

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, January 13, 2010
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 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of October 28, 2009
 - b. Combined Meeting of November 23, 2009
 - c. Worksession Meeting of December 7, 2009
5. **COUNCIL PRESIDENT'S REMARKS**
6. **RESOLUTIONS OF RECOGNITION:**
R.005-012010 Edison Wetlands Association
7. **ADMINISTRATIVE AGENDA:**
FROM MAYOR ANTONIA RICIGLIANO:
 - a. Appointment of William Stephens as a Class I Member of the Planning Board
 - b. Re-Appointment of John Soltesz as a Class IV Member of the Planning Board.
8. **PUBLIC COMMENT ON THE RESOLUTIONS**
9. **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.006-012010 Resolution approving disbursements for the period ending January 7, 2010.
- R.007-012010 Resolution authorizing emergency contract for repair of a sanitary sewer line at Inman Avenue and Rahway Road to Hutton Construction, LLC, in an amount not to exceed \$71,541.58.
- R.008-012010 Resolution authorizing award of bid for Contract No. 09-12-04, Office Supplies to W.B. Mason Company, in an amount not to exceed \$85,000.00.

- R.009-012010 Resolution authorizing award of a portion of Contract No. 09-02-03, Supplies – Office Equipment to WB Mason Company, in an amount not to exceed \$30,000.00.
- R.010-012010 Resolution authorizing award of a portion of Contract No. 09-02-03, Supplies – Office Equipment to Office Needs, in an amount not to exceed \$8,000.00.
- R.011-012010 Resolution authorizing award of a portion of Contract No. 09-02-03, Supplies – Office Equipment to CMF Business Supplies, Inc., in an amount not to exceed \$1,500.00.
- R.012-012010 Resolution authorizing award of a portion of Contract No. 09-02-03, Supplies – Office Equipment to Southern Computer Warehouse, in an amount not to exceed \$1,750.00.
- R.013-012010 Resolution authorizing award of State contract for the purchase of a MP C4000 Copier to Ricoh Americas Corp., in an amount not to exceed \$10,700.00.
- R.014-012010 Resolution authorizing award of State contract for the purchase of a MP C5000 Copier to Ricoh Americas Corp., in an amount not to exceed \$12,525.00.
- R.015-012010 Resolution authorizing award of State contract for the purchase of Recycling Containers to Windsor Barrel Works, in an amount not to exceed \$49,846.50.
- R.016-012010 Resolution authorizing award of second year for Contract No. 08-05-18, Fire Department Equipment and Tools – Supply and Repair to Absolute Fire Protection Company, Inc., in an amount not to exceed \$90,000.00.
- R.017-012010 Resolution authorizing award of second year for Contract No. 08-04-14, Remanufactured Police Automatic Transmissions to Varga Enterprises t/a Varga Transmission Center, in an amount not to exceed \$15,000.00.
- R.018-012010 Resolution authorizing award of second year for Contract No. 08-02-14R, Photography/Video Equipment and Supplies to Valiant, IMC, in an amount not to exceed \$20,000.00.
- R.019-012010 Resolution authorizing award of second year for Contract No. 08-05-20, Retread Tires to F&S Tire Corporation, Inc., in an amount not to exceed \$15,000.00.
- R.020-012010 Resolution authorizing award of bid for Contract No. 09-10-03, Generator Maintenance and Repair to Foley, Inc., in an amount not to exceed \$107,980.00.
- R.021-012010 Resolution authorizing total debt service obligations.
- R.022-012010 Resolution authorizing refund in the amount of \$99,220.32 for redemption of tax sale certificates.
- R.023-012010 Resolution authorizing refund of tax overpayments, totaling \$917.45.
- R.024-012010 Resolution authorizing the New Jersey Juvenile Justice Commission, Office of Juvenile Justice and Delinquency Prevention (OJJDP) Summer Expansion Programming Grant.
- R.025-012010 Resolution authorizing engineering inspection fee refund to UAG-Ferrari Maserati, Route 1 North and Wasko Road, Application #P01-04/05.
- R.026-012010 Resolution authorizing release of cash and performance bond for Mehul Patel, 19 Langstaff Avenue, Application #Z34-03/04.

- R.027-012010 Resolution authorizing award of bid for Contract No. 09-25-01A, Edison Senior Center Improvements to V&K Construction Corporation, in an amount not to exceed \$34,900.00.
- R.028-012010 Resolution authorizing award of bid for Contract No. 09-25-03, 2009 CDBG Curb and Sidewalk Replacement Program for Various Streets to Buckler Associates, Inc., in an amount not to exceed \$108,315.50.
- R.029-012010 Resolution authorizing the Township Engineer to execute various permit applications.
- R.030-012010 Resolution establishing hourly rates for in-house review of applications.
- R.031-012010 Resolution authorizing the Township Engineer to execute treatment works approval applications and temporary discharge approval applications.
- R.032-012010 Resolution authorizing professional services contract for Township Attorney to Karl Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas
- R.033-012010 Resolution authorizing professional services contract for labor counsel to Louis Rainone, Esq. and DeCotiis,, Fitzpatrick, Cole & Wisler, LP, in an amount not to exceed \$75,000.00.
- R.034-012010 Resolution authorizing Tax Appeal Settlement for Eurolux Partners, 750 United States Route 1.
- R.035-012010 Resolution authorizing Tax Appeal Settlement for Federal Business Centers, Inc., 30 Clearview Road.
- R.036-012010 Resolution opposing voluntary residential development.
- R.037-012010 Resolution authorizing application for the SAFER Grant.

10. **COMMUNICATIONS:**

- a. Letter from Walter Stochel, Jr. regarding the annual Metuchen-Edison Local History Day – receive

11. **ORAL PETITIONS AND REMARKS**

12. **ADJOURNMENT**

RESOLUTION R.006-012010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING JANUARY 7, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through January 7, 2010

FUND	AMOUNT
Current	\$0.00
Dog	\$0.00
Sewer Utility	\$1,898,422.90
Capital	\$632,487.48
CDBG	\$21,803.57
Trust	\$1,268,253.54
Grant Funds	\$89,731.55
Sanitation Fund	\$206,052.45
Payroll Deductions	\$364,782.06
Open Space	\$50,000.00
Dev. Escrow	\$126,537.98
Cash Performance	\$22,567.34
Federal Forfeited	\$0.00
Public Assistance	\$0.00
Law Enforcement	\$169.35
Affordable Housing	\$0.00
Tree Planting	\$23,247.00
Water Operation	\$115,340.06
TOTAL	\$20,028,367.76

/s/ Mark E. Acker
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.007-012010

WHEREAS, an emergent condition arose with regard to a break in the force main sanitary sewer line at Inman Ave., & Rahway Rd which was discovered on December 4, 2009; and

WHEREAS, under the provisions of N.J.S.A. 40A:11-6 contracts may be negotiated or awarded without public advertising for bids and bidding therefore, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Director of Public Works has certified that the collapse of the force main sanitary sewer line did constitute an emergency affecting the public health, safety and welfare which did require the immediate performance of services; and

WHEREAS, the Purchasing Agent satisfied the provisions of N.J.S.A. 40A:11-6a and awarded an emergency contract in the form of a Purchase Order to Hutton Construction, L.L.C., 41 Village Park Rd., Cedar Grove, NJ 07009 in the amount of \$71,541.58 to provide the necessary emergency repairs

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the award of an emergency contract in the form of a Purchase Order with Hutton Construction, L.L.C. in the amount of \$71,541.58 in accordance with NJSA 40A:11-6 for the repair of a collapsed sewer line.

RESOLUTION R.008-012010

WHEREAS, bids were received for Contract No. 09-12-04, OFFICE SUPPLIES AND OFFICE/COPY PAPER; and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that this contract be awarded to W.B. Mason Company, 59 Centre Street, Brockton, MA 02303; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with W.B. Mason Company in an amount not to exceed \$85,000.00.

RESOLUTION R.009-012010

WHEREAS, bids were received for Contract No. 09-02-03, SUPPLIES-OFFICE EQUIPMENT (PRINTERS, FAX MACHINES AND COPIERS); and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that a portion of this contract be awarded to WB Mason Company, Inc., 59 Centre Street, Brockton, MA; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with WB Mason Company, Inc. in an amount not to exceed \$30,000.00.

RESOLUTION R.010-012010

WHEREAS, bids were received for Contract No. 09-02-03, SUPPLIES-OFFICE EQUIPMENT (PRINTERS, FAX MACHINES AND COPIERS); and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that a portion of this contract be awarded to Office Needs, 298 Terminal Avenue, Clark, NJ 07066; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Office Needs in an amount not to exceed \$8,000.00.

RESOLUTION R.011-012010

WHEREAS, bids were received for Contract No. 09-02-03, SUPPLIES-OFFICE EQUIPMENT (PRINTERS, FAX MACHINES AND COPIERS); and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that a portion of this contract be awarded to CMF Business Supplies, Inc., 3622 Kennedy Road, South Plainfield, NJ 07080; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with CMF Business Supplies, Inc. in an amount not to exceed \$1,500.00.

RESOLUTION R.012-012010

WHEREAS, bids were received for Contract No. 09-02-03, SUPPLIES-OFFICE EQUIPMENT (PRINTERS, FAX MACHINES AND COPIERS); and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that a portion of this contract be awarded to Southern Computer Warehouse, 1800 Roswell Road, Suite 1060, Marietta, GA 30062; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Southern Computer Warehouse in an amount not to exceed \$1,750.00.

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12b
R.013-012010**

Whereas, the Township of Edison, pursuant to N.J.S.A. 40A:11-12b and N.J.A.C. 5:34-9.7, may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Township of Edison has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Township of Edison intends to enter into a contract with Ricoh Americas Corp., 485 Route 1 South, Building D, Suite 200, Iselin, NJ 08830 which has been awarded State Contract No. A51465 (T-2075), GSA/FSS Reprographics Schedule Use.

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the Purchasing Agent to purchase MP C4000 Copier from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

Be It Further Resolved, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendors shall be for a period of (1) year.

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12B
R.014-012010**

Whereas, the Township of Edison, pursuant to N.J.S.A 40A:11-12b and N.J.A.C.5:34-9.7, may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Township of Edison has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Township of Edison intends to enter into a contract with Ricoh Americas Corp., 485 Route 1 South, Building D, Suite 200, Iselin, N.J. 08830 which has been awarded State Contract No. A51465 (T-2075), GSA/FSS Reprographics Schedule Use.

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the Purchasing Agent to purchase MP C5000 Copier from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

Be It Further Resolved, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), there certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendors shall be for a period of (1) year.

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT
VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$49,846.50
R.015-012010**

Whereas, the Township of Edison, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Township of Edison, has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Township of Edison intends to enter into a contract with Windsor Barrel Works, PO Box 47, Kempton, NJ 19529 which have been awarded State Contract No. 59072 / T-0103;

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the Purchasing Agent to purchase Recycling Containers from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

Be It Further Resolved, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendor shall be for a period of one (1) year.

RESOLUTION R.016-012010

WHEREAS, bids were received for Contract No. 08-05-18, FIRE DEPT. EQUIPMENT AND TOOLS – SUPPLY AND REPAIR; and

WHEREAS, a portion of the contract was awarded to Absolute Fire Protection Company, Inc., 2800 Hamilton Blvd., South Plainfield, NJ 07080 for the first year and that first year allotment has been depleted; and

WHEREAS, it has been recommended by the Purchasing Agent that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Absolute Fire Protection Company, Inc. in an amount not to exceed \$90,000.00.

RESOLUTION R.017-012010

WHEREAS, bids were received for Contract No. 08-04-14, REMANUFACTURED POLICE AUTOMATIC TRANSMISSIONS; and

WHEREAS, this contract was awarded to Varga Enterprises T/A Varga Transmission Center, 937 Joyce Kilmer Avenue, North Brunswick, NJ 08902; for the first year and that first year allotment has been depleted; and

WHEREAS, it has been recommended by the Purchasing Agent that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Varga Enterprises T/A Varga Transmission Center in an amount not to exceed \$15,000.00.

RESOLUTION R.018-012010

WHEREAS, bids were received for Contract No. 08-02-14R, PHOTOGRAPHY/VIDEO EQUIPMENT AND SUPPLIES; and

WHEREAS, this contract was awarded to Valiant, IMC., 55 Ruta Court, South Hackensack, NJ 07606; for the first year and that first year has expired; and

WHEREAS, it has been recommended by the Purchasing Agent that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Valiant, IMC. in an amount not to exceed \$20,000.00.

RESOLUTION R.019-012010

WHEREAS, bids were received for Contract No. 08-05-20, RETREAD TIRES; and

WHEREAS, this contract was awarded to F & S Tire Corporation, Inc., PO BOX 1352, Edison, NJ 08818; for the first year and that first year allotment has been depleted; and

WHEREAS, it has been recommended by the Purchasing Agent that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with F& S Tire Corporation, Inc. in an amount not to exceed \$15,000.00.

RESOLUTION R.020-012010

WHEREAS, bids were received for Contract No. 09-10-03, GENERATOR MAINTENANCE AND REPAIR; and

WHEREAS, after review of said bids it has been recommended by the Purchasing Agent that this contract be awarded to Foley, Incorporated, 855 Centennial Avenue, Piscataway, NJ 08855; and

WHEREAS, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Foley, Incorporated in an amount not to exceed \$107,980.00 (\$82,980 for yearly maintenance and \$25,000.00 for repairs).

RESOLUTION R.021-012010

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

WHEREAS, the following debt service amounts will come due during calendar year 2010:

Payment of Bond Principal	\$3,590,000.00	
Interest on Bonds	\$2,821,259.87	
Green Trust Loan Program, Principal and Interest	\$ 254,225.58	
M.C.I.A. Capital Lease Payments	\$1,186,013.41	
NJEIT Loan, Principal and Interest	<u>\$ 217,929.48</u>	
Total Municipal Debt Service		\$8,069,428.34
Local School District Debt Service		<u>\$1,206,762.50</u>
TOTAL DEBT SERVICE OBLIGATIONS		\$9,276,190.84

NOW, THEREFORE, IT IS RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned “total debt service obligations” may be paid during the calendar year by the proper township officials as they become due and that any and all prior acts taken by the proper township officials consistent with this Resolution to meet the payment obligations of the Township as authorized in N.J.S.A. 40A:2-4 are hereby ratified and approved.

RESOLUTION R.022-012010

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 \$99,220.32.

RESOLUTION R.023-012010

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 \$917.45 and

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

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.

TOWNSHIP OF EDISON
MIDDLESEX COUNTY

RESOLUTION R.024-012010

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Juvenile Justice Commission (JJC) is responsible for implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended; and,

WHEREAS, the Township of Edison is desirous of applying for funding not to exceed \$20,000 from the New Jersey Juvenile Justice Commission, Office of Juvenile Justice and Delinquency Prevention (OJJDP) Summer Expansion Programming Grant for the expansion of a community based, delinquency prevention program entitled Summer Outreach Program developed and funded by the Edison Municipal Alliance; and

WHEREAS, in order to receive this grant for May – September, 2010, the Township of Edison must make application and enter into agreements with the JJC; and

WHEREAS, the Municipal Council of the Township of Edison has reviewed said application and finds approval thereof to be in the best interests of the Township of Edison and;

WHEREAS, said project is a joint project between the State of New Jersey (JJC) and the Township of Edison for the purposes therein described:

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council that the Township of Edison, Middlesex County, New Jersey,

- (1) that as a matter of public policy the Township of Edison wishes to participate the State of New Jersey (JJC) to the greatest extent possible;
- (2) that the Juvenile Justice Commission (JJC) be requested to accept said application on behalf of the Township of Edison;
- (3) that the appropriate fiscal officer will accept the funds in connection with said project from the JJC and make disbursements in accordance with said application; and
- (4) that the appropriate Township Officials are hereby authorized to file the necessary applications and to enter into agreements and contracts with the Juvenile Justice Commission (JJC) for funding and implementation of this progra

RESOLUTION R.025-012010

WHEREAS, the Township Engineer advises that a final inspection was done of UAG Ferrari Maserati, located at Rt1 North & Wasko Road in Block: 265-BB, Lot: 46E & 113 and Application #P01-04/05; and

WHEREAS, the Cash Performance and Performance Bond was released on July 8, 2005, Resolution #419-082005 & 420-082005; and

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

WHEREAS, on October 21, 2004, J. Albanese Construction Co, Inc. posted a check #29754 in the amount of \$2,063.48, on deposit with the Township of Edison in account #7200025005 for engineering inspection 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 \$880.00; and

WHEREAS, it is in now in order that the sum of \$1,183.48, which represents the amount due and owing the applicant, be returned to J. Albanese Construction Co. Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,183.48, be refunded to J. Albanese Construction Co. Inc. having offices at 123 Oakland Avenue, Jersey City, N.J. 07306 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,183.48, in account #7200025005 to the applicant.

RESOLUTION R. 026-012010

WHEREAS, the Township Engineer advises that an inspection has been made of 19 Langstaff Avenue Application #Z34-03/04 located in Block:118, Lot:38 & 39, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, additional Inspection Fees in the amount of \$100.02 was posted in Account #7760216697 which now has a zero balance.

WHEREAS, on December 3, 2009 a Maintenance Bond Check #7614 of Wachovia Bank in the amount of \$5,067.00 was posted by Mehul Auto Inc.; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond Check #136225893 of Wachovia Bank in the amount of \$36,482.40 on deposit in account #7760013295, with the Township of Edison, principal being Mehul Auto Inc., and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #136255892 in the amount of \$4,053.60, on deposit in account #7760013295 with the Township of Edison, principal being Mehul Auto Inc., having offices at 19 Langstaff Ave., 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 the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$36,482.40, on deposit in account #7760013295 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 \$4,053.60, on deposit in account #7760013295 to the applicant.

EXPLANATION: RESOLUTION OF CONTRACT (# 09-25-01A) AWARD FOR EDISON SENIORS CENTER IMPROVEMENTS, FUNDED THROUGH THE CDBG, IN THE TOWNSHIP OF EDISON, MIDDLESEX COUNTY, NJ.

**RESOLUTION R.027-012010
TOWNSHIP OF EDISON**

WHEREAS, the Township of Edison desires to perform certain improvements to the Edison Seniors Center, and such improvements are eligible to be funded through the Community Development Block Grant (CDBG), Township of Edison, Middlesex County, NJ; and

WHEREAS, the Edison Township Engineer prepared bid documents for the Seniors Center Improvements, Township of Edison, Middlesex County, NJ, and requested a contract be publicly advertised for bid; and

WHEREAS, eight (8) sealed bids for Contract No. 09-25-01A, Edison Seniors Center Improvements, Township of Edison, Middlesex County, NJ, were received by and opened on Thursday, November 5, 2009, at 11:00 am; and

WHEREAS, V & K Construction Corporation, 37 Bartha Avenue, Edison, NJ 08817, is the low bidder with a base bid and total bid of \$34,900.00; and

WHEREAS, the Edison Township Engineer has reviewed the bids with the CDBG Coordinator and the Township Engineer has recommended award of a contract to the low bidder, V & K Construction Corporation, 37 Bartha Avenue, Edison, NJ 08817, at the base bid amount and total bid amount not to exceed \$34,900.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a construction contract be awarded to V & K Construction Corporation, 37 Bartha Avenue, Edison, NJ 08817, at the total bid amount not to exceed \$34,900.00, under the Community Development Block Grant (CDBG) Program, for Contract No. 09-25-01A, Edison Seniors Center Improvements, Township of Edison, Middlesex County, NJ.

EXPLANATION: RESOLUTION OF CONTRACT (#09-25-03) AWARD FOR THE 2009 CDBG CURB AND SIDEWALK REPLACEMENT PROGRAM, FOR VARIOUS STREETS, TOWNSHIP OF EDISON, MIDDLESEX COUNTY, NJ.

**RESOLUTION R.028-012010
TOWNSHIP OF EDISON**

WHEREAS, the Township of Edison desires to replace certain curb and sidewalk sections and install barrier-free curb ramps in the designated Census Tract 19.02, Block 3, funded through the Community Development Block Grant, and under the 2009 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, NJ; and

WHEREAS, the Edison Township Engineer has prepared bid documents for the 2009 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison; and

WHEREAS, eighteen (18) sealed bids for Contract No. 09-25-03, 2009 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, NJ, were received by and opened on Tuesday, November 24, 2009, at 11:00 am; and

WHEREAS, Buckler Associates, Inc., 182 Wycoff Way West, East Brunswick, NJ 08816 (phone # 732-651-0850), is the low bidder, with a base bid, and total bid, of \$108,315.50; and

WHEREAS, the Edison Township Engineer has reviewed the bids with the CDBG Coordinator and the Township Engineer has recommended award of a contract to the low bidder, Buckler Associates, Inc., 182 Wycoff Way West, East Brunswick, NJ 08816, at the base bid amount, and total bid amount not to exceed \$108,315.50.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a construction contract be awarded to Buckler Associates, Inc., 182 Wycoff Way West, East Brunswick, NJ 08816, at a total amount not to exceed \$108,315.50, for Contract No. 09-25-03, 2009 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, New Jersey.

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.029-012010**

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 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 charges made under N.J.S.A. 40:55D-53.2(a).

**TOWNSHIP OF EDISON
RESOLUTION R.030-012010**

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 2010 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 charges authorized by the MLUL is hereby approved.

BE IT FURTHER RESOLVED, that the Township Engineer shall maintain the 2010 Engineering Escrow Fee Schedule hereby established and shall transmit updates or revisions to the 2010 Fee Schedule to the Township Clerk should updates or revisions be necessary during the course of the year 2010.

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.031-012010**

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 awards a Professional Services Contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

RESOLUTION R.032-012010

WHEREAS, Karl 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 Township Council recommends Karl 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 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 \$____.00 per year during the term, payable in biweekly installments; and

WHEREAS, compensation for the professional services outside of scope of the above Township Attorney retainer 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 Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, 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:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Karl Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney.
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 Finance Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable ordinances.

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.

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 funds in the amount of \$ __, ____.00 are available in a Account No. _____

Mark Acker
Chief Financial Officer

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

RESOLUTION R.033-012010

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

WHEREAS, the Township Council recommends Louis Rainone, Esq., for the position of Labor Counsel as he has substantial experience in municipal labor law and has knowledge of the Township and its operations; 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 & Wisler, 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 & Wisler, 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 seventy five thousand and 00/100 (\$75,000.00) 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 Louis Rainone, Esq. and DeCotiis, FitzPatrick, Cole & Wisler, 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:

8. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Louis Rainone, Esq. and DeCotiis, FitzPatrick, Cole & Wisler, LLP, to represent the Township as Labor Counsel.
9. 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.
10. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Finance Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable ordinances.
11. 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.
12. 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.

13. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
14. 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.
15. The contractor shall report directly to the Edison Township Attorney, who will be the chief contact with the Township of Edison.

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 funds in the amount of **\$75,000.00** are available in a Account No _____

Mark Acker
Chief Financial Officer

THIS RESOLUTION AUTHORIZES THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEAL CAPTIONED EUROLUX PARTNERS VS. EDISON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 003898-2008 AND 006169-2009

RESOLUTION R.034-012010

WHEREAS, EUROLUX PARTNERS (the “Taxpayer”), the owner of an building located at 750 United States Route 1, Block 265.BB, Lot 81 (the “Property”) on the Edison Township Tax Assessment Maps, filed an appeal of their 2008 and 2009 assessments in the Tax Court of New Jersey, Docket Nos. 003898-2008 and 006169-2009; and

WHEREAS, the average ratio of assessed to true value set by the New Jersey Division of Taxation for the Township (the “Average Ratio”) for the 2008 tax year is 47.67%, and for the 2009 tax year is 45.79%;

WHEREAS, the Taxpayer obtained a preliminary draft appraisal report from the Township’s expert, Sterling DiSanto & Associates (the “Township Appraiser”) opining that the true value of the property may be \$4,100,000 for the 2008 tax year and \$3,760,000 for the 2009 tax year which would reflect a 2008 assessment of \$1,954,470 (\$4,100,000 multiplied by the 2008 Average Ratio of 47.67%) and a 2009 assessment of 1,721,704 (\$3,760,000 multiplied by the 2009 Average Ratio of 45.79%); and

WHEREAS, the parties engaged in settlement negotiations which resulted in the settlement, subject to the Township Council’s approval, memorialized in this resolution; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor, Appraiser and Township Attorney; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals have been negotiated which results in the 2008 assessment being affirmed at \$2,800,000, and the 2009 assessment being reduced from \$2,800,000 to \$1,785,800; and

WHEREAS, the parties further agree that the assessment on the Property for the 2010 tax year will be further reduced to \$1,637,600 and that either party shall have the right to file a tax appeal for the 2010 tax year solely for the purpose of obtaining a Judgment to implement enforce and/or confirm the agreed upon 2010 assessment and this agreement shall be binding upon the Plaintiff, any assignees, tenants, and successors in interest

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with regard to the Property and the Plaintiff acknowledge that the Defendant entered into this agreement in part in consideration of this waiver; and

WHEREAS, pursuant to the settlement, the taxpayer will waive interest and accept credits in lieu of refunds, and the Tax Collector shall adjust the taxes before the quarterly payment immediately following the issuance of Judgments from the Tax Court of New Jersey, credits shall be issued in consecutive quarterly payments up to the full amount of the payment due and owing in each quarter until the overpayment is credited in full; if the Tax Collector shall fail to credit the tax for the quarterly payment immediately following the issuance of judgments, the taxpayer will be entitled to refunds; and

WHEREAS, the aforesaid settlements have no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Council of the Township of Edison will make these settlements with Taxpayer, without prejudice to its dealings with any other Edison Township taxpayer's request for tax assessment reduction;

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 Attorney is hereby authorized to execute Stipulations of Settlement relative to the tax appeal of EUROLUX PARTNERS, Docket Nos. 003898-2008 and 006169-2009 on Block 265.BB, Lot 81, which affirms the 2008 assessment on the Property at \$2,800,000; which further provides that the 2009 assessment will be reduced from \$2,800,000 to \$1,785,800 at allocations between land and improvements as established by the Edison Township Tax Assessor; which further provides that the 2010 assessment will be set at \$1,637,600 at allocations between land and improvements as established by the Edison Township Tax Assessor and that either party shall have the right to file a tax appeal for the 2010 tax year solely for the purpose of obtaining a Judgment to implement enforce and/or confirm the agreed upon 2010 assessment and this agreement shall be binding upon any assignees, tenants, and successors in interest with regard to; which further provides that the taxpayer will waive interest and accept, in the discretion of the Township Tax Collector, credits in lieu of refunds, and the Tax Collector shall adjust the taxes before the quarterly payment immediately following the issuance of Judgments from the Tax Court of New Jersey and the credit shall be issued in consecutive quarterly payments up to the full amount of the payment due and owing in each quarter until the overpayment is credited in full, and if the Tax Collector shall fail to credit the tax for the quarterly payment immediately following the issuance of judgments, the taxpayer may seek refunds;

2. The form of Stipulation of Settlement is annexed hereto, having been reviewed by Township Council of the Township of Edison.

3. The settlement outlined above shall be without prejudice to Edison Township's dealings with any other Township taxpayer's request for tax assessment reductions.

THIS RESOLUTION AUTHORIZES THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEAL CAPTIONED FEDERAL BUSINESS CENTERS, INC. VS. EDISON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 005960-2008 AND 006463-2009.

RESOLUTION R.035-012010

WHEREAS, FEDERAL BUSINESS CENTERS, INC. (“Taxpayer@), the owner of 30 Clearview Road, Block 395, Lot 23.02 and Block 392, Lot 8.C (the “Property@) on the Edison Township Tax Assessment Maps, filed an appeal of their 2008 and 2009 tax assessments on vacant land, in the Tax Court of New Jersey, Docket Nos. 005960-2008 and 006463-2009; and

WHEREAS, the property has been consolidated into one line item at Block 395, Lot 23.02; and

WHEREAS, the assessor has reviewed the assessment for the lot and determined that the assessment should be adjusted; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Township Attorney; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals have been negotiated which results in the 2008 and 2009 tax appeals being settled by reducing the assessment of \$1,247,200 levied upon Block 395, Lot 23.02 being reduced to \$665,200 and the assessment on Block 395, Lot 8.C of \$44,500 being removed; and

WHEREAS, pursuant to the settlement, the taxpayer will waive interest on any refund and agrees that, at the option of the Township Tax Collector, credits are to be made in lieu of refunds; and

WHEREAS, the Freeze Act shall apply to the property for the 2010 and the Taxpayer agrees not to file an appeal in the 2010 tax year, the consideration for which is in part the agreement to reduce the assessment in the 2008 and 2009 tax years; and

WHEREAS, the Township Council of the Township of Edison leaves allocation between land and improvement of the aforesaid tax assessments to the Edison Township Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Council of the Township of Edison will make this settlement with FEDERAL BUSINESS CENTERS, INC., without prejudice to its dealings with any other Edison Township taxpayer=s request for tax assessment reduction;

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 Attorney is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of FEDERAL BUSINESS CENTERS, INC., Docket Nos. 005960-2008 and 006463-2009, on Block 395, Lot 23.02 and Block 392, Lot 8.C which reduces the 2008 and 2009 total tax assessment to \$665,200 on Block 395, Lot 23.02 and eliminates the assessment on Block 395, Lot 8.C; which further provides that the Freeze Act shall apply for the 2010 tax year and that FEDERAL BUSINESS CENTERS, INC., its successors and assigns will waive the right to appeal the frozen assessment, as more particularly set forth in the Stipulation of Settlement; all of said assessments to be at allocations between land and improvements as established by the Edison Township Tax Assessor; which shall also provide that the taxpayer will waive any interest and that the Tax Collector may apply any adjustments as credits in lieu of refunds.

2. The form of Stipulation of Settlement is annexed hereto, having been reviewed by Township Council of the Township of Edison.

3. The settlement outlined above shall be without prejudice to Edison Township's dealings with any other Township taxpayer's request for tax assessment reductions.

RESOLUTION R.036-012010

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.

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.

