to, all claims in the Lawsuit, in the amount of \$100,000, inclusive of attorney fees and costs subject to Municipal Council approval, in exchange for Plaintiffs’ release of all claims against the Township Defendants and dismissal of the Lawsuit; and

WHEREAS, the Council desires to approve the settlement terms reached by the Parties (“Settlement Terms,” attached hereto as Exhibit A) and the preparation and execution of a settlement agreement consistent therewith in settlement of the Lawsuit.

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Settlement Terms, attached hereto as Exhibit A, are hereby approved and accepted. The Mayor is authorized to execute a settlement agreement consistent with the Settlement Terms, and to enter such related agreements and take other such necessary and appropriate action to effectuate the Settlement Terms.
3. This Resolution shall take effect immediately.

EXPLANATION: A Resolution approving the Agreement between the Township and the Edison Woods Senior Citizens Associates.

RESOLUTION R.808-112016

WHEREAS, Edison Woods Senior Citizens Associates (“Edison Woods”) is the owner and party to a Deed of Easement and Restrictive Covenant For Extended Low-Income Occupancy (the “Deed”) for a qualified low-income occupancy building or buildings known as Anthony M. Yelencsics Senior Citizen Housing, located at

11/21/2016

Municipal Tax Map Block No. 266, Lot No. 48, with a street address of 100 Forest Haven Boulevard in the Township (the "Building"), which Building is part of qualified low-income housing project known as Anthony M. Yelencsics Senior Citizen Residence (the "Project"); and

WHEREAS, the Deed stipulates both a 15 year initial compliance period and 15 year extended use period, which extended use period the Parties agree will expire December 31, 2023; and

WHEREAS, the Township has requested that Edison Woods extend the expiration date of December 31, 2023 to July 1, 2025 to enable the Township to include the Project as part of the Township's Amended Housing Element and Fair Share Plan (the "Plan") so that the Township can apply certain credits for the Project towards the Township's Prior and Prospective Round Obligations to finalize the amendments to the Plan; and

WHEREAS, Edison Woods has agreed to extend the use period for the Project to July 1, 2025, and to enter into an agreement (the "Agreement") regarding same, a form of which is attached hereto Exhibit A.

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Agreement, attached hereto as Exhibit A, is hereby approved and accepted. The Mayor is authorized to execute the Agreement, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion, in consultation with the Township's professionals, and also mutually agreed upon by the parties, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
3. This Resolution shall take effect immediately.

RESOLUTION R.809-112016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
TRACKS UNLIMITED LLC FOR THE MAINTENANCE OF AT-GRADE QUIET ZONE RAILROAD
CROSSINGS INMAN AVENUE (CR602) AND TINGLEY LANE IN THE TOWNSHIP OF EDISON**

WHEREAS, bids were received by the Township of Edison on November 15, 2016 for Public Bid No. 16-53-01 Maintenance of AT-Grade Quiet Zone Railroad Crossings Inman Avenue (CR602) and Tingley Lane in the Township of Edison ; and

WHEREAS, TRACKS UNLIMITED LLC, 1140 Globe Avenue, Mountainside, NJ 07092 submitted the sole, legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$143,675.00; and

WHEREAS, funds in the amount of \$143,675.00 have been certified to be available in the Engineering – Tingley Gating System Account, number C-04-08-1616-165-441; and

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

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

1. The bid submitted by TRACKS UNLIMITED LLC, 1140 Globe Avenue, Mountainside, NJ 07092 for the maintenance of at-grade quiet zone railroad crossings Inman Avenue (CR602) and Tingley Lane is determined to be the lowest, legally responsible, responsive bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$143,675.00 and any other necessary documents, with TRACKS UNLIMITED LLC as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$143,675.00** are available for the above in account number **C-04-08-1616-165-441**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.810-112016

RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO RICOH AMERICAS CORPORATION FOR THE DEPARTMENT OF ENGINEERING

WHEREAS, The Department of Engineering is in need of a new multi function machine that copies, prints, scans and faxes; and

WHEREAS, RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 has been awarded State Contract Number 40467 under G-2075-Copiers, Maintenance and Supplies; and

WHEREAS, the lease shall be forty eight (48) months in the amount not to exceed \$603.79 per month, \$7,245.48 per year, and \$28,981.92 for the term of the lease; and

WHEREAS, this Ricoh MPC 6502SP contract includes 60,000 black and white impressions per quarter (black and white overages \$.006 each) and each color impression at \$0.042 (the per month price allows for 6,000 color impression per quarter) and all maintenance and supplies except paper; 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 total amount of this contract, not to exceed \$28,981.92, cannot be encumbered at this time; and

WHEREAS, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; 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 forty eight month lease for \$603.79 per month, \$7,245.48 per year, not to exceed \$28,981.92 for the term of the lease and any other necessary documents, with RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 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. 40467/G-2075.

RESOLUTION R.811-112016

RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO RICOH AMERICAS CORPORATION FOR THE CODE ENFORCEMENT DEPARTMENT

WHEREAS, The Code Enforcement Department copier lease term has concluded and they are in need of a replacement multi function machine that copies, prints, scans and faxes; and

WHEREAS, RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 has been awarded State Contract Number 40467 under G-2075-Copiers, Maintenance and Supplies; and

WHEREAS, the lease shall be forty eight (48) months in the amount not to exceed \$314.81 per month, \$3,777.72 per year, \$15,110.88 for the term of the lease; and

WHEREAS, this Ricoh MPC 5503G contract includes 21,000 black and white impressions per quarter (black and white overages at \$.006 each) and each color impression at \$0.042 (the per month price allows for 1,500 color impressions per quarter) and all maintenance and supplies except paper; 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

11/21/2016

WHEREAS, the total amount of this contract, not to exceed \$14,102.88, cannot be encumbered at this time; and

WHEREAS, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; 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 forty eight month lease for \$314.81 per month, \$3,777.72 per year, not to exceed \$15,110.88 for the term of the lease and any other necessary documents, with RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 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. 40467/G-2075.

RESOLUTION R.812-112016

RESOLUTION AWARDING CONTRACT TO CAMPBELL FREIGHTLINER LLC FOR THE PURCHASE OF ONE (1) REFUSE COLLECTION TRUCK WITH PLOW AND EXTENDED WARRANTY FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, bids were received by the Township of Edison on October 28, 2015 for Public Bid No. 15-05-05 REFUSE COLLECTION TRUCK WITH PLOW for the Department of Public Works; and

WHEREAS, CAMPBELL FREIGHTLINER LLC, 1015 Cranbury South River Rd., South Brunswick, NJ 08831 submitted the lowest legally responsible, responsive bid; and

WHEREAS, Resolution R.789-112015 authorized the award of a contract to CAMPBELL FREIGHTLINER LLC for the purchase of one (1) 25 cu yd refuse collection truck with a plow and extended warranty; and

WHEREAS, contract specifications allow for additional purchases under this contract and the Township of Edison purchased one (1) additional vehicle under R.822-122015; and

WHEREAS, the Township wishes to exercise this option again to purchase one (1) additional refuse collection truck with plow and extended warranty in an amount not to exceed \$214,245.00; and

WHEREAS, funds in the amount of \$214,245.00 have been certified to be available in the Sanitation Capital Outlay Account, number 6-09-55-0880-000-600; 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 in the amount not to exceed \$214,245.00, and any other necessary documents, with Campbell Freightliner LLC as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$214,245.00** are available for the above contract in Account No. **6-09-55-0880-000-600**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.813-112016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CHAS. S. WINNER INC. D/B/A WINNER FORD FOR THE PURCHASE OF FOUR (4) 2017 FORD F350 4X4 SD SUPERCAB CHASSIS WITH DUMP BODY AND SNOW PLOWS FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a need to purchase four (4) 2017 Ford F-350 4X4 SD supercab chassis with dump body and snow plow for the Department of Public Works, Division of Sanitation; and

WHEREAS, CHAS. S. WINNER INC. D/B/A WINNER FORD, 250 Berlin Road, Cherry Hill, NJ 08034 has been awarded State Contract Number 88758 under T-2101 Vehicles, Trucks, Class 3, Pickup/Utility/Dump, with Snow Plow Option; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with CHAS. S. WINNER INC. D/B/A WINNER FORD for the purchase of four (4) 2017 Ford F-350 4X4 SD supercab chassis with dump body and snow plow at a price of \$41,012.00 each for a total price of \$164,048.00; and

WHEREAS, funds in the amount of \$164,048.00 have been certified to be available in the Acquisition of Public Works Equipment Capital Account, Number C-04-15-1914-310-000; 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 \$164,048.00 and any other necessary documents, with CHAS. S. WINNER INC. D/B/A WINNER FORD, 250 Berlin Road, Cherry Hill, NJ 08034, 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 Number 88758 under T-2101.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$164,048.00** are available for the above contract in Account No. **C-04-15-1914-310-000**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.814-112016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
OLGA TALATI FOR THE ABC PROGRAM**

WHEREAS Olga Talati made payment in the amount of \$190.00 for her children Natasha Talati and Krish Talati's participation in the ABC Program at Woodbrook Elementary School; 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 \$190.00 to Olga Talati, 79 Pheasant Run., Edison, NJ 08820, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$190.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.815-112016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ADRIANNE SCHROEPFER FOR THE RENTAL OF THE FRANK WRIGHT SOCCER FIELD**

WHEREAS Adrienne Schroepfer made payment for the rental of the Frank Wright Soccer Field; and

WHEREAS Adrienne Schroepfer was unable to use the field because it was not lined for adults; and

11/21/2016

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 \$50.00 to Adrienne Schroepfer, 215 Orlando St., Edison, NJ 08817, which amount represents the amount of the rental fee.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$50.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.816-112016

RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO RICOH AMERICAS CORPORATION FOR THE DIVISION OF FIRE

WHEREAS, The Division of Fire copier lease term has concluded and they are in need of a replacement multi function machine that copies, prints, scans and faxes; and

WHEREAS, RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 has been awarded State Contract Number 40467 under G-2075-Copiers, Maintenance and Supplies; and

WHEREAS, the lease shall be forty eight (48) months in the amount of \$435.11 per month, \$5,221.32 per year, not to exceed \$20,885.28 for the term of the lease; and

WHEREAS, this Ricoh MPC 7503SP includes 120,000 black and white impressions per quarter (black and white overages \$.0054 each) and all maintenance and supplies except paper; 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 total amount of this contract, not to exceed \$20,885.28, cannot be encumbered at this time; and

WHEREAS, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; 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 forty eight month lease for \$435.11 per month, \$5,221.32 per year, not to exceed \$20,885.28 for the term of the lease and any other necessary documents, with RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 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. 40467/G-2075.

RESOLUTION R.817-112016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CLYDE ARMORY, INC. FOR THE PURCHASE OF HANDGUNS FOR THE DIVISION OF POLICE

WHEREAS, bids were received by the Township of Edison on November 10, 2016 for Public Bid No. 16-10-01- Handguns for the Division of Police; and

WHEREAS, CLYDE ARMORY, INC., 4800 Atlanta Highway, Athens, GA 30606 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$150,000.00; and

WHEREAS, funds in the amount of \$150,000.00 have been certified to be available in the Various Equipment for Police Dept. Account, number C-04-15-1914-240-000; 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 CLYDE ARMORY, INC., 4800 Atlanta Highway, Athens, GA 30606 for handguns 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 \$150,000.00 and any other necessary documents, with CLYDE ARMORY, INC., as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$150,000.00** are available for the above contract in Account No. **C-04-15-1914-240-000**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.818-112016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
DAVID MARCUS FOR A SOLICITORS PERMIT**

WHEREAS Robert Avila made payment in the amount of \$100.00 for him to obtain a Solicitors Permit for the Company of One Roof Energy in August 2016.

WHEREAS, Robert Avila no longer works for this company and is requesting a refund for the permit that was never obtained.

WHEREAS, as per our Township Code 11-1.12 License fee only \$90.00 is refundable.

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 \$ 90.00 to Robert Avila, 108 Northbrook Ave., Apt. A, Lawrence, NJ 08648 amount represents the refund for a Solicitors Permit .

RESOLUTION R.819-112016

AMENDED RESOLUTION OF INTENT TO BOND

EXPLANATION: This Amended Resolution commits Edison Township to allocate sufficient resources, to the extent consistent with and required by law, to meet the Township's affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan. This Resolution further commits Edison Township, to the extent consistent with and required by law, to fund any shortfall in resources needed to meet its affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan, including the issuance of municipal bonds if there are no other resources available.

WHEREAS, the Township of Edison, Middlesex County, has petitioned the Superior Court, In the Matter of the Application of the Township of Edison, a Municipal Corporation of the State of New Jersey, Law Division-Middlesex County, Docket No. MID-L-3944-15 (the "Superior Court") for a Judgment of Compliance and Repose of its adopted Housing Element and Fair Share Plan (the "Plan"); and

WHEREAS, the Plan submitted to the Superior Court allocates funds for Group Home Bedrooms, a Market to Affordable Program, Affordability Assistance, that has been recently supplemented to include a provision for implementing an Agreement with the owner of Edison Woods Senior Citizen Associates/ Yelencsics Senior Housing, under specific conditions as outlined in an Agreement attached to the Fair Share Plan, and Administration; and

WHEREAS, Edison anticipates that funding will come from development fees collected and projected; and

WHEREAS, it is the Superior Court's position that Edison must allocate funds for the provision of affordable housing as set forth in the Township's adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event the development fees collected by the Township prove inadequate to complete the affordable housing programs included in Edison's Superior Court Certified Housing Element and Fair Share Plan, Edison will, to the extent consistent with and required by law, take all appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

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

1. The Edison Township Council does hereby agree to take appropriate actions, to the extent consistent with and required by law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason.

2. The Edison Township Council hereby expresses its intent, to the extent consistent with and required by law, to issue municipal bonds if no other resources are available to meet its affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan.

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

ABSENT- Councilmember Gomez

NAYS - None

ORAL PETITIONS AND REMARKS

Council President Lombardi opened the meeting for public comment.

Irene Wall, 205 Fleet Avenue, zoning issue, they take down one building and put up two, which puts more kids in schools. We should pass a law against Air B & B. She put in an OPRA IN 2015 for a letter of determination signed by zoning official to allow John Soltesz to store and sell guns from his house in a RA zone.

Councilmember Sendelsky said Governor Cuomo passed a state law to eliminate Air B & B .

Council President Lombardi, said Mr. Northgrave is looking into this situation.

Ms. Wall, she is giving the clerk a copy of letter and determinations to forward to Mr. Northgrave.

Ms. Wall, House of worship on Olsen Avenue, they were denied expansion after work was already done. Lets us be thankful for all that we have, based on our military people who keep us safe.

Bruce Diamond , 74 Calvert Avenue, asked when gas and water companies open the road to update service does someone post a bond.

Mr. Kataryniak , yes they post a bond .

Mr. Diamond asked how much.

Mr. Kataryniak the lowest bond is \$200.00.

Mr. Diamond said we should look into increasing the bond.

Mr. Kataryniak we are looking into.

Mr. Diamond asked if someone has more cars than in Driveway, are they allowed to park on their grass.

Mr. Kataryniak, No

Mr. Diamond, regarding O.1955-2016 when you get to this will you be incorporating the things from the letter from planning board such as the shuttle bus, sewer and all the things left out from Heyer & Gruel plan.

Council President Lombardi, his understanding is since Edison is building this we become the local redevelopment agent, so obviously we would do what the planning board requires.

Attorney London, this will be addressed in the redevelopment agreement that will be entered into, these requirements were addressed in the request for proposal the shuttle bus will be definitely in the plan.

Ms. Ruane said, there is bus services on Tuesdays and Thursdays.

Bill Brunner, 215Loring Avenue, asked if the settlement agreement you passed was the original amount more than that.

Ms. Ruane replied yes.

Mr. Brunner stated there is a single family home in his neighborhood which is being converted into a multi -family, oil tank also was removed all with not permits. What is the procedure regarding this situation.

Council President Lombardi, you should notify the township so we can address the situation.

Lois Wolke, 10 Peake Road, asked do we have any applicants for Zoning Officer.

Ms. Ruane replied yes.

Esther Nemitz,162B Fay Street, regarding the small no turn signs on Route One and Grandview Avenue the state needs to make the signs larger we recently had a person killed in an accident at that location. The material used to pave Amboy Avenue is terrible.

Fred Wolke, 10 Peake Road, the Hazardous Waste at Middlesex College there was a lot of participation and they did an excellent job.

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

Having no further business to discuss, on a motion made by Councilmember Diehl, seconded by Councilmember Sendelsky, the meeting was adjourned at 7:45 p.m.

Michael R. Lombardi
Council President

Cheryl Russomanno,RMC
Municipal Clerk