

**AGENDA  
MUNICIPAL COUNCIL  
REGULAR MEETING  
Wednesday, January 11, 2012  
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 January 3, 2012, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
  - a. Emergency Meeting of December 8, 2011
  - b. Reorganization Meeting of January 1, 2012
5. **COUNCIL PRESIDENT'S REMARKS**
6. **ADMINISTRATIVE AGENDA:  
FROM MAYOR ANTONIA RICIGLIANO:**
  - a. Appointment of Olga Sgambettera as a Class IV Member of the Planning Board.
  - b. Appointment of John Toth as a First Alternate Member of the Planning Board.
  - c. Appointment of Dennis Pipala as a Class IV Member of the Planning Board
  - d. Appointment of Mark Daniele as a Class IV Member of the Planning Board
7. **PROPOSED RESOLUTION REGARDING AMENDMENT TO THE ROSI INVENTORY**

R.026-012012 Resolution memorializing the Township's determination to proceed to seek final Green Acres approval of the proposed ROSI amendment request to except a portion of Block 595-C, Lot 2 to provide access to the Visco Property.
8. **NEW BUSINESS:  
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY, JANUARY 25, 2012:**

O.1790-2012 AN ORDINANCE AMENDING TITLE 2 OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING THE HIRING OF POLICE OFFICERS
9. **PUBLIC COMMENT ON THE RESOLUTIONS**
10. **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.004-012012 Resolution authorizing appropriation of funds to volunteer First Aid Squads serving the Township.
- R.005-012012 Resolution rejecting bids for RFP No. 11-05, Insurance Broker.

- R.006-012012 Resolution authorizing refund in the amount of \$919,632.73 for redemption of tax sale certificates.
- R.007-012012 Resolution authorizing temporary appropriations for 2012.
- R.008-012012 Resolution authorizing release of street opening escrow to J&L Communications Group, for property located at 333 Thornall Street, in the amount of \$1,050.00.
- R.009-012012 Resolution authorizing transfer of funds for the Sewer Utility Fund.
- R.010-012012 Resolution accepting grant from the Middlesex County Cultural and Heritage Commission in the amount of \$2,100.
- R.011-012012 Resolution authorizing the Township Engineer to execute transportation, environmental, and other regulatory permit applications.
- R.012-012012 Resolution authorizing the Township Engineer to execute treatment works approval applications and temporary discharge approval applications.
- R.013-012012 Resolution 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 applicable in-house engineering charges.
- R.014-012012 Resolution authorizing the release of cash and performance bonds for Rose Estates (V&R Realty), Deutsch Lane and Denver Boulevard, Application #P4947.
- R.015-012012 Resolution authorizing engineering inspection fee refunds for Mehul Patel, 19 Langstaff Avenue, Application #Z34-03/04.
- R.016-012012 Resolution authorizing refund of Maintenance Bond for Mehul Patel, 19 Langstaff Avenue, Application #Z34-03/04.
- R.017-012012 Resolution authorizing award of bid for Contract No. 11-10-24, Automated Refuse Collection Vehicle to Raritan Valley Truck Sales, Inc., in an amount not to exceed \$336,869.00.
- R.018-012012 Resolution authorizing cooperative pricing agreement with the County of Middlesex for the purchase of Treated Rock Salt from Atlantic Salt, Inc., in an amount not to exceed \$85,000.00.
- R.019-012012 Resolution advancing the will of the Municipal Council relative to the voluntary rezoning of property for residential purposes and the exclusion of residential housing in any prospective redevelopment plan.
- R.020-012012 Resolution amending the Professional Services Contract for Township Attorney, in an additional amount of \$203,269.00.
- R.021-012012 Resolution rejecting bids for Contract No. 10-08-04R, Human Resources and Payroll Information Database.
- R.022-012012 Resolution authorizing payment of debt services for the year 2012.
- R.023-012012 Resolution authorizing Professional Services Contract for Township Attorney for a period of 90 days to Karl P. Kemm, Esq. of Hoagland, Longo, Moran, Dunst and Doukas, LP, in an amount not to exceed \$70,000.00.
- R.024-012012 Resolution authorizing Professional Services Contract for Labor Counsel for a period of 90 days to Louis Rainone, Esq., of DeCotiis, FitzPatrick & Cole, LLP, for an amount not to exceed \$50,000.00.
- R.025-012012 Resolution appointing Councilmember Thomas Lankey to the Edison Township Planning Board as a Class III Member.

11. **COMMUNICATIONS:**

- a. Electronic Mail Message from Sandra DeAlwis regarding the Library - receive

12. **ORAL PETITIONS AND REMARKS**

13. **ADJOURNMENT**

EXPLANATION: This Resolution memorializes the Township's determination to proceed to seek final Green Acres approval of the proposed ROSI amendment request to except a portion of Block 595-C, Lot 2 to provide access to the Visco property.

**TOWNSHIP OF EDISON**

**RESOLUTION R.026-012012**

**WHEREAS**, the Township of Edison and Municipal Council of the Township of Edison were named as defendants 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; and

**WHEREAS**, pursuant to the settlement in this matter the Township is to undertake the steps required to submit a request to the New Jersey Department of Environmental Protection, Green Acres Program to permit a roadway easement across the Township-owned property at the end of Alexis Lane being Block 595-C, Lot 2; and

**WHEREAS**, it has been determined that the Township is to pursue a request to amend their Recreation and Open Space Inventory ("ROSI") pursuant to N.J.A.C. 7:36-25.3 to remove a portion of Block 595-C, Lot 2 from the ROSI containing approximately 0.10 acres in area, in connection with the proposed extension of Alexis Lane to provide legal access to a landlocked parcel of property owned by Dolores Visco, and identified as part of Block 595-B, Lots 1-31,32A-53A, 54-56; Block 595-D, Lots 5-56, and Block 595-F, Lot 2 on the Township Tax Maps; and

**WHEREAS**, the Township has complied with the notice, hearing and related requirements of N.J.A.C. 7:36-25.3, with said hearing having occurred on November 3, 2011; and

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

1. The Township Council has received and considered the comments of the public at the public hearing on November 3, 2011 and documents submitted as well as the written comments and documents received during the comment period.
2. In accordance with N.J.A.C. 7:36-25.3(i), the Township Council has determined that there is a bona fide inaccuracy in the ROSI in that Township's prior actions have landlocked the property owned by Dolores Visco identified as part of Block 595-B, Lots 1-31,32A-53A, 54-56; Block 595-D, Lots 5-56, and Block 595-F, Lot 2 on the Township Tax Maps and that the ROSI amendment will rectify this bona fide inaccuracy.
3. In accordance with N.J.A.C. 7:36-25.3(i), the Township Council has determined to proceed to request that the New Jersey Department of Environmental Protection, Green Acres Program conduct a final review of the ROSI amendment request pursuant to N.J.A.C. 7:36-25.3(j) for the amendment of the ROSI to remove an approximately 0.10 acre portion of Block 595-C, Lot 2 from the ROSI and limit it to an easement for the sole purpose to provide legal access to the Visco property and so long as the Visco property is used for religious purposes as is a condition of the settlement of the above-captioned lawsuit.
4. The Township Attorney and other necessary Township Officials and Employees are hereby authorized to submit the required documents and information required by Green Acres rules and regulations, specifically N.J.A.C. 7:36-25.3(i), and to undertake all actions reasonably necessary to effectuate and implement this Resolution.



**EDISON TOWNSHIP**  
**ORDINANCE O.1790-2012**

**WHEREAS**, the Township Council wishes to amend the entry level criteria for new hires to the Police Division to include two (2) years police experience in lieu of sixty (60) credits from an accredited college or university, (2) years service on the Edison Township Police Auxiliary or having been certified and completed training at an official police academy.

**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 2-29.2 entitled "Entry Level Criteria Established" is hereby amended as follows:

**CHAPTER II ADMINISTRATION**

**Article III Departments**

2-28 DIVISION OF POLICE.

2-29.2 Entry Level Criteria Established.

a. Applicants for employment as Police Officers must meet the following qualifications:

7. Shall possess a minimum of sixty (60) credits from an accredited college or university. In lieu of the minimum of sixty (60) college credit requirement, an applicant shall have completed two (2) years of active military service with an honorable discharge and be a high school graduate or equivalent, or have two (2) years of active service in a federal, state, county or municipal law enforcement agency, or have two (2) years service on the Edison Township Police Auxiliary, or have been certified and completed training at an official police academy.

;

**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.

**RESOLUTION R.004-012012**

**RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS TO  
VOLUNTEER FIRST AID SQUADS SERVING THE TOWNSHIP.**

**WHEREAS**, the Township of Edison desires to appropriate funds to each of the three Volunteer First Aid Squads ( Edison First Aid Squad No. 1, Edison First Aid Squad No. 2 and the Clara Barton First Aid Squad) serving the Township; and

**WHEREAS**, such appropriations are authorized pursuant to N.J.S.A. 40:5-2, and

**WHEREAS**, the Township desires to appropriate \$17,500.00 to each of the three (3) volunteer first aid squads at this time for a total amount to be authorized of \$52,500.00, and

**WHEREAS**, funds in the amount of \$52,500.00 have been certified to be available in the “First Aid Organization-Aid and Maintenance” line item appropriation in the 2011 Municipal Budget, Account Number 1-01-25-0260-000-032.

**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 process payment in the amount of \$17,500.00 for each of the foregoing three volunteer first aid squads, in a total amount not to exceed \$52,500.00.

**RESOLUTION R.005-012012**

**RESOLUTION REJECTING ALL PROPOSALS FOR INSURANCE BROKER**

**WHEREAS**, the Township of Edison advertised for bids on the internet on October 4, 2011, for RFP No. 11-05, INSURANCE BROKER with a bid opening date of October 19, 2011 and four bids were received;

**WHEREAS**, after further review of the specifications, the Township would like to revise the specifications and re-advertise for bids; and

**WHEREAS**, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the contracting unit wants to substantially revise the specifications for the goods or services.

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

1. The bids for RFP 11-05 entitled "INSURANCE BROKER" is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.
2. The Purchasing Agent is hereby authorized to rebid said project.

**RESOLUTION R.006-012012**

**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 \$919,632.73.

## **RESOLUTION R.007-012012**

### **AUTHORIZING TEMPORARY APPROPRIATIONS FOR 2012**

**WHEREAS**, the Local Budget Law (N.J.S.A. 40A:4-19), directs that the Governing Body of a municipality shall adopt a Resolution within thirty (30) days of the beginning of the Fiscal Year to authorize appropriations if any contract, commitments or payments are to be made between the beginning of the Fiscal Year and the time of the adoption of the budget, and

**WHEREAS**, the Local Budget Law provides that the temporary appropriations shall not exceed 26.25% of the prior year's budget totals, less any appropriations budgeted for interest and debt redemption charges, capital improvement fund, and public assistance, and

**WHEREAS**, the 2011 Current Fund budget total was \$118,722,019.68. This amount less the appropriations budgeted for interest and debt redemption charges (\$8,757,382.71); capital improvement fund (\$100,000.00) and public assistance (\$41,950.00) equals \$109,822,676.97 and 26.25% of this amount ( \$28,828,452.70), is the amount authorized by statute to be appropriated in this temporary appropriation for the Current Fund, and

**WHEREAS**, the 2011 Sewer Utility budget was \$13,163,246.00, less the appropriation budgeted for interest and debt redemption charges (\$386,313.13) and capital improvement fund (\$185,000) equals \$12,775,082.87 and 26.25% of this amount (\$ 3,353,459.25) is the temporary appropriation authorized by statute for the Sewer Utility Fund, and

**WHEREAS**, the 2011 Sanitation District budget was \$9,337,303.00, and 26.25% of this amount (\$2,451,042.03) is the temporary appropriation authorized by statute for the Sanitation District budget, and

**WHEREAS**, the date of this Resolution is within the first thirty (30) days of the beginning of the new 2011 fiscal (calendar) year, and

**WHEREAS**, the temporary appropriations on the annexed spread sheets are less than the amounts authorized by statute for temporary appropriations by a total of \$3,077,003.98 comprised of appropriations below the authorized amount in the Current Fund (\$2,099,002.70) the Sewer Utility Fund ((\$88,459.25) and the Sanitation District Fund (\$889,542.03)

**NOW, THEREFORE, IT IS RESOLVED** by the **COUNCIL OF THE TOWNSHIP OF EDISON**, in the County of Middlesex, New Jersey that the temporary appropriations on the annexed spread sheet are hereby approved.

**TEMPORARY BUDGET  
APPROPRIATIONS**

**CY 2012**

**CURRENT FUND**

**APPROPRIATED**

		<b>2012</b>	<b>2011</b>
Office of the Mayor			
	Salaries and Wages	12,000	\$ 39,984.
	Other Expenses	1,000	\$ 3,264.
Municipal Council			
	Salaries and Wages	12,000	\$ 34,680.
	Other Expenses	500	\$ 1,681.
Ethics Commission		3,000	\$ 10,000.
Office of the Township Clerk			
	Salaries and Wages	45,000	\$ 163,414.
	Other Expenses	15,000	\$ 80,506.
Office of the Business Administrator			
	Salaries and Wages	90,000	\$ 314,313.
	Other Expenses	5,000	\$ 17,946.
Communications			
	Salaries and Wages	30,000	\$ 98,952.
	Other Expenses	2,000	\$ 4,307.
Division of Central Purchases			
	Salaries and Wages	45,000	\$ 115,938.
Postage			
	Other Expenses	30,000	\$ 107,678.
Centralized Stores			
	Other Expenses	20,000	\$ 60,625.
Miscellaneous			
	Other Expenses	500	\$ 1,143.
Division of Personnel			
	Salaries and Wages	70,000	\$ 103,663.
	Other Expenses	25,000	\$ 86,142.
Department of Law			
	Salaries and Wages	14,000	\$ 43,138.
	Other Expenses	150,000	\$ 519,252.
Department of Finance			
	Salaries and Wages	30,000	\$ 86,142.
	Other Expenses	131,000	\$ 4,759.
Division of Accounts and Controls			
	Salaries and Wages	15,000	\$ 34,298.
	Other Expenses	12,000	\$ 46,667.
Data Processing			
	Other Expenses	16,000	\$ 51,531.
Division of Custody and Disbursements			
	Salaries & Wages	45,000	\$ 176,584.
	Other Expenses	500	\$ 1,938.
Division of Tax Collection			
	Salaries and Wages	70,000	\$ 215,137.
	Other Expenses	7,500	\$ 34,394.
Division of Tax Assessment			
	Salaries and Wages	40,000	\$ 151,140.
	Other Expenses	20,000	\$ 69,191.
Department of Recreation and Parks			
	Salaries and Wages	400,000	\$ 1,441,146.
	Other Expenses	150,000	\$ 515,520.
Telephone			

	Other Expenses	40,000	\$	159,770.
Heat, Light and Power				
	Other Expenses	230,000	\$	882,660.
Division of Parks				
	Salaries and Wages	250,000	\$	735,000.
	Other Expenses	25,000	\$	88,700.
Department of Health				
Division of Health				
	Salaries and Wages	400,000	\$	1,236,150.
	Other Expenses	40,000	\$	85,000.
Division of Human Resources				
	Salaries and Wages	11,000	\$	41,500.
	Other Expenses	150	\$	450.
Division of Senior Citizen Services				
	Salaries and Wages	90,000	\$	318,000.
	Other Expenses	10,000	\$	32,000.
Community Shuttle				
	Salaries and Wages		\$	44,455.
	Other Expenses		\$	10,000.
Bridges Youth Program			\$	25,000.
Division of Police				
	Salaries and Wages	6,600,000	\$	24,180,337.
	Other Expenses	100,000	\$	575,719.
Emergency Dispatch				
	Salaries and Wages	475,000	\$	1,600,000.
	Other Expenses	125,000	\$	388,082.
Police Vehicle Maintenance				
	Salaries and Wages	55,000	\$	203,000.
	Other Expenses	65,000	\$	137,650.
Uniform Fire Safety Act				
	Salaries and Wages	40,000	\$	150,000.
	Other Expenses	4,000	\$	200,000.
Division of Fire				
	Salaries and Wages	4,850,000	\$	16,831,323.
	Other Expenses	100,000	\$	333,838.
Fire Hydrant Services				
	Other Expenses	350,000	\$	1,345,800.
Aid to Volunteer Fire Companies				
	Other Expenses		\$	110,000.
Department of Public Works				
Municipal Garage				
	Salaries and Wages	225,000	\$	804,500.
	Other Expenses	25,000	\$	68,714.
Vehicle Impound Area				
	Salaries and Wages		\$	88,000.
Other Expenses		1,500	\$	4,900.
Fuels and Lubricants for Mun.Equipt.				
	Other Expenses	250,000	\$	735,399.
Street Lighting				
	Other Expenses	250,000	\$	1,000,000.
Division of Streets				
	Salaries and Wages	525,000	\$	1,600,000.
	Other Expenses	150,000	\$	330,500.
Division of Public Buildings				
	Salaries and Wages	425,000	\$	1,323,734.
	Other Expenses	80,000	\$	187,861.

Division of Sanitation	Salaries and Wages	350,000	\$	1,100,000.
	Other Expenses	20,000	\$	39,850.
Public Defender	Salary and Wages	7,500	\$	29,000.
	Other Expenses	500	\$	2,000.
Department of Planning and Engineering				
Division of Planning and Zoning	Salaries and Wages	100,000	\$	290,000.
	Other Expenses	500	\$	1,575.
Community Development	Salaries and Wages			
Planning Board	Other Expenses	9,000	\$	33,950.
Zoning Board	Salaries and Wages			
	Other Expenses	9,000	\$	33,450.
Rent Control Board	Salaries and Wages	2,000	\$	7,500.
	Other Expenses	2,000	\$	7,500.
Environmental Commission	Other Expenses	300	\$	300.
Division of Engineering	Salaries and Wages	125,000	\$	426,787.
	Other Expenses	25,000	\$	102,612.
Group Insurance	Other Expenses	4,142,887	\$	15,198,191.
Other Insurance and Surety Bonds	Other Expenses	1,507,113	\$	1,507,113.
First Aid Organizations	Other Expenses		\$	105,000.
Office of Emergency Management	Other Expenses	5,000	\$	18,900.
Condominium Services	Other Expenses		\$	110,000.
Employees' Unemployment Insurance	Other Expenses	95,000	\$	350,000.
Celebration of Public Events	Other Expenses	10,000	\$	50,000.
Municipal Court	Salaries and Wages	165,000	\$	583,888.
	Other Expenses	20,000	\$	77,732.
Uniform Construction Code	Salaries and Wages	225,000	\$	796,322.
	Other Expenses	200,000	\$	1,043,000.
Social Security	Other Expenses	550,000	\$	2,083,274.
Library	Other Expenses	1,600,000	\$	5,243,514.
Division of Fire EMT Services	Salaries and Wages	200,000	\$	703,000.
	Other Expenses	60,000	\$	270,000.
EECBG				
Municipal Alliance				
Clean Communities				
Payment of Bond Principal				
Interest on Bonds				
Green Trust Loan Program				
MCIA Capital Lease Payments				

NJEIT Loan

TOTAL CURRENT FUND	26,729,450	
<b>AUTHORIZED BY LAW</b>	<b>28828452.70</b>	

SEWER OPERATING UTILITY FUND

Salaries and Wages	475,000	\$	1,825,000.
Other Expenses	750,000	\$	3,400,000.
M.C.U.A. Charges	1,860,000	\$	7,097,034.
Social Security	35,000	\$	132,315.
Unemployment Comp. Ins.	3,150	\$	12,000.

TOTAL SEWER OPERATIONS	3,265,000	
<b>AUTHORIZED BY LAW</b>	<b>3353459.25</b>	

SANITATION FUND

Salaries and Wages	650,000	\$	2,549,917.
Other Expenses	450,000	\$	1,802,566.
Social Security	55,000	\$	210,000.
Disposal Fees	400,000	\$	1,600,000.
Unemployment Comp. Ins.	6,500	\$	25,000.

TOTAL SANITATION FUND	1,561,500	
<b>AUTHORIZED BY LAW</b>	<b>2451042.03</b>	

RESOLUTION R.008-012012

**RESOLUTION TO RELEASE STREET OPENING ESCROW**

WHEREAS, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and  
WHEREAS, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

NOW THEREFORE, BE IT 10041

RESOLVED BY THE MUNICIPAL  
COUNCIL OF THE TOWNSHIP OF  
EDISON, that the Finance  
Department is hereby authorized to  
release Street Opening Escrow  
Funds, under reference number  
STO0000019, to the following:

**Permit Number:**

**Opening Location:** 333 Thornall Street

**Block/Lot:** 676/2.A3

**Applicant's Name & Address:** J&L Communications Group

68 Fanny Road

Boonton, NJ 07005

**Initial Deposit Date:** 4/15/11

**Deposit Amount:** \$1050.00

**Paid by and refunded to:** Same as applicant

**RESOLUTION R.009-012012**

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2011  
SEWER UTILITY 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 2011 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;

**FROM:**

**TO:**

Sewer Operating S&W, Regular  
1-07-55-0501-000-011

Sewer Electricity Charges  
1-07-55-0501-000-071

**TOTAL                      \$90,000.00**

**TOTAL**

**\$90,000.00**

**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.010-012012**

**RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$2,100 FROM THE MIDDLESEX COUNTY CULTURAL & HERITAGE COMMISSION**

**WHEREAS**, the Township of Edison has been approved to receive a grant of \$2,100.00 from the Middlesex County Cultural and Heritage Commission, Mini Grant Program with a requirement of a 50% cash; and

**WHEREAS**, the Edison Municipal Alliance/Youth Services Commission wishes to accept said grant from the County of Middlesex to continue to provide programming encouraging positive, healthy behavior to local students and the residents of Edison; and

**WHEREAS**, these services provide a significant benefit to the residents of the Township by providing education in the primary prevention of deleterious and potentially dangerous conduct and activities to the youth of Edison; and

**WHEREAS**, the required match funds of \$1,050.00 are certified as available in account T-01-55-0279-000-000; and

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

1. The appropriate fiscal officer shall accept the funds in connection with said project from the County of Middlesex and make disbursements in accordance with said application.
2. The Mayor is hereby authorized to execute an agreement, and any and all documents pertaining to said grant.

**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.011-012012**

**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.

**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.012-012012**

**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).

**TOWNSHIP OF EDISON  
RESOLUTION R.013-012012**

**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 2012 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 is hereby approved.

**BE IT FURTHER RESOLVED,** that the Township Engineer shall maintain the 2012 Engineering Escrow Fee Schedule hereby established and shall transmit updates or revisions to be appended to the 2012 Engineering Escrow Fee Schedule to the attention of the Township Clerk should updates or revisions become necessary during the course of the calendar year 2012.

**TOWNSHIP OF EDISON**

**ENGINEERING ESCROW FEE SCHEDULE (In-House) - 2012**

**Plan Review, Site Inspection & Testing Fees** TITLE CATEGORY NAME SALARY

WORK

HOURS

HOURLY

RATE HOURLY FEE

Township Engineer John A. Medina, P.E. \$ 107,499.76 35-Hour \$ 59.07 **\$ 118.13**

Design Engineering Aide Peter Cecko \$ 72,318.06 35-Hour \$ 39.74 **\$ 79.47**

Assistant Staff Engineer Scott Petersen \$ 64,209.24 35-Hour \$ 35.28 **\$ 70.56**

Engineering Inspector Paul S. Stefani \$ 75,098.30 35-Hour \$ 41.26 **\$ 82.53**

Engineering Inspector Michael W. Mancuso \$ 70,768.15 35-Hour \$ 38.88 **\$ 77.77** Under the Municipal Land Use Law, 40:55D-53.2. **Payments to professionals serving the municipality:** If the salary, staff support, and overhead for a municipal professional are provided by the municipality, the charge shall not exceed

200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually

by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon the

review of the development or inspection of the of the developer's improvements, as the case may be. Hourly fee schedule for engineering plan review / site inspections / construction materials testing, performed by and/or

under the direction and/or supervision of the Edison Township Engineer.

**EXPLANATION:** Resolution to release performance bonds and to accept the completed improvements of Rose Estates, a 7 lot major subdivision, inclusive of the cul-de-sac street known as Deutsch Lane.

**TOWNSHIP OF EDISON**

**RESOLUTION R.014-012012**

**WHEREAS**, the Township Engineer advises that an inspection has been made of Rose Estates, Application #P4947 (7 lot major subdivision), located on Block 498, Lots 6 through 11, and said inspection indicates all improvements, inclusive of the cul-de-sac street known as Deutsch Lane accessing Denver Boulevard, are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

**WHEREAS**, on December 1, 2011 a Maintenance Bond was posted by V & R Realty Co. in the amount of \$31,519.95: and

**WHEREAS**, the Township Engineer, recommends the release of the Performance Bond Letter of Credit #UB0001046 of Unity Bank in the amount of \$113,471.82 with the Township of Edison, principal being Frank Paparrato (V&R Realty) and acceptance of the subject improvements; and

**WHEREAS**, the Township Engineer, recommends the release of the Cash Performance Bond Check #770196601 in the amount of \$12,607.98, on deposit in account #7200025350 with the Township of Edison, principal being Frank Paparrato (V&R Realty) having offices at 295 North Michigan Avenue, Kenilworth, N.J. 07033 and acceptance of the subject improvements; and

**NOW THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory, and that Deutsch Lane is hereby accepted as a Township Street, and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond Letter of Credit in the amount of \$113,471.82 to the applicant; and

**BE IT FURTHER RESOLVED** that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$12,607.98, plus accrued interest, if applicable, on deposit in account #7200025350 to the applicant.

**TOWNSHIP OF EDISON**

**RESOLUTION R.015-012012**

**WHEREAS**, the Township Engineer advises that a final inspection was done of the Mehul Patel development, Application #Z34-03/04, located at 19 Langstaff Ave. on Block 118, Lots 38 & 39; and

**WHEREAS**, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

**WHEREAS**, on December 12, 2006, Mehul Patel, posted inspection fees in the amount of \$1,789.02 on deposit with the Township of Edison in account #7760216697 for engineering fees; and

**WHEREAS**, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

**WHEREAS**, the sum expended for engineering inspections totals \$1,787.42; and

**WHEREAS**, it is in now in order that the sum of \$1.60, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Mehul Patel; and

**NOW THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1.60, plus accrued interest, if applicable, be refunded to Mehul Patel having offices at 19 Langstaff Ave., Edison, N.J. 08817; and

**BE IT FURTHER RESOLVED** that the Director of Finance be and is hereby authorized to refund said sum of \$1.60, plus accrued interest, if applicable, in account #7760216697 to the applicant.

**TOWNSHIP OF EDISON**  
**RESOLUTION R.016-012012**

**WHEREAS**, the Township Engineer advises that an inspection has been made of the Mehul Patel development, located at 19 Langstaff Avenue on Block 118, and Lots 38 & 39, Application #Z34-03/04, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

**WHEREAS**, on December 3, 2009, Mehul Auto Inc. posted a Maintenance Bond Check #7614 in the amount of \$5,067.00, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

**WHEREAS**, the Township Engineer, recommends the release of the Maintenance Bond in the amount of \$5,067.00, plus interest, if applicable, on deposit with the Township of Edison in Account #7760013399, principal being Mehul Auto Inc. having offices at 19 Langstaff Avenue, Edison, N.J. 08817 and acceptance of the subject improvements; and

**NOW THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and that the Township Clerk be and is hereby authorized to return the aforesaid Maintenance Bond in the amount of \$5,067.00, plus interest, if applicable, to the applicant; and

**BE IT FURTHER RESOLVED** that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Maintenance Bond in the amount of \$5,067.00, plus interest, if applicable, to the applicant.

**RESOLUTION R.017-012012**

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO RARITAN VALLEY TRUCK SALES, INC. FOR AN AUTOMATED REFUSE COLLECTION VEHICLE**

**WHEREAS**, bids were received by the Township of Edison on November 22, 2011 for Public Bid No. 11-10-24, Automated Refuse Collection Vehicle for the Department of Public Works; and

**WHEREAS**, RARITAN VALLEY TRUCK SALES, INC., P.O. Box 7064, North Brunswick, NJ 08902 submitted the lowest legally responsible, responsive bid; and

**WHEREAS**, the maximum amount of the purchase shall not exceed \$336,869.00; and

**WHEREAS**, funds in the amount of \$336,869.00 have been certified to be available in the Sanitation-Capital Outlay Account, Number 1-09-55-0880-000-600 and;

**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 RARITAN VALLEY TRUCK SALES, INC., P.O. Box 7064, North Brunswick, NJ 08902 for an Automated Refuse Collection Vehicle, 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 \$336,869.00, and any other necessary documents, with RARITAN VALLEY TRUCK SALES, INC., as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

**RESOLUTION R.018-012012**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT FOR THE PURCHASE OF TREATED ROCK SALT FROM ATLANTIC SALT INCORPORATED**

**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 County Bid No. 11-560, Treated Rock Salt, at a price of \$52.00 per ton; and

**WHEREAS**, the Township of Edison intends to enter into a contract with ATLANTIC SALT INCORPORATED in the amount not to exceed \$85,000.00 and funds in this amount are available in the Streets and Roads, Materials and Supplies Account, Number 2-01-26-0290-000-030 subject to and contingent upon Council adoption of the 2012 temporary and/or permanent final budget.

**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 and any other necessary documents, in the amount of \$85,000.00, with ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852, the approved Middlesex County Contract vendor through this resolution, which shall be subject to all the conditions applicable to the current County Contracts as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

**RESOLUTION:** This Resolution advances the will of the Edison Township Council relative to (i) the voluntarily rezoning of property for residential purposes; and (ii) the exclusion of residential housing in any prospective redevelopment plan.

**EDISON TOWNSHIP**

**RESOLUTION R.019-012012**

**WHEREAS,** it is the will and sentiment of the Edison Township Council that any prospective redevelopment plan submitted to the Township Council not include a residential component of any kind; and

**WHEREAS,** it is also the will and sentiment of the Edison Township Council not to advance or adopt any rezoning ordinance where the Township, or a private property owner, seeks to voluntarily rezone any property for residential purposes.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that this Council will not approve any redevelopment plan which includes any type of residential component; and

**BE IT FURTHER RESOLVED,** by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that this Council will not adopt any rezoning ordinance where the Township, or a private property owner, seeks to voluntarily rezone any property for residential purposes.

**Explanation:** This Resolution increases the permissible expenditures for the Professional Services Contract awarded to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

**RESOLUTION R.020-012012**

**WHEREAS**, by Resolution R.637-082011 adopted on August 24, 2011 the Township of Edison awarded a contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney; and

**WHEREAS**, that and subsequent Resolutions approved expenditures for this Contract not to exceed \$235,000.00; and

**WHEREAS**, due to the nature and volume of work this Contract needs to be increased to approve additional expenditures of \$203,269.00 for work already undertaken and for an amount estimated through the end of the 2011 calendar year; and

**WHEREAS**, all other terms and conditions of the prior Resolutions shall remain in full force and effect.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$203,269.00.

RESOLUTION R.021-012012

**RESOLUTION REJECTING ALL BIDS FOR HUMAN RESOURCES/PAYROLL DATABASE**

**WHEREAS**, the Township of Edison advertised for bids by public notice published in the Home News on October 10, 2010, for Public Bid No. 10-08-04R, HUMAN RESOURCES AND PAYROLL INFORMATION DATABASE with a bid opening date of November 10, 2010; and

**WHEREAS**, Section 40A:11-13.2d allows for the rejection of bids when the contracting unit wants to substantially revise the specifications for the goods or services.

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

1. The bids for Public Bid No. 10-08-04R entitled "HUMAN RESOURCES AND PAYROLL INFORMATION DATABASE" is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.
2. The Purchasing Agent is hereby authorized to rebid said project.

**RESOLUTION R.022-012012**

**AUTHORIZING PAYMENT OF THE TOWNSHIP OF EDISON'S DEBT SERVICE FOR THE YEAR 2012**

**WHEREAS**, N.J.S.A. 40A:2-4 imposes an unlimited obligation upon municipalities to pay the debt service on its incurred debt obligations without limitation as to debt or amount; and

**WHEREAS**, the following amounts are now known to be due and scheduled for payment during calendar year 2012, pending adoption of the final budget:

Payment of Bond Principal	\$2,500,000.00
Payment of Bond Notes and Interest	\$2,500,000.00
Green Trust Loan Program, Principal and Interest	\$ 200,000.00
MCIA Capital Lease Payments, Principal & Interest	\$ 500,000.00
NJEIT Loan, Principal and Interest	<u>\$ 150,000.00</u>
<b>TOTAL MUNICIPAL DEBT SERVICE AUTHORIZED</b>	<b>\$5,850,000.00</b>

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Council of the Township of Edison in the County of Middlesex, New Jersey that the foregoing "Debt Service Authorizations" are hereby approved and shall be paid as they become due during the year, pursuant to N.J.S.A.40A:2-4; and they shall be amended as required in the permanent municipal budget when adopted.

**Explanation:** This Resolution awards a Professional Services Contract to Karl P. Kemm, Esq., of Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney, for a period of 90 days

**RESOLUTION R.023-012012**

**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 for a period of 90 days; 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, in an amount not to exceed seventy thousand and 00/100 (\$70,000.00) dollars (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 Karl P. Kemm, Esq. of Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney for a period of 90 days; 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 Karl P. Kemm, Esq. of Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney for a period of 90 days.
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 2012 calendar year. The amount shall not exceed \$70,000.
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 Mayor 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.

**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.

**Explanation:** This Resolution awards a Professional Services Contract to Louis Rainone, Esq., of DeCotiis, FirzPatrick & Cole, LLP, to represent the Township as labor counsel for a period of 90 days.

**RESOLUTION R.024-012012**

**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), not to exceed fifty thousand (\$50,000) dollars; 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 for a period of 90 days, 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 for a period of 90 days.
  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 2012 calendar year. The amount will not exceed \$50,000.
  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.

**RESOLUTION R.025-012012**

**WHEREAS**, pursuant to N.J.S.A. 55D-23(a), a Class III Member of the Planning Board must be appointed by the Governing Body; and

**WHEREAS**, the Municipal Council must make such appointment to said Board;

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison that they do hereby ratify and confirm the appointment of Councilmember Thomas Lankey to serve as the Class III Council Representative Member of the Edison Township Planning Board for a term of one year ending December 31, 2012.