

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

December 14, 2016

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, December 14, 2016. The meeting was called to order at 7:09 p.m. by Council Vice President Gomez, followed by the Pledge of Allegiance.

Present were Councilmembers Coyle, Diehl, Gomez, Patil, Sendelsky and Shah.

Councilmember Lombardi entered at 7:29pm.

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney Northgrave, Business Administrator Ruane, Health Director Elliott, Township Engineer Kataryniak, Assistant Public Works Director Russomanno, Recreation Director Halliwell, Police Captain Marcantuono, Fire Captain Wadiak 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.

APPROVAL OF MINUTES:

On a motion made by Councilmember Diehl, seconded by Councilmember Sendelsky and duly carried, the Minutes of the Combined Meeting of November 21, 2016 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS:

Council Vice President Gomez wished everyone a Happy, Healthy Holiday Season.

RESOLUTIONS OF RECOGNITION:

The following Resolutions of Recognition were read in their entirety:

RESOLUTION R.820-122016

WHEREAS, Denise Halliwell-DeSantis has contributed significant time, expertise, and care to the Township of Edison and its residents throughout her tenure in various roles in the Township; and

WHEREAS, Denise first answered the call to service and community when she campaigned for John F. Kennedy, Jr.; and

WHEREAS, Denise continued to serve her community when she began employment with the Township in 1971, by serving a half-day role in the Edison High School, Cooperative Office Practice, in addition to a half-day role in the Township Administration/Purchasing Department; and

WHEREAS, Denise ascended the ranks of title and responsibility while employed with the Township, and held such positions as Executive Secretary, Office Supervisor, and Director, which culminated with Denise becoming the first female Recreation Director in the Township; and

WHEREAS, throughout her many roles and responsibilities in the Township, Denise worked hand in hand with her directors and acting directors, which allowed her to not only learn the various director's responsibilities, but to also train others assuming director positions; and

WHEREAS, even as Denise ascended the ranks of professional leadership and responsibility in the Township, Denise always gave generously of her time while working alongside other Township employees, whether it was moving tables and chairs at various events, or drafting Recreation Department flyers for programs and events; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY: hereby recognizes Denise Halliwell-DeSantis for her 45 years of generous contributions, commitment and dedication to the Township of Edison and wishes her well in her retirement.

Council Vice President Gomez opened the meeting for Public Comment on Resolution of Recognition R.820-122016.

Councilmember Shah, thanks for all your work on programs especially our 9-11 Program. I never heard any complaining from your department.

Councilmember Sendelsky, your programs are truly tremendous, thank you for all your hard work all these years. Thank you for loving Edison.

Councilmember Patil, he will miss you and your help with the Cricket Players. With all your help we have 750 Cricket Players in Edison. Thank you for your service to helping others.

Councilmember Diehl, this is hard we have spent so much time together over the years. You have been through so many administrations and never seemed to get rattled always handled things professionally. You were the rock and will be missed.

Councilmember Coyle, everything that has been said is true, I am happy to have worked with you. Sometimes we take things for granted but through your hard work the programs have run smooth and steady.

Council Vice President Gomez, this is an honor and pleasure you always have been committed to our community.

Ms. Halliwell-DeSantis, thank you so much, it bitter sweet thing I will miss my job. She also thanked her team for all their hard work.

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

On a motion made by Councilmember Diehl, seconded by Councilmember Sendelsky, to adopt Resolution of Recognition R. 820-122016.

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

NAYS - None

Council Vice President Gomez and Councilmember Diehl presented the Resolution

RESOLUTION R.821-122016

WHEREAS, Boy Scout Kyle David Gordon who has attained the rank of Eagle Scout, has mastered and impressed his troop leaders in the areas of citizenship training, character development and personal fitness; and

WHEREAS, Eagle Scout is the highest achievement or rank attainable in the Boy Scouting program of the Boy Scouts of America; and

WHEREAS, the requirements necessary to become an Eagle Scout take years to fulfill, and only four percent of all Boy Scouts ever achieve the rank; and

WHEREAS, Kyle completed a service project requiring 130 total hours. He constructed and installed a NJ Standard Forest & Park's sign (Type A-1) marking the southwest boundary of the Edison State Park.

WHEREAS, His project also entailed cleaning the area of overgrown brush and the removal of invasive plant species.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS: The Municipal Council desires to recognize the achievement of Kyle David Gordon in earning the rank of Eagle Scout, which demonstrates his dedication and commitment to the ideals of scouting and good citizenship.

RESOLUTION R.822-122016

WHEREAS, Boy Scout Kevin David Gordon who has attained the rank of Eagle Scout, has mastered and impressed his troop leaders in the areas of citizenship training, character development and personal fitness; and

WHEREAS, Eagle Scout is the highest achievement or rank attainable in the Boy Scouting program of the Boy Scouts of America; and

WHEREAS, the requirements necessary to become an Eagle Scout take years to fulfill, and only four percent of all Boy Scouts ever achieve the rank; and

WHEREAS, Kevin completed a service project requiring 147 total hours. He helped Beautify and improve the front of Troop 17's chartered organization/sponsor, the Edison Knights of Columbus. The project included landscaping (digging out a flower bed and planting shrubs and a tree), building and installing two benches, and constructing and installing a lattice fence along the side of the building.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS: The Municipal Council desires to recognize the achievement of Kevin David Gordon in earning the rank of Eagle Scout, which demonstrates his dedication and commitment to the ideals of scouting and good citizenship.

Council Vice President Gomez opened the meeting for Public Comment on Resolution of Recognition R.821-122016 and R. 822-122016.

Lois Wolke, 10 Peake Road, what an honor to have two sons at the rank of Eagle Scouts. The Gordon's have brought up two good young men.

Esther Nemitz, 162B Fay Street, these two scouts had participated in environmental open space walks and it nice to see they are starting a career to their community.

Councilmember Sendelsky, your town is very proud of you both. Thank you for your public service and continue your good work.

Councilmember Shah, congratulation and good luck.

Councilmember Patil, community service is the key.

Councilmember Coyle, it is truly an honor to become an Eagle Scout, you encourage others to achieve this honor.

Council Vice President Gomez, it couldn't be said any better, Ms Wolke hit the nail on the head. Sets the foundation for what you can achieve. Congratulations to you and your parents great job.

On a motion made by Councilmember Diehl, seconded by Councilmember Sendelsky, to adopt Resolution of Recognition R. 821-122016 and R.822-122016.

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

NAYS - None

Councilmember Diehl, we are able to have high levels of achievement this is a special moment for you. Eagle Scout you will always be proud of . Wonderful projects to make this town better. Thank you and Congratulations for a job well done.

Kyle Gordon, Thanks you for all for your kind words, it is really an honor and pleasure to serve the town.

Kevin Gordon, Thank you for all that was said.

ADMINISTRATIVE AGENDA:
MAYOR THOMAS LANKEY

December 5, 2016

Mr. Michael Lombardi, President
Municipal Council
Township of Edison
100 Municipal Boulevard
Edison, New Jersey 08817

Honorable Council President:

This letter is to inform you, that pursuant to N.J.S.A. 2B:12-4 (a), I hereby re-appoint Parag Patel as Municipal Court Judge for Edison township. This appointment is effective January 1st, 2017 for a term of three years from the date of appointment. Judge Patel has honorably served for a number of years as the Municipal Court Judge and possesses all of the experience and qualifications for such position.

I am respectfully requesting your advice and consent to this appointment.

Please provide a copy of this letter to the members of the Municipal Council.

Respectfully,

/s/ Thomas Lankey
Mayor

December 5, 2016

Mr. Michael Lombardi, President
Municipal Council
Township of Edison
100 Municipal Boulevard
Edison, New Jersey 08817

Honorable Council President:

This letter is to inform you, that pursuant to N.J.S.A. 2B:12-4 (a), I hereby re-appoint Gary Price as Chief Municipal Court Judge for Edison township. This appointment is effective January 1st, 2017 for a term of three years from the date of appointment. Judge Price has honorably served for a number of years as the Chief Municipal Court Judge and possesses all of the experience and qualifications for such position.

I am respectfully requesting your advice and consent to this appointment.

Please provide a copy of this letter to the members of the Municipal Council.

Respectfully,

/s/ Thomas Lankey
Mayor

December 5, 2016

Mr. Michael Lombardi, President
Municipal Council
Township of Edison
100 Municipal Boulevard
Edison, New Jersey 08817

Honorable Council President:

This letter is to inform you, that pursuant to N.J.S.A. 2B:12-4 (a), I hereby re-appoint Mary Casey as Municipal Court Judge for Edison township. This appointment is effective January 1st, 2017 for a term of three years from the date of appointment. Judge Casey has honorably served for a number of years as the Municipal Court Judge and possess all of the experience and qualifications for such position.

I am respectfully requesting your advice and consent to this appointment.

Please provide a copy of this letter to the members of the Municipal Council.

Respectfully,

/s/ Thomas Lankey
Mayor

On a motion made by Councilmember Gomez, seconded by Councilmember Sendelsky, and duly carried, the appointments were approved.

APPROVAL OF VOLUNTEER FIREFIGHTERS:

Applications for membership were received by:

Raritan Engine Company #1

Kevin E. Dalton, Jr.

Oak Tree Volunteer Fire Company

Nicholas Bova

A motion was made by Councilmember Gomez seconded by Councilmember Diehl and duly carried, the above applications were approved.

Council President Lombardi announced we will be removing Resolution R.854-122016 from Consent Agenda, and adding Resolution R.855-122016 a “Resolution approving certain agreements concerning the resignation of Anthony Sarni”.

A motion was made by Councilmember Gomez seconded by Councilmember Sendelsky to add Resolution R.855-122016 to the Consent Agenda.

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

NAYS: None

Mr. Northgrave explained this agreement in depth.

UNFINISHED BUSINESS

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinance, which was introduced by Title on November 21, 2016, passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

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 2, 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.

(The above Ordinance O.1955-2016 can be found in its entirety in Ordinance Book #)

Council President Lombardi declared the Public Hearing opened for O.1955-2016

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, Gomez,, Patil, Sendelsky, Shah and Council President Lombardi

NAYS - None

NEW BUSINESS: PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR DECEMBER 28, 2016

The following Ordinances were introduced by title:

O.1956-2016 ORDINANCE APPROVING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF PLAINFIELD ROAD (C.R.#531/C.R.#661) AND PARK AVENUE (C.R.#531) IN THE TOWNSHIP OF EDISON.

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 28, 2016.

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

NAYS – None

O.1957-2016 ORDINANCE APPROVING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF WOODBRIDGE AVENUE (C.R.#514) AND MILL ROAD (C.R.#667) IN THE TOWNSHIP OF EDISON

On a motion made by Councilmember Sendelsky seconded by Councilmember Patil 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 28, 2016.

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

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Lombardi opened the meeting to the public for comments on Proposed Resolutions R.823-122016 through R.853-122016 and R.855-122016.

Lois Wolke, 10 Peake Road, Resolution R.855-122016, feels we should not be adding this at the last minute. She asked, what are we paying for this settlement?

Mr. Northgrave explained the breakdown as follows: \$32,000 plus \$150,000 for Attorney fees, 86 days of accumulated time, his salary through December 31, 2017, total is approximately \$350,000.

Ms. Wolke's opinion is to take our chances in court, we shouldn't vote on this tonight.

Irene Wall, 205 Fleet Avenue, asked what is the background on this officer.

Mr. Northgrave replied this suit began in 2013.

Fred Wolke, 10 Peake Road, Resolution R.855-122016, Officer Sarni is one sick man.

Mr. Northgrave, we cannot speak on personal officer Disability.

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

The following Resolutions R.823-122016 through R.853-122016 and R.855-122016 were adopted under the Consent Agenda on a motion made by Councilmember Gomez and seconded by Councilmember Sendelsky.

RESOLUTION R.823-122016

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING DECEMBER 8, 2016.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through December 8, 2016.

FUND	AMOUNT
Current	\$58,043,180.85
Affordable Housing	55,466.24
Capital	57,167.67
Cash Performance	281,121.91
CDBG	18,813.35
Developers Escrow	38,222.08
Dog (Animal Control)	639.60
Federal Forfeited	2,512.14
Grant Funds	2,777.25
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	1,416,874.29
Sanitation Fund	3,765,774.02
Sewer Utility	5,141,569.11
Tax Sale Redemption	362,531.64
Tree Fund	0.00
Tree Planting	0.00
Trust	892,762.80
TOTAL	\$70,079,376.95

/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.824-122016**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 **\$222,772.54**.

RESOLUTION R.825-122016**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 **\$9,876.83**.

RESOLUTION R.826-122016

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	CROSSINGS AT MENLO PARK LLC
Property Location:	253 LAFAYETTE AVE
Block/Lot/Qualifier	686 / 8
Sewer Account:	17353-0
Amount to be Refunded:	\$ 13,316.94
GRAND TOTAL	\$ 13,316.94

3. This Resolution shall take effect immediately.

RESOLUTION R.827-122016

Authorizing a tax exemption/refund for a disabled veteran for 30 Woodrow Wilson Dr.

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 Ward** 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 **04/13/15**; and

WHEREAS, real estate taxes on this property known as Block **593.B** Lot **55**, **30 Woodrow Wilson Dr.**, have been billed for **2015 and 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.

WHEREAS, pursuant to Township Code Section 5-7(d) the applicant is also due a refund of property taxes paid in prior year(s) from **4/13/15** to **12/31/16**; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on **593.B** Lot **55**, assessed to **Joseph Ward**, be cancelled for the **2nd, 3rd, and 4th** quarters of **2015** and the full year of 2016 and also refunded for the municipal property taxes already paid for the time period of from **4/13/15** thru **12/31/16** in the amount of **\$18,529.68**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of **Joseph Ward** for taxes already paid during the applicable exemption periods set forth above in the total amount of **\$18,529.68**.

RESOLUTION R.828-122016

Authorizing Overpayment Refund caused by Successful Tax Court Appeal with Freeze Act provision

WHEREAS, This office has received successful tax appeals judgment from the Superior Court of New Jersey for the case below as specified on Council's resolution **R.467-082014**:

TAXPAYER	WICK SHOPPING PLAZA ASSOCIATES LLC
PROPERTY LOCATION	561 UNITED STATES RT 1
BLOCK / LOT / QUALIFIER	161.K/11
DOCKET NUMBER:	MID-L-000017-16
TAX YEAR	2015

WHEREAS, in accordance with the order, the assessed value of the property have been reduced for the applied tax year, but also the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for the Freeze Act Year (s): 2015.

WHEREAS, the reduction in assessed value, for the Freeze Act Year(s) listed, has caused a real estate tax overpayment in the amount of **\$256,749.47** and

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 **\$256,749.47**.

RESOLUTION R.829-122016

Authorizing Overpayment Refund caused by Successful Tax Court Appeal with Freeze Act provision

WHEREAS, This office has received successful tax appeals judgment from the Tax Court of New Jersey for the case below as specified on Council's resolution **R.659-092016**:

TAXPAYER	XU, KANGANG & LI, LI
PROPERTY LOCATION	82 LAUREL HOLLOW CT
BLOCK / LOT / QUALIFIER	415/10.B/CH082
DOCKET NUMBER:	012580-2015
TAX YEAR	2016

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property have been reduced for the applied tax year, but also the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for the Freeze Act Year (s): 2016.

WHEREAS, the reduction in assessed value, for the Freeze Act Year(s) listed, has caused a real estate tax overpayment in the amount of **\$854.46** and

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 **\$854.46**.

RESOLUTION R.830-122016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EDMUNDS & ASSOCIATES, INC. FOR RENEWAL OF SOFTWARE MAINTENANCE FOR THE EDMUNDS SYSTEM FOR 2017

WHEREAS, the Township of Edison needs to renew the software maintenance for the Edmunds System for the year 2017; and

WHEREAS, services such as support and/or maintenance of proprietary hardware and software may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(dd); and

WHEREAS, EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225, has submitted a proposal to provide such services for the year 2017 at a total cost of \$48,495.00; and

WHEREAS, this shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. Seq.; and

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

WHEREAS, prior to entering into a contract EDMUNDS & ASSOCIATES, INC., will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit EDMUNDS & ASSOCIATES, INC. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$48,495.00 have been certified to be available in the Data Processing-Computer Hardware and Software Account, Number 7-01-20-0140-000-059, subject to and contingent upon appropriation of sufficient funds in the 2017 budget; 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 and any other necessary documents, in the amount of \$48,495.00, with EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225 as set forth above.
2. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd) and N.J.S.A. 19:44A-20.5 et. seq, 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 **\$48,495.00** are available for the above contract in Account No. **7-01-20-0140-000-059**, subject to and contingent upon appropriation of sufficient funds in the 2017 budget.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.831-122016

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO JOHNSTON GP, INC. /
JOHNSTON COMMUNICATIONS FOR THE MAINTENANCE OF THE AVAYA PHONE
SYSTEM**

WHEREAS, the Township of Edison needs to renew the maintenance, support and upgrade of the Avaya phone system for the period of January 1, 2017-December 31, 2017; 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 \$28,476.70 have been certified to be available in the Public Buildings Telephone Account, Number 7-01-31-0440-000-076, subject to and contingent upon appropriation of sufficient funds in the 2017 budget; 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 \$28,476.70 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 **\$28,476.70** are available for the above in Account No. **7-01-31-0440-000-076**, subject to and contingent upon appropriation of sufficient funds in the 2017 budget.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.832-122016

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW
GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL
SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING
SYSTEM FOR THE PURCHASE OF A PANASONIC TOUGH PAD,
PROTECTION PLUS AND ACCESSORIES FOR OFFICE OF EMERGENCY
MANAGEMENT**

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

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

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484 has been awarded Contract MRESC 15/16-11 (Technology Supplies & Services) through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order(s) with CDW GOVERNMENT INCORPORATED for the purchase of a Panasonic Toughpad, Panasonic Protection Plus (5 years), accessory kit and keyboard; and

WHEREAS, funds in the amount of \$4,037.49 have been certified to be available in the Office of Emergency Management – Computer HW & SW Account, Number 6-01-25-0252-000-059; 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 Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of \$4,037.49 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$4,037.49** have been certified to be available Account Number **6-01-25-0252-000-059**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.833-122016

RESOLUTION AWARDED CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT TO MAKE OUR MICROSOFT WINDOWS SERVER LICENSES COMPLIANT, ALLOW US TO UPGRADE TO THE NEWEST VERSIONS OF MICROSOFT WINDOWS SERVER AND TO ADD ADDITIONAL VIRTUAL SERVERS WITHIN OUR CURRENT HARDWARE INFRASTRUCTURE

WHEREAS, there is a need to make our Microsoft Windows Server Licenses compliant within a VMware virtual environment and allow us to upgrade from our current windows server 2003/2008 platform to the newest versions of Microsoft Windows server; and

WHEREAS, we also need the flexibility to add additional virtual servers within our current hardware infrastructure while maintaining our compliance with licensing; and

WHEREAS, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 89849 under M-0003/Software License & Related Services for this software purchase; 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 maximum amount of this purchase shall not exceed \$47,037.92 and funds in this amount have been certified to be available in the following accounts:

\$1,469.94	6-01-20-0100-001-059	Bus. Administration Computer Hardware/Software
\$1,469.94	6-01-20-0100-006-059	Edison TV Computer Hardware/Software
\$2,939.87	6-01-27-0330-002-059	Seniors Computer Hardware/Software
\$1,469.94	6-09-55-0800-001-211	Sanitation Operating Supplies-Special
\$1,469.94	6-07-55-0501-000-059	Sewer Computer Hardware/Software
\$2,939.87	6-01-28-0370-000-059	Recreation Computer Hardware/Software
\$2,939.87	6-01-20-0120-001-059	Municipal Clerk Computer Hardware/Software
\$2,000.00	6-01-20-0130-001-059	Finance Dept. Computer Hardware/Software
\$ 939.87	6-01-20-0150-000-059	Tax Assessment Computer Hardware/Software
\$2,939.87	6-01-22-0195-000-059	Const. Enforcement Agcy. Computer Hardware/Software
\$2,939.87	6-01-43-0490-000-059	Municipal Court Computer Hardware/Software
\$2,939.87	6-01-25-0265-001-059	Fire Fighting Computer Hardware/Software
\$20,579.07	6-01-25-0240-000-059	Police Dept. Computer Hardware/Software

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 \$47,037.92 and any other necessary documents, with CDW-GOVERNMENT, 230 North Milwaukee Ave., 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, Number 89849/M-0003.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$47,037.92 are available as follows below:

\$ 1,469.94 -	6-01-20-0100-001-059	\$1,469.94	6-01-20-0100-006-059
		-	
\$ 2,939.87 -	6-01-27-0330-002-059	\$1,469.94	6-09-55-0800-001-211
		-	
\$ 1,469.94 -	6-07-55-0501-000-059	\$2,939.87	6-01-28-0370-000-059
		-	
\$ 2,939.87 -	6-01-20-0120-001-059	\$2,000.00	6-01-20-0130-001-059
		-	
\$ 939.87 -	6-01-20-0150-000-059	\$2,939.87	6-01-22-0195-000-059
		-	
\$ 2,939.87 -	6-01-43-0490-000-059	\$2,939.87	6-01-25-0265-001-059
		-	
\$20,579.07 -	6-01-25-0240-000-059		

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.834-122016

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with MarKim Developers, LLC, with respect to Block 643.DD, Lot 15.W (32 Cinder Road) as shown on the Edison Township tax map.

WHEREAS, the property identified as Block 643.DD, Lot 15.W as shown on the Edison Township tax map (the “**Property**,” commonly referred to as 32 Cinder Road) was the subject of an application before the Planning Board of the Township of Edison (hereinafter the “**Board**”) made by the MarKim Developers, LLC (“**Developer**”) for the approval of a preliminary and final major site plan, with associated design waivers and variances, to construct six (6), two (2) story buildings, each containing four (4) multi-family units on the Property (the “**Project**”); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on July 19, 2016 (the “**Resolution**”); and

WHEREAS, the Resolution and the Code of the Township of Edison require the developer to enter into a developer’s agreement with the Township of Edison (the “**Township**”) in connection with the Project; and

WHEREAS, the developer’s agreement attached hereto between the Township and Developer (the “**Agreement**”) has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the Developer.

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

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

RESOLUTION R.835-122016

Explanation: This Resolution authorizes the Township Council, to accept on behalf of the Township of Edison, the donation of roadway improvements to King Georges Post Road, Raritan Parkway Intersection with King Georges Post Road, and Raritan Center Parkway (southern end) from Federal Business Centers, Inc. and Garden State Buildings LP, and authorize the execution of four (4) Noncash Charitable Contribution Forms 8283.

WHEREAS, Federal Business Centers, Inc. (“FBC”), with an address of 300 Raritan Center Parkway, Edison, New Jersey 08837, and Garden State Buildings LP (“GSB”), with an address of 110 Fieldcrest Avenue, Edison, New Jersey 08837, have together donated certain roadway improvements to Fieldcrest Avenue to the Township of Edison (the “Township”), being:

1. King Georges Post Road in the Township
Milling to remove +/- 2" of asphalt roadway surface, damaged curb removal and replacement, and repaving between the intersection of King Georges Post Road at Raritan Center Parkway and the driveway at 1150 King Georges Post Road. This project was undertaken in conjunction with the Township who provided traffic control and materials. Federal Business Centers managed the various aspects of this cooperative effort. The contractor for this project was Advanced Paving Technologies.
2. Raritan Center Parkway Intersection with King Georges Post Road in the Township:
Rebuild and improvement of the four (4) lane-divider islands at the intersection of Raritan Center Parkway with King Georges Post Road/Fieldcrest Avenue and repaved the intersection. This project was undertaken in conjunction with Township who provided traffic control and asphalt. Federal Business Centers managed the various aspects of this cooperative effort. The contractor for this project was V. A. Spatz & Sons.
3. Raritan Center Parkway (Southern end) in the Township:
Milling and repaving. GSB managed the various aspects of this cooperative effort. The contractor for this project was Bill Westervelt Asphalt Paving, Inc.

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

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township of Edison graciously accepts the donation of the aforesaid improvements to King Georges Post Road, Raritan Parkway Intersection with King Georges Post Road, and Raritan Center Parkway (southern end) from FBC and GSB.
3. The Mayor is authorized to execute the four (4) Noncash Charitable Contribution Forms 8283 (three (3) for FBC and one (1) for GSB), attached hereto as **Exhibit A**, acknowledging the donation of the aforesaid roadway improvements in the total amount of \$682,825.68, and, upon execution, the Township Clerk is directed to return said forms to Federal Business Centers, Inc., Attn: Joseph A. McGuire, Controller, at 300 Raritan Center Parkway, Edison, New Jersey, 08837.
4. This resolution shall take effect immediately.

RESOLUTION R.836-122016

EXPLANATION: A Resolution in support of the New Jersey Department of Transportation replacement of the Grove Avenue Overpass Bridge over the CSX Line in the Borough of Metuchen, and as a result, the signed detour of traffic through the Township of Edison, in order to facilitate the replacement of same.

WHEREAS, the New Jersey Department of Transportation (the “NJDOT”) has proposed the replacement of the structurally deficient Grove Avenue Bridge over the Conrail Line in the Borough of Metuchen (the “NJDOT Project”); and

WHEREAS, the NJDOT has proposed to replace the current bridge with a high level fixed structure, and during construction, all lanes and sidewalk will be closed for approximately two (2) months to traffic and pedestrians during actual bridge replacement, and then one (1) lane to be open thereafter until

construction has been completed; and

WHEREAS, in order to support and facilitate the NJDOT Project, the Township of Edison (the "Township") is amendable to the signed detour of traffic through the Township, specifically, by way of detour utilizing New Jersey Route 27 to Central Avenue (CR #699) to Plainfield Road (County Road #531/661) to Oak Tree Road (CR #604).

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 Township supports the NJDOT Project, and in turn, the closure of the Grove Avenue Bridge such that, for a period of two (2) months, during such time all lanes and sidewalk will be closed to traffic and pedestrians, and then one (1) lane to be open thereafter until construction has been completed.
3. In order to facilitate the NJDOT Project, the Township is amendable to the signed detour of traffic through the Township, specifically, by way of detour utilizing New Jersey Route 27 to Central Avenue (CR #699) to Plainfield Road (County Road #531/661) to Oak Tree Road (CR #604).
4. This Resolution shall take effect immediately.

RESOLUTION R.838-122016

EXPLANATION: A Resolution amending resolution R.484-082015 to authorize additional funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$2,800.00 to Triple C Housing, Block 104.c, Lot 4 for electrical work (change-order).

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

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

WHEREAS, an application to participate in the Program was submitted by Triple C Housing and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council approves additional funds to Triple C Housing in the amount of \$2,800.00 for electrical work needed for the emergency generator under the Township's Emergency Generator Program and to authorize the execution of a change-order between the Township and Triple C Housing with respect to resolution R.484-082015.

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

1. The Township Council hereby approves and authorizes a change-order in the amount of \$2,800.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Generator Program, to Triple C Housing, 1 Distribution Way, Monmouth Junction, NJ 08852 for the electrical work for the emergency generator, and authorizes the Mayor to execute a change-order to the Agreement with Triple C Housing with respect to such additional grant funding.
2. An original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.837-122016

EXPLANATION: A Resolution amending resolution R.483-082015 to authorize additional funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$750.00 to Triple C Housing, Block 264, Lot 20 for electrical work (change-order).

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

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

WHEREAS, an application to participate in the Program was submitted by Triple C Housing and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council approves additional funds to Triple C Housing in the amount of \$750.00 for electrical work needed for the emergency generator under the Township's Emergency Generator Program and to authorize the execution of a change-order between the Township and Triple C Housing with respect to resolution R.483-082015.

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

3. The Township Council hereby approves and authorizes a change-order in the amount of \$750.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Generator Program, to Triple C Housing, 1 Distribution Way, Monmouth Junction, NJ 08852 for the electrical work for the emergency generator, and authorizes the Mayor to execute a change-order to the Agreement with Triple C Housing with respect to such additional grant funding.
4. An original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.839-122016

EXPLANATION: Resolution authorizing an increase in the not to exceed amount for payment for services provided by the Special Court Master in the Township's Affordable Housing Declaratory Judgment Action.

WHEREAS, the Township of Edison filed a Declaratory Judgment Action in the Superior Court of New Jersey Middlesex County on July 5, 2015 in furtherance of the Supreme Court's March 10, 2015 decision captioned, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Litigation"); and

WHEREAS, on July 21, 2015 the Honorable Douglas K. Wolfson, J.S.C. entered an Order Appointing Elizabeth C. McKenzie, A.I.C.P., P.P., Special Master in the Litigation (the "Court Order"); and

WHEREAS, the Court Order sets forth the role of the Special Court Master, which is to assist the parties and the Court in the Litigation, and the Court Order also provides that the Township shall be responsible to pay the reasonable fees charged by the Special Court Master in the Litigation for her services; and

WHEREAS, the costs of the Special Court Master will exceed the previously approved not to exceed amount of \$30,000 shortly and consequently, there is a need to now take formal action to increase the not to exceed amount to \$40,000 in order to authorize future payments to the Special Court Master for these services as ordered by the Court; and

WHEREAS, the costs associated with the Special Court Master will be charged to the Township's Affordable Housing Trust Fund in light of the nature of the services that are being provided.

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

1. The Township hereby authorizes an increase in the not to exceed amount for payment to be made to the Special Court Master in accordance with the services provided by the Master, as set forth and provided in the July 21, 2015 Order of Judge Wolfson.
2. The payments to the Special Court Master shall be charged to the Township's Affordable Housing Trust Fund.
3. This Resolution shall take effect immediately.

RESOLUTION R.840-122016

RESOLUTION AWARDED CONTRACT/PURCHASE ORDER TO BEYER FORD FOR THE PURCHASE OF SIX (6) 2017 FORD EXPLORERS FOR THE DIVISION OF CODE ENFORCEMENT

WHEREAS, there is a need to purchase six (6) 2017 Ford Explorers for the Division of Code Enforcement at a price of \$25,878.00 each for a total of \$155,268.00; and

WHEREAS, BEYER FORD, 170 Ridgedale Avenue, Morristown, NJ 07962 has been awarded State Contract Number 83013 under T-2007/Vehicles, Sport Utility (SUV) for these vehicles; 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 \$155,268.00 have been certified to be available in the Const. Enforcement Agency Purchase of Vehicles Account, Number 6-01-22-0195-000-051; 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 \$155,268.00 and any other necessary documents, with BEYER FORD, 170 Ridgedale Avenue, Morristown, NJ 07962, 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. 83013 under T-2007.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$155,268.00** are available for the above contract in Account No. **6-01-22-0195-000-051**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.841-122016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO TSUJ CORPORATION FOR THE FURNISHING OF ELECTRICAL SERVICES

WHEREAS, bids were received by the Township of Edison on November 16, 2016 for Public Bid No. 16-07-01- Electrical Services; and

WHEREAS, TSUJ CORPORATION, P.O. Box 4621, Wayne, NJ 07474, submitted the lowest legally responsible bid; and

WHEREAS, the initial contract shall be for one year from execution of the contract with the option to renew for the second and third years at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds for the second year and third years; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$75,000.00, 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 **TSUJ CORPORATION**, P.O. Box 4621, Wayne, NJ 07474 for Electrical 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 \$75,000.00 for the first year and any succeeding renewal year and any other necessary documents, with **TSUJ CORPORATION**.

RESOLUTION R.842-122016

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO FOLEY CAT FOR TWO (2) HENKE PLOWS FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, quotes were solicited by The Township of Edison for the purchase of two (2) Henke Plows for the Department of Public Works; and

WHEREAS, FOLEY CAT, 855 Centennial Ave., Piscataway, NJ 08854, submitted the lowest quote in the amount of \$23,986.00 (\$11,993.00 per plow); and

WHEREAS, the maximum amount of the purchase shall not exceed \$23,986.00; 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, FOLEY CAT, 855 Centennial Ave., 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 FOLEY CAT from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$23,986.00 have been certified to be available in the Reserve for Self Insurance Account, Number T-13-00-0013-000-000; 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. All quotes have been reviewed, and the sole quote as submitted by FOLEY CAT, 855 Centennial Ave., Piscataway, NJ 08854 for the purchase of two (2) Henke Plows for the Department of Public Works, is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$23,986.00 and any other necessary documents with FOLEY CAT 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 **\$23,986.00** are available for the above in Account No. **T-13-00-0013-000-000**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.843-122016

RESOLUTION AUTHORIZING A REIMBURSEMENT TO KEMAL DEVECI FOR THE ABC PROGRAM

WHEREAS KEMAL DEVECI made payment in the amount of \$300.00 for his child Miles Deveci's participation in the AM and PM ABC Program at Washington Elementary School for the month of October, 2016; and

WHEREAS Kemal Deveci was removed from the program before he started the month of October, 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 \$300.00 to Kemal Deveci, 1006 Woodhaven Dr., Edison, NJ 08817, which amount represents the overpayment for the ABC program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$300.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.844-122016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
JACQUELINE CROSSON FOR THE RECREATION TRIP TO
NEW YORK CITY**

WHEREAS Jacqueline Crosson made a payment to attend the Edison Recreation sponsored trip to New York City, and

WHEREAS the trip was cancelled.

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 \$20.00 to Jacqueline Crosson, 10 Gates Place., Edison, NJ 08817, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$20.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.845-122016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
CHERYL PAULI FOR THE RECREATION TRIP TO
NEW YORK CITY**

WHEREAS Cheryl Pauli made a payment for three people to attend the Edison Recreation sponsored trip to New York City, and

WHEREAS the trip was cancelled.

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 Cheryl Pauli, 35 Kenmore Rd., Edison, NJ 08817, which amount represents the cost of the trip.

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.846-122016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
KATHERINE PINTAK FOR THE RECREATION TRIP TO
NEW YORK CITY**

WHEREAS Katherine Pintak made a payment to attend the Edison Recreation sponsored trip to New York City, and

WHEREAS the trip was cancelled.

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 \$20.00 to Katherine Pintak, 12 John St., Edison, NJ 08837, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$20.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.847-122016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
PARESH PATEL FOR THE RECREATION TRIP TO
NEW YORK CITY**

WHEREAS Paresh Patel made a payment for four people to attend the Edison Recreation sponsored trip to New York City, and

WHEREAS the trip was cancelled.

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 \$80.00 to Paresh Patel, 7 Dayton Dr., Apt. 44C, Edison, NJ 08820, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$80.00 are available in Account #6-01-55-0291-000-000.

RESOLUTION R.848-122016

**RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS TO VOLUNTEER FIRE
COMPANIES AND VOLUNTEER FIRE CHIEFS FOR CLOTHING ALLOWANCE FOR 2016**

WHEREAS, it is the desire of the Township of Edison to appropriate funds to the Volunteer Firefighters for Clothing Allowance; and

WHEREAS, the total amount to be distributed to Volunteer Fire Chiefs and Volunteer Fire Companies for clothing allowance shall be \$70,000.00; and

WHEREAS, funds in the amount of \$70,000.00 have been certified to be available in the Aid to Volunteer Fire Clothing and Uniform Account, Number 6-01-25-0255-000-032; 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 Volunteer Firefighters are hereby authorized to receive clothing allowance as set forth above.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount **\$70,000.00** are available for the above contract in Account No. **6-01-25-0255-000-032**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.849-122016

**DRIVE SOBER OR GET PULLED OVER 2016 YEAR END STATEWIDE CRACKDOWN
GRANT APPROVAL**

WHEREAS, the Division of Police has been approved for grant funding in the amount of \$5000.00 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 accept the Drive Sober or Get Pulled Over 2016 Year End Statewide Crackdown Grant 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 approval for and on behalf of the Township of Edison.

RESOLUTION R.850-122016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO FREEHOLD FORD, INC. OF FOR EXTENDED WARRANTIES FOR VARIOUS FORD POLICE VEHICLES

WHEREAS, bids were received by the Township of Edison on November 15, 2016 for Public Bid No. 16-07-09R, Extended Warranties for Various Ford Police Vehicles; and

WHEREAS, FREEHOLD FORD, INC., 3572 US Route 9, Freehold, NJ 07728 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract shall not exceed \$13,830.00; and

WHEREAS, funds in the amount of \$13,830.00 have been certified to be available in the Police Vehicles Maintenance of Motor Vehicles Account, Number 6-01-26-0315-002-025; 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 FREEHOLD FORD, INC., 3572 US Route 9, Freehold, NJ 07728 for Extended Warranties for Various Ford Police Vehicles, 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 \$13,830.00, and any other necessary documents, with FREEHOLD FORD, INC. as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$13,830.00** are available for the above contract in Account No. **6-01-26-0315-002-025**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.851-122016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO EAST COAST EMERGENCY LIGHTING TO OUTFIT NEW POLICE VEHICLES AND UPGRADE EQUIPMENT IN CURRENT FLEET

WHEREAS, there is a need to outfit new police vehicles and upgrade current fleet for the Division of Police; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., 200 Meco Drive, Millstone Twp, NJ 08535, has been awarded various state contracts for emergency products and installation thereof under State Contract T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES and under this state contract the Township shall purchase as follows; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81327 - ProGard Products - in the amount not to exceed \$32,455.50; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81335 - Troy Products - in the amount not to exceed \$403.20; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81336 - Whelen Products - in the amount not to exceed \$54,039.44; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81338 – Installation - in the amount not to exceed \$20,925.00; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., submitted the sole quote for HAVIS brand in the amount not to exceed of \$10,352.67; 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 \$118,175.81, 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)).

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

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

3. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$118,175.81 and any other necessary documents, with EAST COAST EMERGENCY LIGHTING, INC., 100 Meco Drive, Millstone, NJ 08535, as described herein.
4. 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 Contracts, No. 81327, 81335, 81336, and 81338 under T-0106.

RESOLUTION R.852-122016

MUNICIPAL COUNCIL

OF THE TOWNSHIP OF EDISON

SCHEDULE OF MEETINGS – 2017

WORKSESSION - 6:00PM
(unless otherwise noted)

REGULAR - 7:00PM
(unless otherwise noted)

January

(RE-ORGANIZATION MEETING -)

Wednesday, January 4th – 6:00pm

Monday, January 9
Monday, January 23

Wednesday, January 11
Wednesday, January 25

February

Wednesday, February 8
(To be combined with Regular Meeting starting at 6:00pm)

Wednesday, February 8

Wednesday, February 22
(To be combined with Regular Meeting starting at 6:00pm)

Wednesday, February 22

March

Monday, March 6
Monday, March 20

Wednesday, March 8
Wednesday, March 22

April

Monday, April 10
Monday, April 24

Wednesday, April 12

Monday, April 24

(To be combined with Worksession starting at 6:00pm)

May

Monday, May 8
Monday, May 22

Wednesday, May 10
Wednesday, May 24

June

Monday, June 12
Monday, June 26

Wednesday, June 14
Wednesday, June 28

July

Monday, July 24

Wednesday, July 26

August

Monday, August 21

Wednesday, August 23

September

Wednesday, September 13

(To be combined with Regular Meeting starting at 6:00pm)

Monday, September 25

Wednesday, September 13

Wednesday, September 27

October

Wednesday, October 11

(To be combined with Regular Meeting starting at 6:00pm)

Monday, October 23

Wednesday, October 11

Wednesday, October 25

November

Monday, November 6

Monday, November 6

(To be combined with Worksession starting at 6:00pm)

Monday, November 20

Monday, November 20

(To be combined with Worksession starting at 6:00pm)

December

Monday, December 4

Wednesday, December 6

Wednesday, December 20.

Wednesday, December 20

(To be combined with Regular Meeting starting at 6:00 pm)

RESOLUTION R.853-122016

EXPLANATION: A Resolution authorizing the refunding of the public entertainment permit application fee to the Indian American Festival Association, with respect to the 2016 Ganesha Festival.

WHEREAS, the Township of Edison (“Township”) regulates the use of its park facilities by groups, associations and organizations for picnics, parties or theatrical or entertainment performances through the issuance of permits issued pursuant to Section 24-2 *et seq.* of its Code of Ordinances; and

WHEREAS, the Indian American Festival Association, Bimal Joshi and Nilesh Dasondi the (the “Permittees”) submitted an ‘Application for Public Entertainment Permit’ (“Application”) to the Township to receive a permit to hold an event and in September 2016 to celebrate the Rangeelo Maro Desh and Ganesha Festival (the “Festival”); and

WHEREAS, Permittees paid the required permit application fee of \$1,000.00 (the “Application Fee”) in connection with the submission of the Application; and

WHEREAS, the Township denied the Application; and

WHEREAS, the municipal council of the Township (“Municipal Council”) desires to return the Application fee paid by the Permittees.

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 Township finance department is hereby authorized to refund \$1,000.00 to the Indian American Festival Association, representing the full amount of the Application Fee previously paid and submitted with its Application concerning the Rangeelo Maro Desh and Ganesha Festival.
3. This Resolution shall take effect immediately.

RESOLUTION R.855-122016

EXPLANATION: A Resolution approving certain agreements concerning the resignation of Anthony Sarni.

WHEREAS, the Township of Edison (“Township”) and the Edison Police Department (the “Township Police Department, collectively, the “Township Defendants”) are defendants in two (2) lawsuits filed in the Superior Court of New Jersey, Middlesex County, bearing docket numbers MID-L-3530-14 and MID-L-5998-15 (the collectively, the “Superior Court Complaints”), currently consolidated and pending appeal before the Superior Court of New Jersey, Appellate Division, bearing Docket Numbers A-002093-15 and A-002094-15 (the “Appeals” and collectively with the Superior Court Complaints, the “Lawsuit”),

with the Superior Court Complaints each being filed by plaintiff Anthony Sarni (the "Plaintiff," and together with the Township Defendants, the "Parties"); and

WHEREAS, Plaintiff asserted various claims in the Superior Court Complaints arising out of Plaintiff's employment with the Township Defendants, and the Township's issuance of disciplinary charges against Plaintiff; and

WHEREAS, the Superior Court Complaint bearing Docket Number MID-L-3530-14 was litigated at a disciplinary hearing, resulting in Plaintiff's termination, and thereafter Plaintiff filed the Superior Court Complaint bearing Docket No. MID-L-5998-15; and

WHEREAS, Township Defendants filed an Answer denying all liability in connection with Docket No. MID-L-5998-15;

WHEREAS, the Township does not and shall not admit liability in the Lawsuit 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, attached hereto as **Exhibit A**, in the amount of \$182,000, inclusive of attorney fees and costs subject, in exchange for Plaintiff's 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 attached hereto as **Exhibit A**; and

WHEREAS, the Parties have also negotiated a settlement and release wherein the Parties acknowledge that the Township could file fitness for duty charges against Plaintiff since Plaintiff, who is currently out on a medical disability, cannot return to work as a police officer due to his disability; and

WHEREAS, Plaintiff acknowledges that certain claims and/or defenses could have been raised by Plaintiff if the Township had filed any fitness for duty charges against Plaintiff; and

WHEREAS, in consideration of the mutual release of both the Township to not file fitness for duty charges against Plaintiff, and for Plaintiff to not respond by way of defense and/or counterclaim regarding any potential, Township fitness for duty charges, Plaintiff shall submit a valid and binding letter of resignation to be held in escrow by the Chief of the Township Police Department, with Plaintiff continuing on medical leave of absence until the sooner of December 31, 2017, or the date of the decision from the Police and Firemen's Retirement System ("PFRS") concerning Plaintiff's voluntary disability pension application; and

WHEREAS, the Township, until the sooner of December 31, 2017 or the date of decision from the PFRS concerning Plaintiff's voluntary disability pension application, will pay Plaintiff his full salary and benefits, and upon Plaintiff's cessation of employment with the Township, will receive payment for all accrued and unused contractual time related benefit days as more fully set forth in the settlement agreement attached hereto as **Exhibit B**; and

WHEREAS, the Council desires to approve the settlement terms reached by the Parties attached hereto as **Exhibit B**; and

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 agreements, attached hereto as **Exhibit A** and **Exhibit B**, respectively, 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.

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

NAYS - None

COMMUNICATIONS

- a. Several letters received from Residents regarding EMS Services.

On a motion made by Councilmember Diehl seconded by Councilmember Sendelsky and duly carried, the above Communications were received.

ORAL PETITIONS AND REMARKS

Council President Lombardi opened the meeting for public comment.

John Mitro, 44 Madison Avenue, Middlesex Water just finished their new line in the streets of Gold and Lincoln, will they be re-paved.

Mr. Kataryniak, we have an agreement to repaving in the spring.

Mr. Mitro, asked about Amboy Avenue it is all bumpy and needs to be repaved.

Mr. Kataryniak there are a couple of plans in place with the County for Amboy Avenue. We are submitting a TAP grant to the state.

Randy Shutz, he is the owner of Checker Cabs for 37 years and he would like a 30 days grace period for renewals as been granted in the past.

Walter Shneer, 108 Park Way, regarding Ordinance O.1957-2016 city light is there.

Mr. Northgrave explained is this just paper work issue that has to be filed.

Irene Wall, 205 Fleet Avenue, Air B & B is it legal, we shouldn't have it. The Awali on Olsen Avenue had added on the back of the building.

Mr. Kataryniak denied application.

Ms. Wall, asked if they have been fined. Her suggestion is to change the zoning and the DEP needs to go out there.

Mr. Kataryniak, he doesn't believe there has been a fine issued yet. They have to remove or apply to Zoning, DEP has been notified they are working through the process.

Esther Nemitz, 162B Fay Street, the tree lights in Clara Barton are not on she feels they should be on 24 hours a day.

Fred Wolke, 10 Peake Road, there are no new law suits in the police department which contributes to the hard work and on right track they are now. Happy Holidays and Happy New Year to everyone.

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

Council President Lombardi wished everyone Happy Holidays.

Having no further business to discuss, on a motion made by Councilmember Diehl, seconded by Councilmember Sendelsky, the meeting was adjourned at 8:30 p.m.

Michael Lombardi
Council President

Cheryl Russomanno, RMC
Municipal Clerk