

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Monday, February 10, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 14, 2013, an additional notice was sent on January 29, 2014 combining this meeting and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ADMINISTRATIVE AGENDA:
FROM MAYOR THOMAS LANKEY:**
 - a. Appointment of Donald Corrette as First Alternate Member of the Planning Board.
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing a reimbursement to Qual Lynx for overpayment of Workers Compensation Benefits (Resolution R.052-022014).
 - b. Resolution authorizing an Adjoining Municipality Benefits Agreement with the Middlesex County Utilities Authority for the calendar years 2014 through 2023 (Resolution R.054-022014).
 - c. Award of Contract/Purchase order for the renewal of Software Maintenance for the Edmunds System for 2014 (Resolution R.064-022014).
 - d. Award of a Professional Service Contract for Financial Consulting Services (Resolution R.065-022014)
 - e. Award of Contract/Purchase order for Goodyear Tires and Tubes (Resolution R.066-022014)
 - f. Resolution authorizing additional funds for the furnishing of supplies for office equipment contract (Resolution R.067-0225014).
 - g. Resolution hires Anthony Russomanno as a salaried Township employee with the title "Constituent Relations Administrator.(Resolution R.077-022014).
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through February 6, 2014 (Resolution R.049-022014).
 - b. Resolution authorizing refund in the amount of \$535,151.87 for redemption of tax sale certificates (Resolution R.050-022014).

- c. Resolution authorizing refund of tax overpayments, totaling \$903.79 (Resolution R.051-022014).
 - d. Temporary Emergency Appropriation for 2014. (Resolution R.076-022014)
9. **FROM THE DEPARTMENT OF LAW:**
- a. Ordinance establishes that the Mayor, when asked to officiate a marriage or civil union, may request that a voluntary contribution of two hundred dollars (\$200.00) be made directly to a recognized 501 © (3) tax-exempt charity, in lieu of requiring a fee (Ordinance O.1854-2014).
 - b. Ordinance amends the Edison Township Code to increase the dollar amount for which the Business Administrator may contract for goods or services without the necessity of obtaining Municipal Council approval (O.1855-2014)
 - c. Resolution authorizing the settlement in the matter of : Mathew Freeman Township of Edison, et als. (Resolution R.078-022014)
 - d. Resolution awards a Professional Services Contract to James P. Noland & Associates and designates the fire to represent the Township of Edison as Tax Appeal Counsel and if the need should arise, Special Counsel.(Resolution R.079-022014).
 - e. Resolution awards a Professional Services Contract to Roth D'Aquanni, LLC and designates the firm to represent the Township of Edison as Township Labor Counsel.(Resolution R.080-022014).
 - f. Resolution awards a Professional Services Contract to McManimon, Scotland & Baumann, LLC and designates William W. Northgrave, Esq. of the firm to represent the Township of Edison as Township Attorney. (Resolution R.081-022014).
10. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolution provides for refund of applicant fee posted for building permit 20132181 (Resolution R.055-022014).
 - b. Resolution provides for Senior Resident refund of the construction permit fee (Resolution R.056-022014).
 - c. Resolutions refunding Tree Maintenance Bonds (Resolution R.057-022014-R.058-022014).
 - d. Resolution releasing of Maintenance Bond posted under application #Z29-04/05 (Resolution R.059-022014).
 - e. Resolution releasing Cash Performance and Performance Bond under application #P56-07/08 (Resolution R.060-022014).
 - f. Resolution to refund unexpended developer plan review escrow fees (Resolution R.061-022014).
 - g. Resolution authorizing Change Order No. 1 in the amount of \$1,100.00 for A-Plus Construction for case number 0213, The Community Block Grant (Resolution R.068-022014).
11. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Award of Contract for Public Bid No.13-09-07, Truck Transmission Repair (Resolution R.069-022014).

- b. Award of Contract for Public Bid No.13-02-08 Snow Plows (Resolution R.070-022014).
12. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolutions authorizing a reimbursement for ABC Program (Resolution R.053-022014, R.062-022014 and R.063-022014)
13. **FROM THE CHIEF OF FIRE:**
- a. Approval of Volunteer Firefighters
14. **FROM THE CHIEF OF POLICE:**
- a. Awarding Contract/Purchase order for Emergency Lighting to outfit Seven (7) New Police Vehicles (Resolution R.071-022014).
 - b. Award of Contract for Public Bid No. 14-10-06 Rental Vehicles (Resolution R.072-022014).
 - c. Awarding Contract/Purchase Order for On line Reporting System (Resolution R.073-022014).
 - d. Awarding Contract/Purchase order for the Maintenance and Support of Power DMS (Resolution R.074-022014).
 - e. Awarding Contract/Purchase order for Body Armor (Resolution R.,075-022014).
15. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**
16. **DISCUSSION ITEMS:**
- Council President Karabinchak**
None
- Councilmember Diehl**
None
- Councilmember Gomez**
None
- Councilmember Lombardi**
None
- Councilmember Mascola**
None
- Councilmember Prasad**
None
- Councilmember Shah**
None

17. **CLOSED SESSION:**

- a. Litigation Matter of Matthew Freeman

18. **COUNCIL PRESIDENT'S REMARKS**

19. **APPROVAL OF VOLUNTEER FIREFIGHTERS:**

Raritan Engine Co. #1

Richard W. Schreck
Ojasvi Arora
Thomas Owens

Raritan Engineer Co. #2

Ronnie A. Pritchard

20. **ADMINISTRATIVE AGENDA:
FROM MAYOR THOMAS LANKEY:**

- a. Appointment of Donald Corrette as First Alternate Member of the Planning Board.

21. **NEW BUSINESS:**

**PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
WEDNESDAY, FEBRUARY 26, 2014:**

- O.1854-2014 Ordinance establishes that the Mayor, when asked to officiate a marriage or civil union, may request that a voluntary contribution of two hundred dollars (\$200.00) be made directly to a recognized 501 © (3) tax-exempt charity, in lieu of requiring a fee.
- O.1855-2014 Ordinance amends the Edison Township Code to increase the dollar amount for which the Business Administrator may contract for goods or services without the necessity of obtaining Municipal Council approval.

22. **PUBLIC COMMENT ON THE RESOLUTIONS**

23. **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.049-022014 Resolution approving disbursements for the period ending February 6, 2014.
- R.050-022014 Resolution authorizing refund in the amount of \$535,151.87 for redemption of tax sale certificates.
- R.051-022014 Resolution authorizing refund of tax overpayments, totaling \$903.79.
- R.052-022014 Resolution authorizing a reimbursement to Qual Lynx for overpayment of Workers Compensation Benefits in the amount of \$578.61.
- R.053-022014 Resolution authorizing a reimbursement for ABC Program to Geetha Venkatchalam in the amount of \$160.00.
- R.054-022014 Resolution authorizing an Adjoining Municipality Benefits Agreement with the Middlesex County Utilities Authority for the calendar years 2014 through 2023.
- R.055-022014 Resolution provides for refund of applicant fee posted for building permit 20132181 to Shalesh Bhaisar in the amount of \$75.00.
- R.056-022014 Resolution provides for a Senior Resident refund for construction permit to Joseph DeMeo in the amount of \$150.00.
- R.057-022014 Resolution refunding Tree Maintenance Bond to J & M Storage Under Tree Permit No. 08-035 in the amount of \$1,665.00.
- R.058-022014 Resolution refunding Tree Maintenance Bond to Ferraante Landmark, LLC under Tree Permit No.08-101 in the amount of \$1,665.00.
- R.059-022014 Release of Maintenance Bond posted for Ferrante Landmark, LLC 1564-1566 Lincoln Highway, Under Application #Z29-04/05 in The amount of \$13,145.25.
- R.060-022014 Resolution releasing Cash Performance and Performance Bond to BPG Hotel XXIII Owner LLC under application #P56-07/08 in the amount of \$29,741.69.
- R.061-022014 Resolution to refund unexpended developer plan review escrow fees to Richard Ragan in the amount of \$1,368.87.
- R.062-022014 Resolution authorizing a reimbursement for ABC Program to Chasidee Maldonado in the amount of \$240.00.
- R.063-022014 Resolution authorizing a reimbursement for ABC Program to Vidya Kulkarni in the amount of \$160.00.
- R.064-022014 Award of Contract/Purchase order for the renewal of Software Maintenance for the Edmunds System for 2014 in the amount of \$48,495.00.
- R.065-022014 Award of a Professional Service Contract for Financial Consulting Services to PP & D Accounting Services, Inc. in an amount not to exceed \$75,000.00.
- R.066-022014 Award of Contract/Purchase order for Goodyear Tires and Tubes to Edwards Tire Company Incorporated in an amount not to exceed \$100,000.00

- R.067-022014 Resolution authorizing additional funds for the furnishing of supplies for office equipment contract to CNI Office Supplies Company in an amount not to exceed \$20,000.00.
- R.068-022014 Resolution authorizing Change Order No. 1 n the amount of \$1,100.00 for A-Plus Construction for case number 0213, for a total revised contract amount of \$9,800.00.
- R.069-022014 Award of Contract for Public Bid No.13-09-07, Truck Transmission Repair to Foley Incorporated in an amount not to exceed \$50,000.00.
- R.070-022014 Award of Contract for Public Bid No.13-02-08 Snow Plows to H.A. Dehart & Son, Inc., for the Purchase of Four (4) Snow Plows in the amount of \$15,980.00.
- R.071-022014 Awarding Contract/Purchase order for Emergency Lighting to outfit Seven (7) New Police Vehicles to East Coast Emergency in an amount not to exceed \$1,155.00.
- R.072-022014 Award of Contract for Public Bid No. 14-10-06 Rental Vehicles to Elrac, LLC holdings D/B/A Enterprise Rent a Car in an amount Not to exceed \$30,000.00.
- R.073-022014 Awarding Contract/Purchase Order for On line Reporting System to Coplogic, Inc. in the amount of \$7,718.00.
- R.074-022014 Awarding Contract/Purchase order for the Maintenance and Support of Power DMS to Innovative Data Solutions/Power DMS in the amount of \$6,840.00.
- R.075-022014 Awarding Contract/Purchase order for Body Armor to Lanigan Associates in an amount not to exceed \$25,000.00.
- R.076-022014 Temporary Emergency Appropriation for 2014.
- R.077-022014 Resolution hires Anthony Russomanno as a salaried Township employee with the title “Constituent Relations Administrator.
- R.078-022014 Resolution authorizing the settlement in the matter of : Mathew Freeman v.Township of Edison, et als.
- R.079-022014 Resolution awards a Professional Services Contract to James P. Noland & Associates and designates the fire to represent the Township of Edison as Tax Appeal Counsel and if the need should arise, Special Counsel.
- R.080-022014 Resolution awards a Professional Services Contract to Roth D’Aquanni, LLC and designates the firm to represent the Township of Edison as Township Labor Counsel.
- R.081-022014 Resolution awards a Professional Services Contract to McManimon, Scotland & Baumann, LLC and designates William W. Northgrave, Esq. of the firm to represent the Township of Edison as Township Attorney.

24.. **ORAL PETITIONS AND REMARKS**

25. **ADJOURNMENT**

Explanation: This Ordinance establishes that the Mayor, when asked to officiate a marriage or civil union, may request that a voluntary contribution of two hundred dollars (\$200.00) be made directly to a recognized 501(c)(3) tax-exempt charity, in lieu of requiring a fee.

**ORDINANCE
O.1854-2014**

WHEREAS, the Township of Edison (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Mayor of the Township (“Mayor”) is authorized to solemnize marriage or civil union between such persons as may lawfully enter into the matrimonial relation or civil union, pursuant to the authority provided under *N.J.S.A. 37:1-13*; and

WHEREAS, the Division of Local Government Services of the New Jersey Department of Community Affairs issued Local Finance Notice 2007-5 dated February 20, 2007 (“LFN 2007-5”) which provides guidance to municipalities in adopting resolutions and ordinances regulating the municipal collection of fees as payment for a municipal officer’s officiating of a marriage or civil union; and

WHEREAS, LFN 2005-7 guidelines provide that in lieu of requiring a fee from such persons entering marriage or civil union, a municipality may encourage, but not require, a monetary contribution directly to a charitable organization; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) desires to adopt an ordinance encouraging (but not requiring) those persons entering marriage or civil union, at a ceremony presided by the Mayor, to make a voluntary contribution of two hundred dollars (\$200.00) payable to a recognized 501(c)(3) tax-exempt charity of their choice, in lieu of paying a fee to the Township, in consideration of the Mayor’s services; and

WHEREAS, the Township’s proposed policy as to the collection of fees as described above is in accord with LFN 2005-7.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the Mayor to request from such persons about to lawfully enter into the matrimonial relation or civil union, at a ceremony presided by the Mayor, a voluntary contribution of two hundred dollars (\$200.00), to be paid directly to a recognized 501(c)(3) tax-exempt charity of such persons’ choosing. The contribution solicited shall be entirely voluntary, and the performance by the Mayor of officiating duties shall not be contingent upon the payment of a voluntary contribution.

3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

5. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Explanation: This Ordinance amends the Edison Township Code to increase the dollar amount for which the Business Administrator may contract for goods or services without the necessity of obtaining Municipal Council approval.

**ORDINANCE
O.1855-2014**

WHEREAS, the Township of Edison (“Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Business Administrator of the Township (“Business Administrator”) is the designated ‘contracting agent’ of the Township as defined under *N.J.S.A. 40A:11-2* of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, the Municipal Council (“Municipal Council”) of the Township has determined to amend the Edison Township Code (“Code”) to increase the dollar amount for which the Business Administrator may contract for goods or services without the necessity of obtaining Municipal Council approval; and

WHEREAS, the Code at Chapter 2, Subsection 24.3 currently provides that any contract entered by the Business Administrator for goods or services equal to or in excess of five thousand (\$5,000.00) shall require the approval of the Municipal Council; and

WHEREAS, the Municipal Council seeks to amend the Code to provide that only contracts entered by the Business Administrator equal to or in excess of seventeen thousand five hundred (\$17,500.00) shall require the approval of the Municipal Council; and

WHEREAS, the Municipal Council has determined to amend Subsection 2-24.3(b) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“b. In accordance with *N.J.S.A. 40A:11-2(3)* the Business Administrator is hereby designated as the Contracting Agent for the Township of Edison. Except as detailed in paragraph c. below with respect to proposed services and all extraordinary unspecifiable services, as contracting agent for the Township, the Business Administrator may enter into contracts on behalf of the Township for the performance of any work, or the furnishing of any materials or supplies, the total cost of which is less than seventeen [five] thousand five hundred (\$[5]17,[0]500.00) dollars. Any contract equal to or in excess of seventeen [five] thousand five hundred (\$[5]17,[0]500.00) dollars shall require the approval of the Township Council. The Contracting Agent may also authorize the refund of any license, permit or program fee, established by this Code, which has been paid in error. For any contract which in the aggregate, is less than the bid threshold established by the Local Contracts Law, but equal to or more than

four thousand three hundred fifty (\$4,350.00) dollars, the Contracting Agent or his designee shall solicit at least two (2) competitive written quotes in accordance with the provisions of *N.J.S.A. 40A:11-6.1*. For any purchase less than four thousand three hundred fifty (\$4,350.00) dollars but more than five hundred (\$500.00) dollars, the Contracting Agent or his designee shall solicit verbal quotes.”

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Subsection 2-24.3(b) of the Code to read as follows:

“b. In accordance with *N.J.S.A. 40A:11-2(3)* the Business Administrator is hereby designated as the Contracting Agent for the Township of Edison. Except as detailed in paragraph c. below with respect to proposed services and all extraordinary unspecifiable services, as contracting agent for the Township, the Business Administrator may enter into contracts on behalf of the Township for the performance of any work, or the furnishing of any materials or supplies, the total cost of which is less than seventeen thousand five hundred (\$17,500.00) dollars. Any contract equal to or in excess of seventeen thousand five hundred (\$17,500.00) dollars shall require the approval of the Township Council. The Contracting Agent may also authorize the refund of any license, permit or program fee, established by this Code, which has been paid in error. For any contract which in the aggregate, is less than the bid threshold established by the Local Contracts Law, but equal to or more than four thousand three hundred fifty (\$4,350.00) dollars, the Contracting Agent or his designee shall solicit at least two (2) competitive written quotes in accordance with the provisions of *N.J.S.A. 40A:11-6.1*. For any purchase less than four thousand three hundred fifty (\$4,350.00) dollars but more than five hundred (\$500.00) dollars, the Contracting Agent or his designee shall solicit verbal quotes.”

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 2 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the dollar amount for which the Business Administrator may contract for goods or services without the necessity of obtaining Municipal Council

approval, heretofore enacted and inconsistent herewith, are hereby modified pursuant to the terms of this Ordinance.

6. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

7. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

8. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

RESOLUTION R.049-022014

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING February 6, 2014

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through February 6, 2014

FUND	AMOUNT
Current	\$21,419,131.72
Affordable Housing	3,987.50
Capital	187,256.23
Cash Performance	0.00
CDBG	12,400.00
Developers Escrow	24,045.86
Dog (Animal Control)	8,519.44
Federal Forfeited	27,386.14
Grant Funds	7,520.06
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	837,537.45
Sanitation Fund	110,435.44
Sewer Utility	2,177,220.01
Tax Sale Redemption	1,404,205.03
Water Operation Fund	0.00
Tree Planting	0.00
Trust	355,331.54
TOTAL	\$26,574,976.42

/s/ Janice Saponaro
Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township
of Edison, that the above-referenced disbursements report is hereby approved.

RESOLUTION R.050-022014

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 **\$535,151.87**.

February 12, 2014

RESOLUTION R.051-022014

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, resolution R.802-122013 authorized overpayment to RSI Bank in the amount of \$903.79; and

Whereas, payment should have been made to the homeowner, Daniel Stoe, 100 Main St., Metuchen, NJ 08840;

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 correct the previous resolution and issue payment to Daniel Stone in the amount of \$903.79 as indicated herein..

February 12, 2013

R.052-022014

RESOLUTION AUTHORIZING A REIMBURSEMENT TO QUAL-LYNX(formally known as Scibal Associates) FOR OVERPAYMENT OF WORKERS COMPENSATION BENEFITS

WHEREAS, Qual-Lynx, made an overpayment for Workers Compensation Benefits to the Township of Edison for the amount of \$578.61; and

WHEREAS, in accordance with the Code of the Township of Edison, Section 12-6.2(m) the appropriate fee for Qual-Lynx for overpayment of \$578.61.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$578.61 to Qual-Lynx of 100 Decadon Drive Egg Harbor Twp., NJ 08234, which amount represents the amount of overpayment for Workers Compensation Benefits.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount not to exceed **\$578.61** are available for the above refund in Account No. **3-01-55-0291-000-000**.

Janice Saponaro, Chief Financial Officer

Date

R.053-022014

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
GEETHA VENKATACHALAM**

WHEREAS, Geetha Venkatachalam, made payment in advance in the amount of \$160.00 for her child Parth Harish's participation in the ABC Program at James Madison Intermediate School for the month of January; and

WHEREAS, Geetha Venkatachalam removed her child from the program prior to the beginning of the month and within the amount of time allowed for a reimbursement.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Chief Financial Officer of the Township of Edison shall refund the amount of \$160.00 to Geetha Venkatachalam, 811 New Dover Road, Edison, NJ 08820, which amount represents the monthly cost of the program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$160.00 are available in Account #4-01-55-0291-000-000.

Janice Saponaro
Chief Financial Officer

Date

EXPLANATION: A Resolution authorizing an Adjoining Municipality Benefits Agreement with the Middlesex County Utilities Authority for the calendar years 2014 through 2023.

EDISON TOWNSHIP

RESOLUTION R.054-022014

WHEREAS, the Middlesex County Utilities Authority (MCUA) operates the Middlesex County Landfill (Landfill) on Edgeboro Road in East Brunswick; and

WHEREAS, due to Edison Township's proximity to the Landfill it is eligible for Adjoining Municipality Benefits; and

WHEREAS, the current agreement with the MCUA for Adjoining Municipality Benefits expires on December 31, 2013; and

WHEREAS, the MCUA proposes another 10 year Adjoining Municipality Benefits Agreement for the calendar years 2014 through 2023 under the same terms and conditions as the existing agreement; and

WHEREAS, the Township of Edison wishes to enter into the attached Adjoining Municipality Benefits Agreement with the MCUA for the calendar years 2014 through 2023.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that the attached Adjoining Municipality Benefits Agreement with the Middlesex County Utilities Authority for the calendar years 2014 through 2023 is hereby approved, and, that the Mayor and other necessary Township staff are hereby authorized to execute and deliver said Agreement and all other necessary documents and undertake all actions reasonably necessary to effectuate the Agreement and the intent of this Resolution.

EXPLANATION: This resolution provides for refund of applicant fee posted for Building Permit 20132181.

TOWNSHIP OF EDISON
RESOLUTION R.055-022014

WHEREAS, On November 12, 2013, Building Permit Fee check #191 was posted in the amount of \$603.00 by the homeowner, Shailesh Bhaisare, of 38 Rahway Road, Edison, NJ 08820 for 38 Rahway Road; and

WHEREAS, the applicant was overcharged a subcode fee for a fireplace in the amount of \$75.00.

WHEREAS, it is therefore appropriate that the amount of \$75.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the Building Permit Fee in the amount of \$75.00 for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$75.00 posted by Shailesh Bhaisare for Building Permit Fee for 38 Rahway Avenue be refunded to Shailesh Bhaisare.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$75.00 from the Refund of Revenue Fund to the applicant.

JAM/ca

Code-Cherilyn-RefundRevenue-38RahwayAve

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

TOWNSHIP OF EDISON
RESOLUTION R.056-022014

WHEREAS, on November 21, 2013, a Construction (Building) Permit fee, Check #21014, permit #20134901, was posted in the total amount of \$152.00 by the contractor, 1 800 Heaters, Inc., having offices at 2 Gourmet Lane, Edison, NJ 08837; and

WHEREAS, the application was submitted for a water heater at 65 Wooding Avenue by the hired contractor; who did not make known to the Construction Code Enforcement Division that the homeowner is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$150.00, derived from the \$152.00 total construction permit fee less the \$2.00 DCA fee, be refunded to the Homeowner Joseph DeMeo, residing at 65 Wooding Avenue, Edison, NJ 08817; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #20134901, in the amount of \$150.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$150.00 on construction permit fees posted by 1 800 Heaters, Inc., for 65 Wooding Avenue be refunded to the Homeowner;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$150.00 from the Refund of Revenue Fund to the Homeowner, Joseph DeMeo at 65 Wooding Avenue, Edison , NJ 08817.

JAM/ca

R-Code-RefundRevenue-65WoodingAve

EXPLANATION: Resolution Refunding Tree Maintenance Bond to J&M Storage on Established Site Plan Tree Plantings at 1939 Oak Tree Road under Tree Permit No. 08-035.

TOWNSHIP OF EDISON

RESOLUTION R.057-022014

WHEREAS, on March 28, 2008, J&M Storage posted Tree Maintenance Bond fees in the amount of \$1,665.00 on deposit with the Township of Edison in account #7760275060 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #08-035 for property located at 1939 Oak Tree Road; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,665.00, plus accrued interest, if applicable, be refunded to the applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1,665.00 plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,665.00, plus accrued interest, if applicable, on deposit in Account #7760275060 to J&M Storage having an address of 1939 Oak Tree Road, Edison N.J. 08820

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Ferrante Landmark, LLC Site Plan Tree Plantings at 1564-1566 Lincoln Hwy under Tree Permit No. 08-101.

TOWNSHIP OF EDISON

RESOLUTION R.058-022014

WHEREAS, on March 20, 2009 Ferrante Landmark, LLC posted Tree Maintenance Bond fees in the amount of \$1,665.00 on deposit with the Township of Edison in account #7760275092 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit # 08-101 for property located at 9 Universal Avenue; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,665.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1,665.00 plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,665.00, plus accrued interest, if applicable, on deposit in Account #7760275092 to Ferrante Landmark, LLC having an address of 185 Marshall Woodsville, Rd, Pennington, NJ 08534-3703

EXPLANATION: Release of Maintenance Bond posted for Ferrante Landmark, LLC, 1564- 1566 Lincoln Highway.

TOWNSHIP OF EDISON

RESOLUTION R.059-022014

WHEREAS, the Township Engineer advises that an inspection has been made of the Ferrante Landmark, LLC site, located in Block(s) 381 & 382, and Lot(s) 7A, 8A, 10A, 11A, 47, 48 & 49, under Application # Z29-04/05, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on November 21, 2011, Ferrante Landmark, LLC posted a Maintenance Bond Check #1694187 in the amount of \$13,145.25 on deposit in account #7761417257 with the Township of Edison, 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 check #1694187 in the amount of \$13,145.25, plus accrued interest, if applicable, principal being Ferrante Landmark, LLC having offices at 185 Marshall-Woodsville Road, Pennington, N.J. 08534 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 Maintenance Bond in the amount of \$13,145.25, plus accrued 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 \$13,145.25, plus accrued interest, if applicable, on deposit in account #7761417257 to the applicant.

S:Eng-Karen-RetReso-MaintBondRefund-FerranteLandmark-1564-1566 LincolnHwy

EXPLANATION: Resolution releasing Cash Performance and Performance Bond To BPG Hotel XXIII Owner LLC under application # P56-07/08.

TOWNSHIP OF EDISON
RESOLUTION R.060-022014

WHEREAS, the Township Engineer advises that an inspection has been made of BPG Hotel XXIII Owner LLC Application #P56-07/08 located at Raritan Center Parkway & Fieldcrest Ave, on Block 390-D, Lot(s) 14 & 15, 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, the Certificate of Occupancy for this project was issued on November 13, 2008, and the required two-year Maintenance Bond was posted on July 20, 2009; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond No. 30BSBDS0218 of Hartford Fire Insurance Company posted on October 7, 2008 in the amount of \$267,675.19 with the Township of Edison, principal being BPG Hotel XXIII Owner LLC and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Check #254 posted on September 24, 2008 in the amount of \$29,741.69, plus accrued interest, if applicable, on deposit in account #7760013361 with the Township of Edison, principal being BPG Hotel XXIII Owner LLC having offices at 322 A Street, Wilmington, DE 19801, 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 \$267,675.19 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 \$29,741.69 plus accrued interest, if applicable, on deposit in account #7760013361 to the applicant.

EXPLANATION: Resolution to refund unexpended developer plan review escrow fees.

TOWNSHIP OF EDISON
RESOLUTION R061-022014

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees have been posted by Richard Ragan (Solar Wind LLC.) for a project located at (ILR Landfill) Mill Road, N.J. 08837, in Block 399, Lots 1-4 ,8,10,16-25,30,35,37-41,43-47,49-52,54,56,57,58, and under Application #P32-09/10; and

WHEREAS, the applicant was required to post Developer Escrow Fees, pursuant to Township Ordinance, for Board plan review; and

WHEREAS, on December 31, 2010 Richard Ragan posted fees on deposit with the Township of Edison in the account # 7760296123 for the required Developer Escrow Fees; and

WHEREAS, the applicant has now requested the return of the unused portion of Developer Escrow Fees, as provided by law; and

WHEREAS, it is now in order that the sum in the amount of \$1,368.87, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Richard Ragan;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,368.87 plus accrued interest, if applicable, be refunded to Richard Ragan, 108 Murfield Court, Moorestown, N.J. 08057-3954;

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$1,368.87 plus accrued interest, if applicable, in account #7760296123 to the applicant.

S:/Escrow Accounts/Resolution/Dev Escrow / 7760296123

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
CHASIDEE MALDONADO**

WHEREAS, Chasidee Maldonado, made payment in the amount of \$240.00 for her children Juan and Raymond Betances' participation in the ABC Program at Lincoln Elementary School for the month of December; and

WHEREAS, Catholic Charities agreed to pay the children's aftercare tuition starting with the month of December, which resulted in a duplicate payment.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Chief Financial Officer of the Township of Edison shall refund the amount of \$240.00 to Chasidee Maldonado, 26 Crescent Road, Edison, NJ 08817, which amount represents the monthly cost of the program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$240.00 are available in Account #4-01-55-0291-000-000.

Janice Saponaro
Chief Financial Officer

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
VIDYA KULKARNI**

WHEREAS, Vidya Kulkarni, made payment in advance in the amount of \$160.00 for her child Ramaa Sachin Deshpande's participation in the ABC Program at Woodbrook School for the month of February; and

WHEREAS, Vidya Kulkarni moved and had to remove her child from the program prior to the beginning of the month and within the amount of time allowed for a reimbursement.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Chief Financial Officer of the Township of Edison shall refund the amount of \$160.00 to Vidya Kulkarni, 2 Parker Road, Plainsboro, NJ 08536, which amount represents the monthly cost of the program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$160.00 are available in Account #4-01-55-0291-000-000.

Janice Saponaro
Chief Financial Officer

Date

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EDMUNDS & ASSOCIATES, INC.
FOR RENEWAL OF SOFTWARE MAINTENANCE FOR THE EDMUNDS SYSTEM FOR 2014**

WHEREAS, the Township of Edison needs to renew the software maintenance for the Edmunds System for the year 2014; and

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

WHEREAS, EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225, has submitted a proposal to provide such services for the year 2014 at a total cost of \$48,495.00; and

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

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

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

WHEREAS, funds in the amount of \$48,495.00 have been certified to be available in the Data Processing-Computer Hardware and Software Account, Number 4-01-20-0140-000-059, subject to and contingent upon appropriation of sufficient funds in the 2014 budget; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of \$48,495.00, with EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225 as set forth above.
2. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd).

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$48,495.00** are available for the above contract in Account No. **4-01-20-0140-000-059**, subject to and contingent upon appropriation of sufficient funds in the 2014 budget.

Janice Saponaro
Chief Financial Officer

R.065-022014

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT TO PP&D ACCOUNTING SERVICES, INC. FOR FINANCIAL CONSULTING SERVICES

WHEREAS, the Township of Edison has a need for financial consulting services to include but not be limited to payroll system implementation and utilization, data migration and budget preparation assistance; and

WHEREAS, such services are professional services which, pursuant to N.J.S.A. 40A:11-5, may be awarded without competitive bidding; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1, et. seq., requires a Resolution authorizing the award of contracts for professional services without competitive bids, and the contract itself must be available for public inspection; and

WHEREAS, PP&D ACCOUNTING SERVICES, INC., 263 Main Street, Woodbridge, NJ 07095, has submitted a proposal to provide such services for an amount not to exceed \$75,000.00 for the period ending December 31, 2014; and

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

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

WHEREAS, PP&D ACCOUNTING SERVICES, INC., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit PP&D ACCOUNTING SERVICES, INC. from making any reportable contributions through the term of the contract.

WHEREAS, the total amount of this contract, not to exceed \$75,000.00, cannot be encumbered at this time; and

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

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

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

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

3. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with PP&D ACCOUNTING SERVICES, INC., 263 Main Street, Woodbridge, NJ 07095 for professional financial consulting services.
4. This contract is awarded without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i).
5. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

R.066-022014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EDWARDS TIRE COMPANY INCORPORATED FOR GOODYEAR TIRES AND TUBES

WHEREAS, there is a need to purchase Goodyear Tires and Tubes for the maintenance of the Township of Edison vehicles; and

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82527 under M-8000/WSCA Tires, Tubes and Services; and

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

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$100,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 82527/M-8000.

R.067-022014

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING OF SUPPLIES FOR OFFICE EQUIPMENT CONTRACT WITH CNI OFFICE SUPPLIES COMPANY IN AN AMOUNT NOT TO EXCEED \$20,000.00

WHEREAS, CNI OFFICE SUPPLIES COMPANY was awarded Contract No. 13-02-03 Supplies For Office Equipment, through Resolution R. 492-082013 for the period September 26, 2013 through September 26, 2014, in the amount of \$16,000.00 and that amount has been depleted; and

WHEREAS, the Township recommends additional funds in the amount not to exceed \$20,000.00 to replenish and complete the one year term of the contract with CNI OFFICE SUPPLIES COMPANY, with all prices as well as all terms and conditions to remain the same until such as time the contract expires; and

WHEREAS, the total amount of this contract, not to exceed \$20,000.00, cannot be encumbered at this time; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute the contract in the amount not to exceed \$20,000.00, and any other necessary documents, with CNI OFFICE SUPPLIES COMPANY described herein.

R.068-022014

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$1,100.00 FOR A-PLUS CONSTRUCTION FOR CASE NUMBER 0213, FOR A TOTAL REVISED CONTRACT AMOUNT OF \$9,800.00

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2011 Consolidated Annual Action Plan; and

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

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, was awarded a contract through resolution R.035-012014 on January 23, 2014 in the amount of \$8,700.00; and

WHEREAS, during the course of the work, additional electrical and plumbing repairs were found to be needed as the existing panel needed another breaker and pipes were corroded in baseboards; and

WHEREAS, funds in the amount of \$1,100.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-12-0510-000-001.

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

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Change Order No. 1 be awarded to A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 in an amount not to exceed \$1,100.00 resulting in a total contract amount of \$9,800.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$1,100.00** are available for the above contract in Account No. **T-14-12-0510-000-001**.

Janice Saponaro
Chief Financial Officer

Date

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO FOLEY
INCORPORATED FOR TRUCK TRANSMISSION REPAIR**

WHEREAS, bids were received by the Township of Edison on January 9, 2014 for Public Bid No. 13-09-07, Truck Transmission Repair, for the Department of Public Works; and

WHEREAS, TRANSAXLE, LLC was rejected due to failure to complete the stockholders form correctly; and

WHEREAS, FOLEY INCORPORATED, 855 Centennial Avenue, Piscataway, NJ 08855, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract, not to exceed \$50,000.00, cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by FOLEY INCORPORATED, 855 Centennial Avenue, Piscataway, NJ 08855 for Truck Transmission Repair for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00 and any other necessary documents, with FOLEY INCORPORATED, as described herein.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
H.A. DEHART & SON, INC. FOR THE PURCHASE OF FOUR (4) SNOW PLOWS**

WHEREAS, bids were received by the Township of Edison on February 27, 2013 for Public Bid No. 13-02-08-Snow Plows, for the Department of Public Works; and

WHEREAS, H.A. DEHART & SON, INC., 311 Crown Point Rd., Thorofare, NJ 08086, submitted the lowest legally responsible, responsive bid; and

WHEREAS, Resolution R.229-042013 dated April 24, 2013 authorized the award of a contract to H.A. DEHART & SON, INC., for the purchase of Four (4) Snow Plows; and

WHEREAS, contract specifications allow for additional purchases under this contract and the Township of Edison wishes to exercise this option to purchase Four (4) additional Snow Plows; and

WHEREAS, the maximum amount of the purchase shall not exceed \$15,980.00, (\$3,995.00 each); and

WHEREAS, funds in the amount of \$15,980.00 have been certified to be available in the Purchase of an Automated Truck Account, Number C-04-12-1817-370-001; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by H.A. DEHART & SON, INC., 311 Crown Point Rd., Thorofare, NJ 08086 for the purchase of four (4) Snow Plows for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$15,980.00, and any other necessary documents, with H.A. DEHART & SON, INC., as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$15,980.00** are available for the above contract in Account No. **C-04-12-1817-370-001**.

Janice Saponaro
Chief Financial Officer

Date

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EAST COAST EMERGENCY LIGHTING TO OUTFIT SEVEN (7) NEW POLICE VEHICLES

WHEREAS, there is a need to outfit seven (7) new marked police vehicles with Progard Rear Window Bars; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., 200 Meco Dr., Millstone Township, NJ 08535, has been awarded State Contract 81327 under T-0106/Police and Homeland Security Equipment and Supplies and under this contract these police vehicles shall be outfitted as listed herein; and

WHEREAS, funds in the amount of \$1,155.00 (\$165.00 per vehicle) have been certified to be available in the Police Vehicles Maintenance of Other Equipment, Number 4-01-26-0315-002-026; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$1,155.00 and any other necessary documents, with EAST COAST EMERGENCY LIGHTING, INC., 200 Meco Dr., Millstone Township, NJ 08535, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 81327 under T-0106.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$1,155.00** for the above have been certified to be available in Account Number **4-01-26-0315-002-026**.

Janice A. Saponaro
Chief Financial Officer

Date

R.072-022014

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO ELRAC, LLC HOLDINGS D/B/A ENTERPRISE RENT A CAR FOR RENTAL VEHICLES FOR THE DIVISION OF POLICE

WHEREAS, bids were received by the Township of Edison on January 15, 2014 for Public Bid No. 14-10-06-Rental Vehicles for the Division of Police; and

WHEREAS, ELRAC, LLC HOLDINGS, D/B/A ENTERPRISE RENT A CAR, 4900 Route 33, Suite 201, Neptune, NJ 07753, submitted the lowest legally responsible bid; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheets.

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

1. All bids have been reviewed, and the bid by ELRAC, LLC HOLDINGS, D/B/A ENTERPRISE RENT A CAR, 4900 Route 33, Suite 201, Neptune, NJ 07753 for Rental Vehicles for the Division of Police is determined to be the lowest legally responsible bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 and any other necessary documents, with ELRAC, LLC HOLDINGS, D/B/A ENTERPRISE RENT A CAR.

R.073-022014

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO COPLOGIC, INC.
FOR AN ONLINE REPORTING SYSTEM FOR THE DIVISION OF POLICE**

WHEREAS, the Township of Edison needs to renew the software for the Online Reporting System for the Division of Police; and

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

WHEREAS, COPLOGIC, INC., 231 Market Place, Suite 520, San Ramon, CA 94583, has submitted a proposal to provide such services for a one year term from March 2, 2014 through March 1, 2015 at a total cost of \$7,718.00; and

WHEREAS, funds in the amount of \$7,718.00 have been certified to be available in the Police Department Computer Hard & Software Account, Number 4-01-25-0240-000-059; and

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

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

6. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of \$7,718.00, with COPLOGIC, INC., 231 Market Place, Suite 520, San Ramon, CA 94583 as set forth above.
7. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd).

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$7,718.00** are available for the above contract in Account No. **4-01-25-0240-000-059**.

Janice Saponaro
Chief Financial Officer

Date

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO INNOVATIVE DATA SOLUTIONS/POWER DMS FOR THE MAINTENANCE AND SUPPORT OF POWER DMS

WHEREAS, the Township of Edison needs to renew the annual software subscription to Power DMS – the policy, testing, surveying and training software for the Division of Police; and

WHEREAS, such annual renewal for the support of proprietary software and hardware may be awarded without public advertising for bids or bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd); and

WHEREAS, INNOVATIVE DATA SOLUTIONS/POWER DMS, P.O. Box 2468, Orlando, FL 32802, has submitted a proposal to provide such services for the period of January 30, 2014 through January 29, 2015 at a total cost of \$6,840.00; and

WHEREAS, funds in the amount of \$6,840.00 have been certified to be available in the Police Department Computer Hard & Software Account, Number 4-01-25-0240-000-059; and

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

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

8. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of \$6,840.00, with INNOVATIVE DATA SOLUTIONS/POWER DMS, P.O. Box 2468, Orlando, FL 32802-2468 as set forth above.
9. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$6,840.00** are available for the above contract in Account No. **4-01-25-0240-000-059**.

Janice Saponaro
Chief Financial Officer

R.075-022014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO LANIGAN ASSOCIATES FOR PURCHASE OF BODY ARMOR FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase Body Armor for the Division of Police; and

WHEREAS, LANIGAN ASSOCIATES, INC., 496 Shrewsbury Ave., Tinton Falls, NJ 07701 has been awarded State Contract Number 81299 under T-0106/Police and Homeland Security Equipment and Supplies-Statewide; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$25,000.00 and any other necessary documents, with LANIGAN ASSOCIATES, INC., 496 Shrewsbury Ave., Tinton Falls, NJ 07701 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 81299/T-0106.

Explanation: This Resolution hires Anthony Russomanno as a salaried Township employee with the title “Constituent Relations Administrator.”

RESOLUTION R.077-022014

WHEREAS, a recommendation was made by Mayor Thomas Lankey (“Mayor”) to hire Anthony Russomanno as Constituent Relations Administrator at a salary of \$65,000.00 annually, pursuant to the authority granted the Mayor under Section 2-1.2 of the Township Code; and

WHEREAS, the Municipal Council wishes to consent to this hiring.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Anthony Russomanno be hired by the Township as a salaried employee with the title Constituent Relations Administrator with a start date as determined by the Mayor, at a salary of \$65,000.00 annually. The nature of the employment shall be that of an at-will employee.

Explanation: A Resolution authorizing the settlement in the matter of: Matthew Freeman v. Township of Edison, *et als*.

EDISON TOWNSHIP

RESOLUTION R.078-022014

WHEREAS, the Township of Edison (“Township”), the Township Police Department and former Township Mayor Antonia Ricigliano are the subject of a lawsuit captioned: Matthew Freeman v. Township of Edison, Township of Edison Police Department, Mayor Antonia Ricigliano, individually and in her official capacity as Mayor of the Township of Edison, JOHN & JANE DOE(S) and XYZ CORPORATION(S) 1-10, bearing Docket No. MID-L-1461-11; and

WHEREAS, The Central Jersey Joint Insurance Fund (“CJJIF”) has notified the Township that is has reached a settlement in this matter, substantially as set forth in the Settlement Agreement attached hereto as Exhibit A (“Settlement Agreement”); and

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey, that the attached Settlement Agreement in this matter is hereby approved and that the attorneys representing the Township and necessary Township staff are hereby authorized to enter into the Settlement Agreement and undertake all actions reasonably necessary to effectuate the Settlement Agreement and the intent of this Resolution.

Explanation: This Resolution awards a Professional Services Contract to James P. Nolan & Associates and designates the firm to represent the Township of Edison as Tax Appeal Counsel, and, if the need should arise, Special Counsel.

RESOLUTION R.079-022014

WHEREAS, the Municipal Council (“Municipal Council”) of the Township of Edison (“Township”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“Local Contracts Law”) to contract for “professional services” as it may require; and

WHEREAS, James P. Nolan & Associates (“Counsel”) has an excellent reputation in the area of tax appeal law and has sufficient legal staff to handle tax appeal matters which may arise from time to time in the Township; and

WHEREAS, James P. Nolan, Jr., Esq., managing member of Counsel, has an excellent reputation in the area of tax appeals, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Township Tax Appeal Counsel, and, if the need should arise, Township Special Counsel for matters where a conflict arises or other matters as they may arise, and seek to enter a contract for legal services with Counsel for 2014 (“Services Contract,” as attached hereto as Exhibit A) to provide for same; and

WHEREAS, the Local Contracts Law, 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 the Services Contract, James P. Nolan, Jr., Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to tax appeals and special litigation matters, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for employment law services included under the Services Contract shall be rendered at the hourly rate of \$140.00 per hour, payable monthly, as set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Township Tax Appeal Counsel, and, if the need should arise, Township Special Counsel.
2. The Services Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local 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 Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township 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 2014 calendar year.
4. No payments in excess of the "not-to-exceed" Services Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Services 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 the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
7. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
8. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.

9. Counsel shall notify the Township Attorney when eighty percent (80%) of the “not-to-exceed” amount is attained.
10. This Resolution shall take effect immediately.

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

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2014 calendar year, funds in the amount of \$175,000.00 are available in Account No_____.

Janice Saponaro
Chief Financial Officer

Explanation: This Resolution awards a Professional Services Contract to Roth D'Aquanni, LLC and designates the firm to represent the Township of Edison as Township Labor Counsel.

RESOLUTION R.080-022014

WHEREAS, the Municipal Council ("Municipal Council") of the Township of Edison ("Township") has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, Roth D'Aquanni, LLC ("Counsel") has an excellent reputation in the area of employment law and has sufficient legal staff to handle employment law matters which may arise from time to time in the Township; and

WHEREAS, Allan C. Roth, Esq., managing member of Counsel, has an excellent reputation in the area of employment law, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Counsel for the position of Township Labor Counsel and seek to enter a contract for legal services with Counsel for 2014 ("Services Contract," as attached hereto as Exhibit A) to provide for same; and

WHEREAS, the Local Contracts Law, 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 the Services Contract, Allan C. Roth, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

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

WHEREAS, the legal services under the Services Contract may include, but are not limited to, representation as to general personnel advice, employment disputes, labor negotiations, litigation defense, layoffs and privatization efforts, subject to the discretion and direction of the Township Attorney; and

WHEREAS, compensation for employment law services included under the Services Contract shall be rendered at the hourly rate of \$150.00 per hour, payable monthly, as set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

11. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel for its representation of the Township as Township Labor Counsel.
12. The Services Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
13. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township 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 2014 calendar year.
14. No payments in excess of the "not-to-exceed" Services Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
15. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
16. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
17. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
18. Counsel shall report directly to the Township Attorney, who will be the chief contact at the Township.
19. Counsel shall notify the Township Attorney when eighty percent (80%) of the "not-to-exceed" amount is attained.

20. This Resolution shall take effect immediately.

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

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2014 calendar year, funds in the amount of \$250,000.00 are available in Account No_____.

Janice Saponaro
Chief Financial Officer

Explanation: This Resolution awards a Professional Services Contract to McManimon, Scotland & Baumann, LLC and designates William W. Northgrave, Esq. of the firm to represent the Township of Edison as Township Attorney.

RESOLUTION R.081-022014

WHEREAS, the Municipal Council (“Municipal Council”) of the Township of Edison (“Township”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“Local Contracts Law”) to contract for “professional services” as it may require; and

WHEREAS, McManimon, Scotland & Baumann, LLC (“Counsel”) has an excellent reputation in the area of municipal government, including, but not limited to, the areas of public finance, redevelopment, environmental law, and more particularly local unit general counsel services, and has extensive legal staff and resources and the 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 in the Township; and

WHEREAS, William W. Northgrave, Esq., a partner at Counsel, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township and has available supporting attorney staff at and through Counsel; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend William W. Northgrave, Esq. for the position of Township Attorney and seek to enter a contract for legal services with Counsel for 2014 (“Services Contract,” as attached hereto as Exhibit A) to provide for same; and

WHEREAS, the Local Contracts Law, 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 the Services Contract, William W. Northgrave, Esq. will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Counsel has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Counsel from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services 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 local unit general counsel services included under the Services Contract shall be rendered at the flat rate of \$25,000.00, payable in 12 monthly installments at the first Municipal Council meeting of each month, and shall include advising the

Municipal Council; preparing routine resolutions and ordinances; rendering opinions; attending Municipal Council meetings and other matters as defined and delineated by Sections 2-71.2 thru 2.71.7 of the Township Code and the Services Contract; and

WHEREAS, compensation for the professional services outside of the scope of local unit general services, including, but not limited to, matters relating to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*; litigation; and bond and note financing, shall be billed at the hourly rates or other rates as provided in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

21. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Counsel, whereby William W. Northgrave, Esq. shall represent the Township as Township Attorney.
22. The Services Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
23. A certificate showing the availability of funds for the Services Contract authorized hereby has been provided by the Chief Financial Officer of the Township 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 2014 calendar year.
24. No payments in excess of the "not-to-exceed" Services Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
25. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
26. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.
27. The Services Contract shall, for all purposes, be deemed a New Jersey contract and any provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

28. This Resolution shall take effect immediately.

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

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2014 calendar year, funds in the amount of \$275,000.00 are available in Account No_____.

Janice Saponaro
Chief Financial Officer