

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, January 9, 2013
7:00 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 27, 2012, and posted in the Main Lobby of the Municipal Complex on the same date.
5. **COUNCIL PRESIDENT'S REMARKS**
7. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
THURSDAY, JANUARY 24, 2013**
 - O.1818-2013 AN ORDINANCE REMOVING THE AUTHORIZATION TO SELL POLICE FIREARMS TO LICENSED FIREARMS DEALERS.
 - O.1819-2013 AN ORDINANCE VACATING UNDEVELOPED STREETS ON CERTAIN BLOCKS AND LOTS.
 - O.1820-2013 AN ORDINANCE AUTHORIZING AN ACCESS EASEMENT ACROSS TOWNSHIP PROPERTY DESIGNATED AS BLOCK 595-C, LOT 2 FOR THE BENEFIT OF BLOCK 595-B, LOTS 11 THRU 31, AND 32-A THRU 46 AND PORTIONS OF BLOCK BLOCK 595-B, LOTS 10 AND 47 A, AND A PORTION OF BLOCK 595-D, LOT 40 PRESENTLY OWNED BY DOLORES VISCO.
 - O.1821-2013 AN ORDINANCE AMENDING SECTION 2-2.1 OF THE TOWNSHIP CODE TO REMOVE THE REQUIREMENTS THAT THE POSITION OF MAYOR BE A FULL-TIME POSITION AND HIS/HER PRIMARY OCCUPATION.
10. **PUBLIC COMMENT ON THE RESOLUTIONS:**
11. **PROPOSED RESOLUTIONS**

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

Consent Agenda

- R.003-012013 Resolution approving disbursements for the period ending December 31, 2012.
- R.004-012013 Resolution authorizing refund in the amount of \$296,108.33 for redemption of tax sale certificates.
- R.005-012013 Resolution authorizing refund for tax overpayments totaling \$10,000.00.
- R.006-012013 Resolution Canceling Small Balances.
- R.007-012013 Resolution authorizing a transfer of funds for the Library in the amount of \$72,000.00
- R.008-012013 Resolution establishing Interest Charges on Delinquent Taxes.
- R.009-012013 Resolution establishing Tax Sale date and Charges.
- R.010-012013 Resolution canceling an Unexpended Portion of a Refunding Bond Ordinance in the amount of \$7,000,000.
- R.011-012013 Resolution canceling a Portion of An Emergency Appropriations in the amount of \$7,000,000.
- R.012-012013 Award of Bid No. 12-01-18 to Crown Trophy for the furnishing of Promotional Items, Trophies and Awards in an amount not to exceed \$7,200.00.
- R.013-012013 Award of Bid No. 12-01-18 to Princeton Advertising Specialities for the furnishing of Promotional Items, Trophies and Awards in an amount not to exceed \$6,200.00.
- R.014-012013 Resolution authorizing payment of \$7,191.93 to Florio & Kenny,k LLP, Attorneys at Law for professional services rendered for Lisa LaRue vs Township of Edison.
- R.015-012013 Resolution awards a Professional Services contract to Louis Rainone, ESQ of Decotis, FirzPatrick & Cole, LLP to represent the Township as Labor Counsel.
- R.016-012013 Resolution awards a Professional Services contract to Karl P. Kemm, ESQ to represent the Township of Edison as Township Attorney.
- R.017-012013 Resolution names and authorizes the Township Engineer to execute treatment works approval (TWA) application 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.
- R.018-012013 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.
- R.019-012013 Resolution Awarding contract to A-Plus Construction Incorporated for Home Improvements as part of the Community Development Block Grant Program in the amount of \$9,950.00.

- R.020-012013 Resolution for refund of a Construction Permit fee to VRAJ Management Khushboo in the amount of \$156.00.
- R.021-012013 Resolution for refund of a Construction Permit fee for Senior Resident George John in the amount of \$108.00.
- R.022-012013 Resolution authorizes the township Engineer to execute transportation, environmental and other regulatory permit applications on behalf of the township of Edison.
- R.023-012013 Resolution Awarding of Bid No. 12-08-25AR to Xylem Dewatering Solutions Incorporated D/B/A Godwin Pumps of American for Sewer Pump and Generator Rentals in an amount not to exceed \$100,000.00.
- R.024-012013 Resolution Awarding of Bid No.12-02-11-HDPE PIPE to Expanded Supply Products for the Purchase of HDPE Pipe in an amount not to exceed \$20,720.00.
- R.025-012013 Resolution authorizing payment of the New Jersey State League of Municipalities for 2013 Membership Dues in the amount of \$5,700.00.
- R.026-012013 Resolution Reappointing James Lenox to the Edison Township Ethics Board, term expiring December 12, 2017.
- R.027-012013 Resolution Reappointing Robert Maurer to the Edison Township Ethics Board, term expiring December 12, 2017.
- R.028-012013 Resolution Appointing Harish Verma as 1st Alternate Member of the Zoning Board of Adjustment, term expiring December 31, 2014.

13. **ORAL PETITIONS AND REMARKS**

14. **ADJOURNMENT**

RESOLUTION - R.003-012013

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING December 31, 2012

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through December 31, 2012.

FUND	AMOUNT
Current	\$2,096,0148.04
Affordable Housing	0.00
Capital	9,118,343.42
Cash Performance	0.00
CDBG	0.00
Developers Escrow	864.86
Dog (Animal Control)	84,698.66
Federal Forfeited	0.00
Grant Funds	0.00
Law Enforcement	0.00
Park Improvement	0.00
Payroll Deductions	51,956.20
Sanitation Fund	60,256.33
Sewer Utility	1,835,159.68
Tax Sale Redemption	0.00
Open Space	0.00
Tree Planting	480.95
Trust	405,905.44
 TOTAL	 \$13,653,813.58

/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

R.004-012013

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 \$296,108.33.

RESOLUTION

R. 005-012013

Whereas, 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 said overpayments, totaling \$10,000.00 and

Whereas, the attached listing is a detail of the requested refund.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

January 9, 2013

RESOLUTION R.006-012013

CANCELING SMALL BALANCES

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 cancelation of tax refunds or delinquency of less than Five (\$5.00) dollars during the calendar year of **2013** in accordance with N.J.S.A. 40A:5-17.1.

January 9, 2013

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2012 CURRENT FUND
BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2012 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the following details explain the accounts to which funds need to be transferred and the accounts from which funds will be transferred from to insure that adequate appropriation balances exist where needed to pay approved claims against the Township;

<u>FROM:</u>		<u>TO:</u>	
Library Other Expenses		Library Salary and Wages	
2-01-29-0390-000-020	\$72,000.00	2-01-29-0390-000-011	\$72,000.00
TOTAL	\$72,000.00	TOTAL	\$72,000.00

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

RESOLUTION – R.008-012013

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 **2013** 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 9, 2013

RESOLUTION R.009-012013

WHEREAS, it is projected that as of November 11, 2013, 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 16, 2013; 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 Tax Collector's office that an appropriate direct mail cost for the 2013 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 Fiscal year 2013 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 9, 2013

TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY

RESOLUTION CANCELLING AN UNEXPENDED PORTION OF A REFUNDING
BOND ORDINANCE

WHEREAS, on July 25, 2012 the Township Council adopted a Refunding Bond Ordinance in the amount of \$9,500,000 which provided for a five-year financing of tax refunds and associated costs up to the authorized amount relating to property tax appeal settlements in 2012 for tax years 2011 and prior, and;

WHEREAS, the Township subsequently determined that the maximum amount of refunds and costs that would be required for the above referenced tax appeals settled in calendar year 2012 would be less than \$9,500,000, and;

WHEREAS, the unexpended balance of the Refunding Bond Ordinance, in the amount of \$ 7,000,000 is no longer necessary, and it is in the best interests of the Township that this unneeded ordinance balance be cancelled;

NOW THEREFORE BE IT RESOVED, by the Council of the Township of Edison in the County of Middlesex, New Jersey that the unexpended balance of the initial \$9,500,000 Refunding Bond Ordinance, in the amount of \$7,000,000 be and is hereby cancelled.

BE IT FURTHER RESOLVED, that the Township CFO is hereby directed to make such entries in the Township's books of accounts and records as necessary to reflect this cancellation.

TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY

RESOLUTION CANCELLING A PORTION OF AN EMERGENCY APPROPRIATION

WHEREAS, on July 28, 2013 the Township Council approved an emergency appropriation in the amount of \$16,500,000 to finance the estimated value of refunds that would be required upon the settlement of property tax appeals for tax years 2011 and prior that were pending before the Tax Court of the State of New Jersey, and;

WHEREAS, the Township subsequently determined that the maximum amounts of refunds and costs that would be required for the above referenced tax appeals settled in calendar year 2012 would be \$9,500,000, and an application seeking a multi-year financing of these refunds and costs was submitted to and approved by the Local Finance Board of the Department of Community Affairs, State of New Jersey, and;

WHEREAS, the remaining balance of \$7,000,000 of the initial emergency appropriation is not necessary, and it is in the best interests of the Township that this unneeded emergency appropriation balance be cancelled;

NOW THEREFORE BE IT RESOVED, by the Council of the Township of Edison in the County of Middlesex, New Jersey that \$7,000,000 of the initial \$16,500,000 emergency appropriation approved on July 25, 2012 be and is hereby cancelled.

BE IT FURTHER RESOLVED, that the Township CFO is hereby directed to make such entries in the Township's books of accounts and records as necessary to reflect this cancellation.

RESOLUTION R. 013-012013

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO PRINCETON ADVERTISING SPECIALTIES FOR THE FURNISHING OF PROMOTIONAL ITEMS, TROPHIES AND AWARDS

WHEREAS, bids were received by the Township of Edison on November 29, 2012 for Public Bid No. 12-01-18-Promotional Items, Trophies and Awards; and

WHEREAS, PRINCETON ADVERTISING SPECIALTIES, P.O. Box 729, East Brunswick, NJ 08816 submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, the total amount of this contract, not to exceed \$6,200.00, 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)).

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 PRINCETON ADVERTISING SPECIALTIES, P.O. Box 729, East Brunswick, NJ 08816, for Promotional Items, Trophies and Awards is determined to be the lowest legally responsible bid for various items of the bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$6,200.00 and any other necessary documents, with PRINCETON ADVERTISING SPECIALTIES.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.012-2013

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CROWN TROPHY FOR THE FURNISHING OF PROMOTIONAL ITEMS, TROPHIES AND AWARDS

WHEREAS, bids were received by the Township of Edison on November 29, 2012 for Public Bid No. 12-01-18-Promotional Items, Trophies and Awards; and

WHEREAS, CROWN TROPHY, 3443 Route 9 North, Freehold, NJ 07728, submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, the total amount of this contract, not to exceed \$7,200.00 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)).

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 CROWN TROPHY, 3443 Route 9 North, Freehold, NJ 07728 for Promotional Items, Trophies and Awards is determined to be the lowest legally responsible bid for various items of the bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$7,200.00 and any other necessary documents, with CROWN TROPHY.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.014-012013

RESOLUTION AUTHORIZING PAYMENT OF \$7,191.93 TO FLORIO & KENNY, L.L.P., ATTORNEYS AT LAW FOR PROFESSIONAL SERVICES RENDERED FOR LISA LARUE VS TOWNSHIP OF EDISON

WHEREAS, the Township was in need of legal services relating to Lisa LaRue v Township of Edison; and

WHEREAS, FLORIO & KENNY, L.L.P, ATTORNEYS AT LAW, 5 Marine View Plaza, Suite 103, PO BOX 771, Hoboken, NJ 07030 provided professional legal services for Lisa Larue V. Township of Edison; and

WHEREAS, the Local Public Agreements Law N.J.S.A. 40A: 11-1 et seq., more specifically N.J.S.A. 40A:11-5, allows for the awarding of "Professional Services" without public advertising for bids; and

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to **FLORIO & KENNY, L.L.P., ATTORNEYS AT LAW**, 5 Marine View Plaza, Suite 103, PO BOX 771, Hoboken, NJ 07030 in the amount of \$7,191.93.

CERTIFICATION

I hereby certify that funds in the amount of **\$7,191.93** are available in Account No. 2-01-22-0195-000-027

Janice Saponaro
Chief Financial Officer

Date

Explanation: This Resolution awards a Professional Services Contract to Louis Rainone, Esq., of DeCotiis, FirzPatrick & Cole, LLP, to represent the Township as labor counsel.

RESOLUTION R.015-012013

WHEREAS, Louis Rainone, Esq., previously handled legal matters on behalf of the Township of Edison; and

WHEREAS, the Mayor recommends, with the approval of the Director of Law, that Louis Rainone, Esq., for the position of Labor Counsel; and

WHEREAS, the Local Public Contracts Law N.J.S.A.. 40A: 11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "Professional Services" without public advertising for bids; and

WHEREAS, prior to the execution of a contract, Louis Rainone, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq*; and

WHEREAS, this contract is not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, compensation for the professional services shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed the amount certified below by the Chief Financial Officer (inclusive of expenses); and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Louis Rainone, Esq. of DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as special counsel for the limited outstanding tax appeals herein identified, and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Louis Rainone, Esq. of DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as Labor Counsel.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to

the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year.

4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.

7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

8. The contractor shall report directly to the Edison Township Attorney, who will be the chief contact with the Township of Edison.

9. The contractor shall notify the Edison Township Attorney when 80% of the "not-to-exceed" amount is attained.

10. All work relating to the demotions of policemen and fireman in the letters of January 8, 2010 from Mayor Ricigliano will be billed separately.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Edison that a copy of this Resolution shall be published in the official newspaper within 10 days of its passage, as required by law, and shall be on file and available for public inspection in the office of the Edison Township Municipal Clerk, Edison Township Municipal Building, 100 Municipal Boulevard, Edison, New Jersey 08817.

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year, funds in the amount of \$415,000.00 are available in Account No. _____.

Janice Saponaro
Chief Financial Officer

Explanation: This Resolution awards a Professional Services Contract to Karl P. Kemm, Esq. to represent the Township of Edison as Township Attorney.

RESOLUTION R.016-012013

WHEREAS, Karl P. Kemm, Esq., previously handled various legal matters on behalf of the Township of Edison, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township of Edison ("Township") and has extensive legal staff and resources and a multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time; and

WHEREAS, for these reasons the Mayor and the Township Council recommend Karl P. Kemm, Esq., for the position of Township Attorney; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A: 11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "Professional Services" without public advertising for bids; and

WHEREAS, prior to the execution of a contract, Karl P. Kemm, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this contract is not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, compensation for the professional services included under the Township Attorney Retainer shall be the sum of \$33,000.00, payable in 12 monthly installments at the first Council Meeting of each month, and shall include:

Advise the Council. Advise the Council or its committees or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business;

Prepare Ordinances. Prepare and revise all ordinances of the Code when so requested by the Council or any committee thereof;

Prepare Resolutions. Prepare or draft and revise all resolutions when so requested by the Council or any committee or member thereof;

Render Opinions. Render his or her opinion on any legal matter or question submitted to him or her by the Council or any of its committees or by any Township officer, in writing or orally;

Attend Council Meetings. Attend Council meetings, including special meetings and conference meetings, for the purpose of giving the Council any legal advice requested by its members;

Bid Openings. Attend and advise the Council or any designated officer of the Township in the opening and awarding of public bids; and

WHEREAS, compensation for the professional services outside of the scope of the above Township Attorney Retainer including but not limited to:

Advise the Mayor and Administration or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business; and

Represent the Township in all legal matters and litigation matters and before all boards and government agencies.

shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants; and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Karl P. Kemm, Esq. to represent the Township as Township Attorney; and

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

9. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Karl P. Kemm, Esq. to represent the Township as Township Attorney.
10. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
11. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year.
12. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
13. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

14. The Mayor of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
15. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Edison that a copy of this Resolution shall be published in the official newspaper within 10 days of its passage, as required by law, and shall be on file and available for public inspection in the office of the Edison Township Municipal Clerk, Edison Township Municipal Building, 100 Municipal Boulevard, Edison, New Jersey 08817.

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year, funds in the amount of \$290,000.00 are available in Account No_____.

Janice Saponaro
Acting Chief Financial Officer

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 R.017-012013**

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 R.018-012013**

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 2013 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 2013 Engineering Escrow Fee Schedule hereby established and shall transmit updates or revisions to be appended to the 2013 Engineering Escrow Fee Schedule to the attention of the Township Clerk should updates or revisions become necessary during the course of the calendar year 2013.

R.019-012013

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO A-PLUS CONSTRUCTION INCORPORATED FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2012 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, quotes were solicited by the Township of Edison for Case Number 0711; and

WHEREAS, A-PLUS CONSTRUCTION INCORPORATED, 18 Station Road, Lincoln Park, NJ 07035, submitted the sole quote in the amount of \$9,950.00; and

WHEREAS, funds in the amount of \$9,950.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-12-0510-000-001.

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

1. The sole quote has been reviewed, and the quote in the amount of \$9,950.00 by A-PLUS CONSTRUCTION INCORPORATED, 18 Station Road, Lincoln Park, NJ 07035 for home improvements is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$9,950.00 and any other necessary documents, with A-PLUS CONSTRUCTION INCORPORATED as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$9,950.00** are available for the above contract in Account No. **T-14-12-0510-000-001**.

Janice Saponaro
Chief Financial Officer

Date

EXPLANATION: This resolution provides for refund of a construction permit fee.

TOWNSHIP OF EDISON
RESOLUTION R.020-012013

WHEREAS, on April 12, 2012, a Construction (Building) Permit fee, check #1115 and #1116, permit # 2012-1400, were posted in the total amount of \$103.00 and \$ 53.00 by the contractor, VRAJ Management Khushboo, having offices at 1734 Oak Tree Road N.J. 08820; and

WHEREAS, the application was submitted for a demolition to a dining room in a restaurant due to fire and to close access to Kitchen Area to Dining area, to use Kitchen for Catering Hall. And having found conflict of interest on this project, the applicant was directed to South Plainfield Code Enforcement for their permits; and

WHEREAS, the Township Engineer recommends the refund of the construction permit fee, on Construction Permit # 2012-1400, in the amount of \$156.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$156.00 on construction permit fees posted by Kushboo Restaurant be refunded to the owner;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$156.00 from the Refund of Revenue Fund to the owner, VRAJ Management Inc. Khushboo, 1734 Oak Tree Road , Edison , NJ 08820.

JAM/lt

G-Code-RefundofRevenue-1734 Oak Tree Road

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

TOWNSHIP OF EDISON
RESOLUTION R.021-012013

WHEREAS, on March 12, 2012, a Construction (Building) Permit fee, check #1001, permit # 2012-1944, was posted in the total amount of \$137.00 by George John, 5200 Hana Road, Edison, N.J. 08817; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done by a senior resident it is therefore appropriate that the municipal permit fee in the amount of \$108.00, derived from the \$137.00.00 total construction permit fee less the \$2.00 DCA fee and the 20% review fee of \$27.00, be refunded to the Homeowner George John, residing at 5200 Hana Road, Edison, NJ 08817; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee portion, on Construction Permit # 2012-1944, in the amount of \$108.00 for the referenced application;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$108.00 from the Refund of Revenue Fund to the Homeowner, George John, 5200 Hana Road , Edison , NJ 08817.

JAM/lt

G-Code-RefundofRevenue-49 Campbell Avenue

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 R.022-012013**

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.

R.023-012013

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA FOR SEWER PUMP AND GENERATOR RENTALS

WHEREAS, bids were received by the Township of Edison on December 13, 2012 for Public Bid No.12-08-25AR, Sewer Pump Rentals, for the Department of Public Works; and

WHEREAS, XYLEM DEWATERING SOLUTIONS INCORPORATED, D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816, submitted the lowest legally responsible, responsive bid ; 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)).

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 XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816 for Sewer Pump Rentals for the Department of Public Works, 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 \$100,000.00 and any other necessary documents, with XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA 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.

R.024-012013

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
EXPANDED SUPPLY PRODUCTS FOR THE PURCHASE OF HDPE PIPE**

WHEREAS, bids were received by the Township of Edison on December 27, 2012 for Public Bid No. 12-02-11-HDPE PIPE, for the Department of Public Works; and

WHEREAS, EXPANDED SUPPLY PRODUCTS, 3330 Route 9, Cold Spring, NY 10516, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$20,720.00; and

WHEREAS, funds in the amount of \$20,720.00 have been certified to be available in the Streets and Roads Materials & Supplies Account, Number 3-01-26-0290-000-030, contingent upon Council adoption of the 2013 temporary and/or final budget.

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 EXPANDED SUPPLY PRODUCTS, 3330 Route 9, Cold Spring, NY 10516 for the purchase of HDPE PIPE, 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 \$20,720.00 and any other necessary documents, with EXPANDED SUPPLY PRODUCTS 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 **\$20,720.00** are available for the above contract in Account No. **3-01-26-0290-000-030**, contingent upon Council adoption of the 2013 temporary and/or final budget.

Janice Saponaro
Chief Financial Officer

Date

R.025-012013

RESOLUTION AUTHORIZING PAYMENT TO THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES FOR 2013 MEMBERSHIP DUES

WHEREAS, the Township of Edison is a member of the New Jersey State League of Municipalities and benefits from said membership;

WHEREAS, membership benefits include updates and alerts on pending legislation, publications, positions on legislations affecting municipalities, training, seminars, advisory services, grant services, and other services to benefit Edison Township; and

WHEREAS, funds in the amount of \$5,700.00 have been certified to be available in the Municipal Clerk-Professional Association Dues Account, Number 2-01-20-0120-001-044 subject to and contingent upon Council adoption of the 2013 temporary and/or final budget.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Mayor, or her designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$5,700.00, with NJ STATE LEAGUE OF MUNICIPALITIES, 222 West State Street, Trenton, NJ 08608 as set forth above.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,700.00** are available for the above contract in Account No. **3-01-20-0120-001-044** subject to and contingent upon Council adoption of the 2013 temporary and/or permanent final budget.

Janice Saponaro
Chief Financial Officer

Date

RESOLUTION R.026-012013

WHEREAS, in accordance with Municipal Code Section 2.80.070 and N.J.S.A. 40A:9-22.1 et seq., it is the duty of the Municipal Council to appoint members to the Edison Township Ethics Board; and

WHEREAS, the Municipal Council wishes to reappoint the following member to the Ethics Board; James Lennox, 183 Hidden Hollow Court, Edison, NJ 08820, expiring December 12, 2017

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the abovementioned individual be reappointed as a member of the Ethics Board.

RESOLUTION R.027-012013

WHEREAS, in accordance with Municipal Code Section 2.80.070 and N.J.S.A. 40A:9-22.1 et seq., it is the duty of the Municipal Council to appoint members to the Edison Township Ethics Board; and

WHEREAS, the Municipal Council wishes to reappoint the following member to the Ethics Board; Robert Maurer, 193 Monroe Avenue, Edison, NJ 08820, expiring December 12, 2017

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the abovementioned individual be reappointed as a member of the Ethics Board.

RESOLUTION R.028-012013

WHEREAS, it is the duty of the Municipal Council to appoint a 1st Alternate member to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has selected Harish Verma to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Harish Verma, 29 Prestwick Way, Edison, New Jersey 08820 be and he is hereby appointed as the 1st Alternate Member of the Zoning Board of Adjustment, said term to expire December 31, 2014.

EXPLANATION: An Ordinance removing the authorization to sell Police firearms to licensed firearms dealers.

EDISON TOWNSHIP

ORDINANCE O.1818-2013

WHEREAS, Ordinance O.1809-2012 was adopted on November 28, 2012 and by Resolution R.811-122012 adopted on December 12, 2012 the Township Council overrode the Mayor's veto and the Ordinance was published on December 15, 2012; and

WHEREAS, Ordinance O.1809-2012 allows Police firearms that are being replaced to be sold to licensed firearms dealers if they are not purchased by an Edison Police Officer, donated to another law enforcement agency or donated to a museum; and

WHEREAS, the Township Council by Resolution R.840-122012 adopted on December 26, 2012 expressed their intention to revoke the provision of Ordinance O.1809-2012 which allows Police firearms that are being replaced to be sold to licensed firearms dealers.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that:

SECTION I. Chapter II Administration, Article III Departments, 2-30 Police Firearms, shall be amended as follows:

2-30 POLICE FIREARMS.

2-30.1 Disposition of Firearms.

- a. Definitions. As used in this section:

Firearm means a firearm as defined in N.J.S.A. 2C:39-1 and includes an ammunition used in that firearm;

Replacement means the act of replacing the firearm assigned to a member of the Township's Police Department with another firearm.

b. Except as provided in paragraphs c. and d. below, any firearm replaced by the Edison Township Police Department shall be collected from the member of the Police Division to which it was assigned and shall be destroyed. The Edison Police Division shall not trade in or sell firearms which are replaced for any purpose.

- c. Paragraph b. shall not apply to firearms that are sold or otherwise conveyed by the Edison Police Division:

1. To another law enforcement agency in the State; or
2. Donated to a legitimate museum for historical purposes; or,
3. To a licensed firearm dealer for the sole and exclusive purpose of resale to a sworn officer of the Edison Police Department to whom the weapon has been assigned, ~~or,~~

~~4. To a licensed firearm dealer.~~

- d. Any firearm donated to a museum pursuant to this section shall be rendered inoperable.

e. Replaced firearms shall, within a reasonable period, be destroyed in a manner that shall render them permanently unusable as firearms. A record shall be made and retained by the Police Division of the make, model, serial number and year and manufacturer of the individual firearms in each batch of replaced firearms that is

destroyed and/or sold or otherwise conveyed by the Edison Police Division as permitted in paragraphs c. and d above.

SECTION II. This Ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

EXPLANATION: An Ordinance vacating undeveloped streets on certain Blocks and Lots.

EDISON TOWNSHIP

ORDINANCE O.1819-2013

WHEREAS, the Township Council now desires to vacate certain undeveloped streets, also known as "paper streets"; and,

WHEREAS, this Ordinance is a result of the Order of Settlement and Stipulation of Settlement dated December 23, 2010 entered into in the matter of: South Congregation of Jehovah's Witnesses Edison, NJ, Inc. and Dolores Visco, v. Edison Township Planning Board; Township of Edison and Municipal Council of the Township of Edison; and State of New Jersey, bearing Superior Court of New Jersey, Law Division Docket No.: MID-206-10, as approved by Resolution R.598-102010 of the Township Council on November 22, 2012; and

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that:

SECTION I. Pursuant to the authority vested in the Township of Edison by N.J.S.A. 40:67-1 et seq., it is hereby ordained, subject to the provisions of this Ordinance, that all public rights owned by the Township of Edison in the following portions of undeveloped streets be and are hereby vacated:

1. On Block 595-C, Lot 2, the streets known as: Tyler Road (n/f known as Dismal Road) (to the extent not previously vacated by Ordinance #0-424-88 dated June 8, 1988) and Gilbert Street.
2. On Block 595-B, Lots 1-31, 32A-53A, 54-56, and, Block 595-D, Lots 5-56, and Block 595-F, Lot), the streets known as: Tyler Road, Road (n/f known as Dismal Road) (to the extent not previously vacated by Ordinance #0-424-88 dated June 8, 1988), Engineer Avenue, Jerome Avenue, Gilbert Street and Gordon Battle Street.

SECTION II. Notwithstanding this Ordinance there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act." P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV. This Ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

SECTION V. A certified copy of this Ordinance shall be filed with the Clerk of Middlesex County pursuant to N.J.S.A. 40:67-21.

EXPLANATION: An Ordinance authorizing an Access Easement across Township Property designated as Block 595-C, Lot 2 for the benefit of Block 595-B, Lots 11 thru 31, and 32-A thru 46 and portions of Block 595-B, Lots 10 and 47-A, and a portion of Block 595-D, Lot 40 presently owned by Dolores Visco.

EDISON TOWNSHIP

ORDINANCE O.01820-2013

WHEREAS, the Township Council now desires to authorize an Access Easement across Township Property designated as Block 595-C, Lot 2 for the benefit of Block 595-B, Lots 11 thru 31, and 32-A thru 46 and portions of Block 595-B, Lots 10 and 47-A, and a portion of Block 595-D, Lot 40 and to be designated as Block ___, Lot __ upon the perfection of the Subdivision presently owned by Dolores Visco; and,

WHEREAS, this Ordinance is a result of the Order of Settlement and Stipulation of Settlement dated December 23, 2010 entered into in the matter of: South Congregation of Jehovah's Witnesses Edison, NJ, Inc. and Dolores Visco v. Edison Township Planning Board; Township of Edison and Municipal Council of the Township of Edison; and State of New Jersey, bearing Superior Court of New Jersey, Law Division Docket No.: MID-206-10, as approved by Resolution R.598-102010 of the Township Council on November 22, 2012; and

WHEREAS, by letter dated August 29, 2012 from the New Jersey Department of Environmental Protection, Green Acres Program, the establishment of a means of access across the Township Property for the portion of the Visco Property referenced above, and an exception to the recorded Recreation and Open Space Inventory for the Township of Edison, was recognized and authorized; and

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that, the Township Council hereby approves the attached Access Easement between the Township of Edison and Dolores Visco and hereby authorizes the Mayor, Township Clerk and other necessary Township staff to execute and deliver said easement and all other necessary documents and undertake all actions reasonably necessary to effectuate these documents and the intent of this Ordinance.

This Ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

EXPLANATION: An Ordinance amending Section 2-2.1 of the Township Code to remove the requirement that the position of Mayor be a full-time position and his/her primary occupation.

EDISON TOWNSHIP

ORDINANCE O.1821-2013

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter 2 entitled “Administration” is hereby amended as follows:

SECTION I. Section 2-2.1 entitled “General Powers and Duties” of the Mayor is hereby amended to delete the requirement that the Mayor serve in a full time capacity. The entry shall read as follows:

2-1 MAYOR.

2-1.1 General Powers and Duties.

The Mayor, as the chief executive officer of the Township, shall have the power and duty to supervise the administration of the Charter and ordinances of the Township and the general laws applicable thereto. He or she shall have such powers of appointment and removal as are provided by Charter or general law. He or she shall have the power to appoint, with the advice and consent of the Council, to all offices where no other provision is made for such appointment. He or she shall assign or approve the assignment of space in public buildings and other public places for the temporary or permanent use of any department, agency, body, officer or instrumentality and shall, through the Business Administrator, control the assignment, allocation and use of furniture, equipment or other public property in the Township government. He or she may assign and reassign, transfer and retransfer, from time to time, either temporarily or permanently, any property or personnel from one function to another or from one administrative unit to another as the management of the Township government may require, subject to the express requirements of the Charter and all other applicable general laws. This section shall not, however, apply to the Council or Township Clerk. ~~Service to the residents of Edison Township requires that the Mayor serve in a full-time capacity wherein the position of Mayor shall be his or her primary occupation, dedicated to the affairs of Edison Township. During his or her term of office, the Mayor shall not maintain or secure any other full-time employment.~~

SECTION II. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.