

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, January 6, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 14, 2013 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **ADMINISTRATIVE AGENDA:
FROM MAYOR THOMAS LANKEY:**
 - a. Resolution grants the Township Council's advice and consent to the appointment by the Mayor of Melissa Perilstein as Director of Policy & Strategic Initiatives.
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through January 2, 2014.
 - b. Resolution authorizing refund in the amount of \$1,382,458.22 for redemption of tax sale certificates.
 - c. Resolution authorizing Accelerated Tax Sale and Fees for 2014.
 - d. Resolution Fixing Rate of interest, Grace period, and Year End Penalty for Tax and Sewer.
 - e. Resolution authorizing Cancellation of Small Balances for 2014.
 - f. Resolutions canceling tax sale certificates.
9. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution authorizing the development and submission from Santander Bank Community Grant Program.
10. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Resolution names and authorizes the Township Engineer to execute treatment work approval (TWA) applications and temporary discharge approval (TDA) application on behalf of the Township of Edison for the purpose of approval of Sanitary Sewer extensions and/or temporary discharge approvals to Edison's Sanitary Sewer System.

- b. Resolution established the hourly rates to be charged for in-house review of applications for development, review and preparations of documents, inspection of improvements and other applicable in-house engineering charges made under N.J.S.A. 40:55D-53.2(a), by and or under the direction immediate supervision of the Township Engineer.
- c. Resolution authorizes the Township Engineer to executive transportation, environmental, and other regulatory permit application on behalf of the Township of Edison. The resolution also established the Township Engineer as the “Community Official” responsible for floodplain management under the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

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

- a. Resolution authorizing the Township of Edison to purchase Rock Salt through the Middlesex County Cooperative Pricing Agreement.

12. **FROM THE CHIEF OF FIRE:**

- a. Award of Contract for Public Bid No. 13-06-06R, Tower Ladder Platform Truck

13. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

14. **DISCUSSION ITEMS:**

Council President Karabinchak

None

Councilmember Diehl

None

Councilmember Gomez

None

Councilmember Lombardi

None

Councilmember Mascola

None

Councilmember Prasad

None

Councilmember Shah

None

15. **ADJOURNMENT**

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING January 2, 2014.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through January 2, 2014.

FUND	AMOUNT
Current	\$5,178,313.95
Affordable Housing	0.00
Capital	1,101,562.33
Cash Performance	0.00
CDBG	39,996.00
Developers Escrow	0.00
Dog (Animal Control)	0.00
Federal Forfeited	0.00
Grant Funds	0.00
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	485,889.38
Sanitation Fund	670,794.06
Sewer Utility	3,115,121.31
Tax Sale Redemption	0.00
Water Operation Fund	273.40
Tree Fund	0.00
Tree Planting	0.00
Trust	39,545.97
TOTAL	\$10,631,496.40

/s/ Janice Saponaro
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: This resolution grants the Township Council's advice and consent to the appointment by the Mayor of Melissa Perilstein as Director of Policy & Strategic Initiatives.

**EDISON TOWNSHIP
RESOLUTION**

BE IT RESOLVED, the Township Council of the Township of Edison, in the County of Middlesex, State of New Jersey that it does hereby grant its advice and consent to the appointment of the Mayor of Melissa Perilstein as Director of Policy & Strategic Initiatives, at a salary of \$65,000.00, effective Wednesday, January 8, 2014.

RESOLUTION

WHEREAS, 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 said tax sale certificates have been redeemed thereof, and 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 Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling \$ **1,382,458.22**

·
·

January 8, 2014

RESOLUTION
Authorizing Accelerated Tax Sale and Fees for 2014

WHEREAS, it is projected that as of November 11, 2014, over 25% of properties located within the Township of Edison will have unpaid municipal charges (i.e. real estate taxes and/or sewer service charges); and

WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and

WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and

WHEREAS, the annual accelerated tax sale for the Township of Edison is scheduled to be held in December 15th, 2014; and

WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and

WHEREAS, it is the desire of the Township of Edison to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with said sale; and

WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; and

WHEREAS, it is the recommendation of the Municipal Tax Collector that an appropriate direct mail cost for the 2014 tax sale would be Twenty-Five (\$25.00); and

WHEREAS, N.J.S.A. 54:5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than Fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and

WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison in the County of Middlesex the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for Calendar Year 2014 delinquencies.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:5-26, the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) for each parcel.

January 8, 2014

RESOLUTION

Fixing Rate of Interest, Grace Period, and Year End Penalty for Tax and Sewer

WHEREAS, pursuant to N.J.S.A. 54:4-66.1, taxes in municipalities operating under a calendar based fiscal year shall be payable for the first quarterly installment of the year on February 1, for the second quarterly installment on May 1, for the third quarterly installment on August 1, and for the fourth quarterly installment on November 1; and

WHEREAS, N.J.S.A. 54:4-67 provides that the governing body may fix the rate of interest to be charged for the non-payment of taxes, assessments &/or other municipal liens or charges; and

WHEREAS, N.J.S.A. 54:4-67(a), further provides that taxes shall not be subject to interest charges if payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, N.J.S.A. 54:4-67 (c), provides that within the current fiscal year if any delinquency is in excess to \$10,000.00, a penalty not to exceed 6% may be charged; and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:4-66 et seq, the rate of interest to be charged on delinquent taxes and all other municipal liens or charges for the first, second, third and fourth quarterly installments of year **2014** shall be eight percent (8%) per annum on the first \$1,500.00 of delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment to the collector is received provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which same became payable; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid sewer utility bills shall be eighteen percent (18%) per annum on any delinquency to be calculated from the date the bill was payable until the date of actual payment, provided that no interest shall be charged if payment of any bill is made within thirty (30) calendar days following the billing date or before the tenth calendar day following the date upon which same became payable, whichever is later; and

BE IT FURTHER RESOLVED, that a penalty of six percent (6%) be charged on all delinquent municipal charges in excess of \$10,000.00 that are not paid prior to the end of the fiscal year

January 8, 2014

RESOLUTION
Authorizing Cancellation of Small Balances for 2014

WHEREAS, the Municipal Tax Collector informs that from time to time there are property tax credits or delinquencies on certain property located within the Township of Edison, and

WHEREAS, N.J.S.A. 40A:5-17.1 provides that a municipality may adopt a resolution authorizing a municipal employee to process, without further action on their part, the cancellation of any property tax refund or delinquency of less than \$5.00, and

WHEREAS, that the Municipal Tax Collector is qualified, and recommends, to process said cancellation in his continuing effort to maintain the highest level of fiscal responsibility and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Municipal Tax Collector is hereby authorized to process the cancellation of tax refunds or delinquency of less than Five (\$5.00) dollars during the calendar year of **2014** in accordance with N.J.S.A. 40A:5-17.1.

January 8, 2014

**RESOLUTION
CANCELING A TAX SALE CERTIFICATE ISSUED TO OUTSIDE LIEN HOLDER**

WHEREAS, on a property located within the Township of Edison, known and described as follow, a tax sale certificate was issued to the outside lien holder, **KTC Investors LLC**, on the date and for the amount below:

BLOCK / LOT / QUALIFIER	3.A / 1.B
PROPERTY LOCATION	404 PLAINFIELD AVE
BEING OWNED BY	PENN R R CO
TAX SALE CERTIFICATE	02-00001
ISSUED DATE	3/26/2002
AMOUNT	\$125.07

WHEREAS, the property owner has made an application to the Township for a cancellation of the tax sale certificate above claiming that the property is tax exempt and therefore that tax sale certificate issued in error; and

WHEREAS, the Township's Lawyer has investigated the matter and concurs that the property is tax exempt under 49 U.S.C. 24301(1)(1) as the property is owned by Amtrak (National Railroad Passenger Corporation); and advised that no further tax bills will be issued and all delinquent taxes and liens and the like shall be canceled.

WHEREAS, The Tax Collector then further advises that the Tax Certificate above was erroneously issued based on erroneous charges to an exempt property, and needs to be cancelled;

WHEREAS, The Tax Collector further advises that upon cancellation of the tax sale certificate, the lien holder above is entitled to a reimbursement of the original amount plus interest and fees totaling \$436.78;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that tax sale certificate # **02-00001** be cancelled and removed from any delinquent record; and

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw a check to **KTC Investors LLC** in the total amount of \$436.78.

January 8, 2014

**RESOLUTION
CANCELING A TAX SALE CERTIFICATE ISSUED TO OUTSIDE LIEN HOLDER**

WHEREAS, on a property located within the Township of Edison, known and described as follow, a tax sale certificate was issued to the outside lien holder, **KTC Investors LLC**, on the date and for the amount below:

BLOCK / LOT / QUALIFIER	3.A / 1.B
PROPERTY LOCATION	404 PLAINFIELD AVE
BEING OWNED BY	PENN R R CO
TAX SALE CERTIFICATE	02-00001
ISSUED DATE	3/26/2002
AMOUNT	\$125.07

WHEREAS, the property owner has made an application to the Township for a cancellation of the tax sale certificate above claiming that the property is tax exempt and therefore that tax sale certificate issued in error; and

WHEREAS, the Township's Lawyer has investigated the matter and concurs that the property is tax exempt under 49 U.S.C. 24301(1)(1) as the property is owned by Amtrak (National Railroad Passenger Corporation); and advised that no further tax bills will be issued and all delinquent taxes and liens and the like shall be canceled.

WHEREAS, The Tax Collector then further advises that the Tax Certificate above was erroneously issued based on erroneous charges to an exempt property, and needs to be cancelled;

WHEREAS, The Tax Collector further advises that upon cancellation of the tax sale certificate, the lien holder above is entitled to a reimbursement of the original amount plus interest and fees totaling \$436.78;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that tax sale certificate # **02-00001** be cancelled and removed from any delinquent record; and

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw a check to **KTC Investors LLC** in the total amount of \$436.78.

January 8, 2014

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

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

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

WHEREAS, Santander Bank has grant funds available, through its FY14 Community Grants Program for eligible programs, projects, activities and related costs of qualified organizations in the communities Santander Bank serves, for which it continues to solicit on-line requests; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$3,000.00 from the 2014 Santander Bank Community Grants Program, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from 2014 Santander Bank Community Grants Program; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled, Work Session on January 6, 2014 and subsequent Public Meeting on the evening of Wednesday, January 8, 2014.

EXPLANATION: This Resolution names and authorizes the Township Engineer to execute treatment works approval (TWA) applications and temporary discharge approval (TDA) applications on behalf of the Township of Edison for the purpose of approval of sanitary sewer extensions and/or temporary discharge approvals to Edison's sanitary sewer system.

**TOWNSHIP OF EDISON
RESOLUTION**

WHEREAS, under certain parameters promulgated by the New Jersey Department of Environmental Protection (NJDEP), it is necessary that an application be submitted with Township endorsement to the aforesaid agency for treatment works approvals and/or extensions to the Edison Township sanitary sewer system; and

WHEREAS, pursuant to New Jersey Statutes, it is a requirement that the applicants gain approval of the aforementioned Edison Township sanitary sewer system extension from the Middlesex County Utilities Authority (MCUA) and the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the required approval for the Edison Township sanitary sewer system extensions, and/or temporary discharges to the Edison Township sanitary sewer system, will not be approved unless the applications bear the signature of the Edison Township Engineer, John A. Medina, P.E., to indicate his approval;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Edison Township Engineer, John A. Medina, P.E., be and is hereby authorized to sign the required applications for treatment works approval (TWA) for extensions to the Edison Township sanitary sewer system, and for applications for temporary discharge approval (TDA), as the case may be, for submission to the Middlesex County Utilities Authority (MCUA) and/or the New Jersey Department of Environmental Protection.

EXPLANATION: This Resolution establishes the hourly rates to be charged for in-house review of applications for development, review and preparation of documents, inspection of improvements, or other applicable in-house engineering charges made under N.J.S.A. 40:55D-53.2(a), by and/or under the direction and immediate supervision of the Township Engineer.

**TOWNSHIP OF EDISON
RESOLUTION**

BE IT RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that in accordance with Section 53.2(a) of the Municipal Land Use Law, (the “MLUL”), the attached 2014 Engineering Escrow Fee Schedule establishing the hourly rates to be charged for in-house review of applications for development, review and preparation of documents, inspection of improvements, or other in-house engineering charges authorized by the MLUL, by and/or under the direction and immediate supervision of the Township Engineer, is hereby approved.

BE IT FURTHER RESOLVED, that the Township Engineer shall maintain the 2014 Engineering Escrow Fee Schedule hereby established and shall transmit updates or revisions to be appended to the 2014 Engineering Escrow Fee Schedule to the attention of the Township Clerk should updates or revisions become necessary during the course of the calendar year 2014.

EXPLANATION: This Resolution authorizes the Township Engineer to execute transportation, environmental, and other regulatory permit applications on behalf of the Township of Edison.

This resolution also establishes the Township Engineer as the “Community Official” responsible for floodplain management under the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

**TOWNSHIP OF EDISON
RESOLUTION**

BE IT RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that Edison Township Engineer, John A. Medina, P.E., is hereby authorized to prepare and execute as may be necessary on behalf of the Township of Edison, any and all, transportation, environmental, and other regulatory permit applications required to be issued by federal, state, county, regulatory body or entity (including but not limited to permit applications under the NJDEP, the NJDOT, the FSCD, and/or the County of Middlesex); and

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that Edison Township Engineer, John A. Medina, P.E., is also designated as the Community Official responsible for floodplain management under the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) National Flood Insurance Program, and is hereby authorized to sign and execute such Community Acknowledgement Forms, certifications, and prepare FEMA applications, as may be deemed necessary pursuant to the National Flood Insurance Program, on behalf of the Township of Edison.

**RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE
ROCK SALT FROM ATLANTIC SALT INCORPORATED THROUGH
THE MIDDLESEX COUNTY COOPERATIVE PRICING AGREEMENT –
STATE COOP. #CK12-MIDDLESEX**

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 County of Middlesex hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852 has been awarded Bid No. B-13-560 through State Coop #CK12-MIDDLESEX, Treated Rock Salt, at a price of \$49.10 per ton; and

WHEREAS, the total amount of this contract, not to exceed \$100,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or her designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$100,000.00 and any other necessary documents, with ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11 et seq. of the Local Public Contracts Law, Bid No. B-13-560 through Middlesex County Cooperative Pricing Agreement, State Coop #CK12-MIDDLESEX.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CRIMSON FIRE INCORPORATED D/B/A SPARTAN ERV FOR THE DIVISION OF FIRE

WHEREAS, bids were received by the Township of Edison on September 24, 2013 for Public Bid No. 13-06-06R, Tower Ladder Platform Truck for the Division of Fire; and

WHEREAS, CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV, 907 7TH Ave. North, Brandon, SD 57005, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$998,682.00; and

WHEREAS, funds in the amount of \$998,682.00 have been certified to be available in the Purchase of Trucks for Fire Department Account, Number C-04-12-1817-370-004; 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 CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV, 907 7TH Ave. North, Brandon, SD 57005 for the purchase of a Tower Ladder Platform Truck for the Division of Fire, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$998,682.00, and any other necessary documents, with by CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV 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 **\$998,682.00** are available for the above contract in Account No. **C-04-12-1817-370-004**.

Janice Saponaro
Chief Financial Officer

Date