

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Thursday, February 11, 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. An additional notice was sent on Tuesday, February 9, 2010 changing the date of the meeting.
4. **APPROVAL OF MINUTES:**
 - a. Combined Meeting of December 21, 2009
 - b. Worksession Meeting of January 11, 2010
 - c. Regular Meeting of January 13, 2010
 - d. Closed Session Meeting of January 25, 2010
5. **COUNCIL PRESIDENT'S REMARKS**
6. **RESOLUTIONS OF RECOGNITION:**
R.061-022010 Eagle Scout Michael Syslo
R.062-012010 Boy Scouts of America
7. **ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**
 - a. Appointment of William Araujo as a Class IV member of the Planning Board
8. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
WEDNESDAY, FEBRUARY 24, 2010:**

O.1732-2010 AN ORDINANCE AUTHORIZING A TRAFFIC CONTROL SIGNAL
AT THE INTERSECTION OF RARITAN CENTER PARKWAY AND
MAYFIELD AVENUE/CAMPUS DRIVE
9. **PUBLIC COMMENT ON THE RESOLUTIONS**
10. **PROPOSED RESOLUTIONS**
Copies of these Resolutions are available for review only and are posted in the Council Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

- R.063-022010 Resolution approving disbursements for the period ending February 4, 2010.
- R.064-022010 Resolution consenting to the appointment of Ms. Virginia Comito as a member of the Library Board of Trustees.
- R.065-022010 Resolution consenting to the appointment of Ms. Lisa Krauze as a member of the Library Board of Trustees.
- R.066-022010 Resolution authorizing award of a portion of Contract No. 09-01-29R, Uniforms and Equipment – Fire Department and EMT to First Due Emergency Supply Company, in an amount not to exceed \$35,000.00.
- R.067-022010 Resolution authorizing award of a portion of Contract No. 09-01-29R, Uniforms and Equipment – Fire Department and EMT to Continental Fire and Safety, Inc., in an amount not to exceed \$8,400.00.
- R.068-022010 Resolution authorizing award of a portion of Contract No. 09-01-29R, Uniforms and Equipment – Fire Department and EMT to Absolute Fire Protection, in an amount not to exceed \$72,150.00.
- R.069-022010 Resolution authorizing rejection of bids for Contract No. 09-09-18, Elevator Renovations.
- R.070-022010 Resolution authorizing refund to Rimma Zaleznik for the purchase of two Edison Light transit tickets, in the amount of \$60.00.
- R.071-022010 Resolution authorizing application and agreement with the State Of New Jersey for the Safe and Secure Communities Program.
- R.072-022010 Resolution authorizing the Recovery Stop Violence Against Women Act Grant.
- R.073-022010 Resolution authorizing refund in the amount of \$42,942.24 for redemption of tax sale certificates.
- R.074-022010 Resolution authorizing refund of sewer use overpayments, totaling \$478.93.
- R.075-022010 Resolution authorizing transfer of funds.
- R.076-022010 Resolution authorizing application to the 2010 New Jersey Department of Community Affairs, New Jersey Institute of Technology Housing and community Development Scholars Program for an Intern for the Department of Health and Human Services.
- R.077-022010 Resolution authorizing engineering inspection fee refund for Roy and Patricia Rittman, 285 Central Avenue.
- R.078-022010 Resolution authorizing release of cash and performance bond for Roy and Patricia Rittman, 285 Central Avenue.
- R.079-022010 Resolution authorizing release of cash and performance bond for Andrew Walec – Custom Pro Investments, 10 Mt. Pleasant Avenue, Application #P5088.
- R.080-022010 Resolution authorizing tree maintenance bond refund to GMM Associates, Inc., 734 New Dover Road, Permit #06-35.
- R.081-022010 Resolution authorizing tree maintenance bond refund to Construction Pros Corp., Permit #06-80.

- R.082-022010 Resolution authorizing bond reduction for Phase I, MCC Realty Investment Co. (Festival Plaza), Route 27 & South and Division Street, Application #P14-08/09.
- R.083-022010 Resolution authorizing award of Contract No. 09-25-04, Pedestrian Safety Improvements on Grove Avenue to Berto Construction, Inc., in an amount not to exceed \$186,649.40.
- R.084-022010 Resolution authorizing tree maintenance bond refund to CPC Construction Pros Corp., 347 Plainfield Avenue, Permit #06-79.
- R.085-022010 Resolution authorizing tree maintenance bond refund to Mohammad I. Warraich, 13 Woodacres Drive, Permit #07-157.
- R.086-022010 Resolution authorizing tree maintenance bond refund to Construction Pros Corp., 10 Ramsey Road, Permit #06-100.
- R.087-022010 Resolution authorizing Tax Appeal Settlement for Summit Associates and New Carsun Hills, LP, for property known as 110 Fieldcrest Avenue, 425 Raritan Center Parkway, 450 Raritan Center Parkway, and Sunfield Avenue.

11. **COMMUNICATIONS:**

- a. Letter from John Pelak regarding refund of taxes – receive and refer to Administration
- b. Electronic Mail Message from Lois Wolke regarding use of Township vehicles - receive

12. **ORAL PETITIONS AND REMARKS**

13. **ADJOURNMENT**

EXPLANATION: this Ordinance authorizes the Township of Edison to establish a Traffic Control Signal at the intersection of Raritan Center Parkway and Mayfield Avenue / Campus Drive.

EDISON TOWNSHIP

ORDINANCE O.1732-2010

BE IT ORDAINED by the Township Council, of the Township of Edison, in the County of Middlesex and State of New Jersey as follows:

SECTION 1. That the intersection of Raritan Center Parkway and Mayfield Avenue / Campus Drive shall be controlled by a Traffic Control Signal in accordance with the Traffic Signal Plan bearing the date of April 22, 2004, revised through January 14, 2005 and shown on the As-Built Plan dated April 20, 2006, and inspected on the date of April 20, 2006 by Lynn A. LaMunyon, P.E., NJ PE License No. 35746.

SECTION 2. That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code, AND SHALL BE OPERATED IN CONFORMANCE WITH THE DESIGNATED PLAN.

SECTION 3. That this ordinance shall take effect twenty (20) days after adoption and publication and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b) **and upon the approval of the Commissioner of the Department of Transportation.**

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

RESOLUTION R.063-022010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING FEBRUARY 4, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 4, 2010

FUND	AMOUNT
Current	\$13,519,344.47
Dog	\$537.90
Sewer Utility	\$359,912.23
Capital	\$125,521.88
CDBG	\$0.00
Trust	\$148,297.61
Grant Funds	\$267,576.55
Sanitation Fund	\$78,187.94
Payroll Deductions	\$393,059.51
Park Improvement	\$0.00
Dev. Escrow	\$20,381.64
Cash Performance	\$0.00
Federal Forfeited	\$0.00
Public Assistance	\$0.00
Law Enforcement	\$0.00
Affordable Housing	\$0.00
Tree Planting	\$0.00
Water Operation	\$0.00
TOTAL	\$14,912,819.73

/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.064-022010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Ms. Virginia Comito, 522 Grove Avenue. Edison, New Jersey 08820 as a member of the Library Board of Trustees; and

WHEREAS, the Municipal Council wishes to confirm this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Ms. Virginia Comito be appointed as a member of the Library Board of Trustees, term to expire December 21, 2014.

RESOLUTION R.065-022010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Ms. Lisa Krauze, 26 Sherwood Road, Edison, New Jersey 08817 as a member of the Library Board of Trustees; and

WHEREAS, the Municipal Council wishes to confirm this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Ms. Lisa Krauze be appointed as a member of the Library Board of Trustees, term to expire December 21, 2014.

RESOLUTION R.066-022010

WHEREAS, bids were received for Contract No. 09-01-29R, UNIFORMS AND EQUIPMENT – FIRE DEPARTMENT AND EMT; and

WHEREAS, after review of said bids it has been recommended by the Business Administrator that a portion of this contract be awarded to First Due Emergency Supply Company, 444 Hurffville Crosskeys Road, Sewell, NJ 08080; 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 First Due Emergency Supply Company in an amount not to exceed \$35,000.00.

RESOLUTION R.067-022010

WHEREAS, bids were received for Contract No. 09-01-29R, UNIFORMS AND EQUIPMENT – FIRE DEPARTMENT AND EMT; and

WHEREAS, after review of said bids it has been recommended by the Business Administrator that a portion of this contract be awarded to Continental Fire & Safety, Inc. 180 Volusia Avenue, Trenton, NJ 08610; 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 Continental Fire & Safety, Inc. in an amount not to exceed \$8,400.00.

RESOLUTION R.068-022010

WHEREAS, bids were received for Contract No. 09-01-29R, UNIFORMS AND EQUIPMENT – FIRE DEPARTMENT AND EMT; and

WHEREAS, after review of said bids it has been recommended by the Business Administrator that a portion of this contract be awarded to Absolute Fire Protection, 2800 Hamilton Blvd., 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 Absolute Fire Protection in an amount not to exceed \$72,150.00.

RESOLUTION R.069-022010

WHEREAS, the Township of Edison advertised for bids, by public notice published in the Home News on September 22, 2009, for Contract No. 09-09-18, Elevator Renovations at the Municipal Building; and

WHEREAS, on October 27, 2009, bids were received for the above project and the lowest responsive, responsible bidder was Clifton Elevator Co., Inc. (CESCO), 4401 South Clinton Avenue, South Plainfield, NJ 07080 in the amount of \$532,091.00; and

WHEREAS, the Township's cost estimate was between \$325,000-\$350,000.00; and

WHEREAS, Section 40A:11-13.2a & b of the Local Public Contracts Law allows for the rejection of bids when the lowest bid substantially exceeds the cost estimate and the unit's appropriation for the goods and services; and

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

1. The bids for Contract # 09-09-18 entitled "ELEVATOR RENOVATIONS" is hereby rejected pursuant to N.J.S.A 40A:11-13.2a & b.
2. The Township Purchasing Division is hereby authorized to re-advertise and re-bid said project.

RESOLUTION R.070-022010

AUTHORIZING REFUND OF \$60.00 TO AN EDISON LIGHT TRANSIT CUSTOMER WHO NO LONGER WISHES TO USE THE SERVICES AND HAS RETURNED THE SUBJECT TRIP TICKETS.

WHEREAS, Rimma Zaleznik, 3503 Hana Road, Edison, N.J. 08817 purchased two trip tickets at a cost of \$30.00 each identified as trip tickets #11843 and #11844 for the Edison Light Transit services provided by the Township of Edison; and

WHEREAS, she has determined that she would rather turn in these tickets and request a refund of her money than use the services; and

WHEREAS, refunds of money once received by the Township requires approval by the Township Council; and

WHEREAS, the ticket books have been returned to the Township

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY THAT

The proper Township Officials are hereby authorized to refund \$60.00 to Rimma Zaleznik in this matter and to perform any and all appropriate actions necessary to accomplish this refund and to adjust the records of the Township accordingly.

RESOLUTION R.071-022010

AUTHORIZING APPLICATION AND APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Edison wishes to apply for a project under the Safe and Secure Communities Program, and

WHEREAS, the Township Council has reviewed the application and approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Edison, for the purpose(s) described in this application;

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON THAT:

1. As a matter of public policy the Township of Edison wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of the State of New Jersey will receive funds on behalf of the Township.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

**TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION R.072-022010**

WHEREAS, the Edison Police Department Domestic Violence Unit intends to identify and solicit grant funds in order to purchase equipment required to enhance and improve the provision of local domestic violence services; and

WHEREAS, the RECOVERY STOP Violence Against Women Act (RECOVERY VAWA) Grant Program, as administered by the State of New Jersey, NJ Department of Law & Public Safety, NJ Division of Criminal Justice, provides an opportunity to obtain grant funding for such a purpose, under the American Recovery and Reinvestment Act (ARRA), through the U.S. Department of Justice Office on Violence Against Women; and

WHEREAS, the VAWA grant assists state, county and municipal agencies to meet the needs of crime victims and to assist public and nonprofit agencies in providing and/or enhancing services to victims of crime; and

WHEREAS, the regulations and guidelines of the 2010 NJDL&S NJDCJ RECOVERY STOP Violence Against Women Act (RECOVERY VAWA) Grant Program requires that the lead applicant be a certified 501c3, not-for-profit, tax-exempt organization, possessing a DUNS Number and federal CCR registration; and

WHEREAS, Info-Line of Middlesex County (a certified, 501c3, not-for-profit organization, duly registered with the State of New Jersey, with a requisite DUNS Number and federal CCR registration) has an established relationship with the Township of Edison and has agreed to partner with the Edison Police Department Domestic Violence Unit for this resource development initiative as the required not-for-profit lead applicant; and

WHEREAS, Info-Line of Middlesex County will develop and execute a Memorandum of Understanding with the Edison Police Department Domestic Violence Unit, in order to develop and submit a viable application to 2010 NJDL&S NJDCJ ARRA RECOVERY STOP Violence Against Women Act (RECOVERY VAWA) Grant Program; and

WHEREAS, the award of grant funds from the 2010 NJDL&S NJDCJ RECOVERY STOP Violence Against Women Act (RECOVERY VAWA) Grant Program will enable the Edison Police Department Domestic Violence Unit to purchase needed equipment to enhance and further its provision of effective services to local victims of domestic violence; and

WHEREAS, in partnership with the Edison Police Department Domestic Violence Unit, Info-Line of Middlesex County, will develop and submit a grant application to the 2010 NJDL&S NJDCJ RECOVERY STOP Violence Against Women Act (RECOVERY VAWA) for a maximum of \$45,000.00, to purchase the aforesaid equipment;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and execution of a Memorandum of Understanding between the Edison Police Department Domestic Violence Unit and Info-Line of Middlesex County, in order for that organization to develop and submit a grant application to the 2010 NJDL&S NJDCJ RECOVERY STOP Violence Against Women Act (RECOVERY VAWA), in partnership with the Edison Police Department, at a regularly-scheduled meeting on February 10, 2010.

RESOLUTION R.073-022010

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 \$42,942.24.

RESOLUTION R.074-022010

Whereas, on various properties located within the Township of Edison, overpayments of sewer user fees 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 \$478.93 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.

RESOLUTION R.075-022010

**RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDING BETWEEN TY'09
CURRENT APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

WHEREAS, New Jersey Statutes 40A: 4-59 provides for transfers during the first three months of succeeding fiscal year; and

WHEREAS, it has been determined that certain existing TY'09 appropriation reserves are not sufficient to meet the needs for the various departments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison that there be transferred from the following TY'09 appropriation reserves the sums as set forth after each appropriation respectively:

CURRENT FUND

OTHER EXPENSES

Central Purchases - Postage	\$3,000.00	
Central Purchases - Stores		\$3,000.00
TOTAL OTHER EXPENSES	<hr/> \$3,000.00	<hr/> \$3,000.00
TOTAL TRANSFER	<hr/> \$3,000.00	<hr/> \$3,000.00 <hr/>

BE IT FURTHER RESOLVED, that the Director of Finance / CFO be and he is hereby authorized to make the necessary transfers between said current appropriations.

EXPLANATION: This resolution enables the Township of Edison to apply to the 2010 New Jersey Department of Community Affairs (NJDCA)/New Jersey Institute of Technology (NJIT) Housing & Community Development Scholars Program for an Intern for the Township of Edison Department of Health and Human Services.

**TOWNSHIP OF EDISON
RESOLUTION R.076-022010**

WHEREAS, the Township of Edison Department of Health and Human Services desires to apply for and obtain an Intern from the 2010 NJDCA/NJIT Housing & Community Development Scholars Program; and

WHEREAS, the 2010 NJDCA/NJIT Housing & Community Development Scholars Program Intern will serve in the Township of Edison Department of Health and Human Services; and

WHEREAS, the 2010 NJDCA/NJIT Housing & Community Development Scholars Program will bear 70% of the costs for the Summer Intern, as well as pro-bono, project-based, technical support, with The Township of Edison Department of Health and Human Services providing a cash match of 30%; and

WHEREAS, the Township of Edison Department of Health and Human Services had successfully participated in the NJDCA/NJIT Housing & Community Development Scholars on two previous occasions (i.e.: 2008 & 2009); and

WHEREAS, the 2010 NJDCA/NJIT Housing & Community Development Scholars Program Summer Intern will possess education and training to enable them to support and participate in several Township of Edison Department of Health and Human Services projects and initiatives.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the development and submission of said grant application, as well as the acceptance and utilization of the 2010 NJDCA/NJIT Housing & Community Development Scholars Program Intern and related technical support services, at a regularly-scheduled, public meeting, on February 10, 2010.

RESOLUTION R.077-022010

WHEREAS, the Township Engineer advises that a final inspection was done of 285 Central Avenue, located in Block: 100, Lot: 16-C; and

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

WHEREAS, on October 3, 2006, Patricia M. & Roy J. Rittman., posted inspection fees in the amount of \$500.00 on deposit with the Township of Edison in account #7200025197; 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 \$157.59; and

WHEREAS, it is in now in order that the sum of \$342.41, which represents the amount due and owing the applicant, be returned to Patricia M. & Roy J. Rittman.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$342.41 be refunded to Patricia M. & Roy J. Rittman having offices at 285 Central Avenue, Edison, N.J. 08817.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$342.41 in account #7200025197 to the applicant.

RESOLUTION R.078-022010

WHEREAS, the Township Engineer advises that an inspection has been made of 285 Central Avenue Application #Single Family located in Block: 100, Lot:16-C, 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 date is September 20, 2007, since the project has extended beyond the 2-year maintenance bond period from project completion there will be no maintenance bond required; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond Check #665-07302 of Commerce Bank in the amount of \$2,980.80 on deposit in account #7760013288, with the Township of Edison, principal being Roy and Patricia Rittman, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #665-07303 in the amount of \$331.20, on deposit in account #7760013288 with the Township of Edison, principal being Roy and Patricia Rittman, having offices at 285 Central Avenue, Edison, N.J. 08817 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$2,980.80, on deposit in account #7760013288 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 \$331.20, on deposit in account #7760013288 to the applicant.

RESOLUTION R.079-022010

WHEREAS, the Township Engineer advises that an inspection has been made of 10 Mt. Pleasant Avenue located in Block: 545-K, Lot: 7-13 and Application #P5088, 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 \$500.00 was posted in Account #7760216729 which now has a zero balance.

WHEREAS, on December 2, 2009 a Maintenance Bond Check #52504 of Columbia Bank in the amount of \$1,450.00 was posted by Custom Pro Investments.; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond Check #956084002 of Wachovia Bank in the amount of \$10,622.88 on deposit in account #7760013305, with the Township of Edison, principal being Construction Pros Corp., and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #956084003 in the amount of \$1,180.32, on deposit in account #7760013305 with the Township of Edison, principal being Construction Pros Corp., having offices at 6 Ramsey Road, Edison, N.J. 08820 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 \$10,622.88, on deposit in account #7760013305 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 \$1,180.32, on deposit in account #7760013305 to the applicant.

RESOLUTION R.080-022010

WHEREAS, GMM Associates, Inc. posted two checks for Tree Maintenance Bond, check #1120 in the amount of 315.00 and check #1122 in the amount of \$135.00 that equals a total of \$450.00 posted, principal being GMM Associates, Inc to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-35 located at 734 New Dover Road, Block: 495 and Lot: 90; and

WHEREAS, a Tree Maintenance Bond was posted on July 3, 2007 & July 6, 2007 in the amount of \$450.00, on deposit in account #7760237722; 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 of \$450.00 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 \$450.00 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 \$450.00, on deposit in Account #7760237722 to GMM Associates, Inc. having offices at 246 East Iselin Parkway., Iselin, N.J. 08830-1225.

RESOLUTION R.081-022010

WHEREAS, Construction Pros Corp. posted a Tree Maintenance Bond check #1126 in the amount of \$1,035.00, principal being Construction Pros Corp. to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-80 located at 10 Mt. Pleasant Ave., Block #545-K and Lot #7-13; and

WHEREAS, a Tree Maintenance Bond was posted on November 30, 2006 in the amount of \$1,035.00, on deposit in account #7760237660; 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 of \$1,035.00 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 \$1,035.00 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 \$1,035.00, on deposit in Account #7760237660 to Construction Pros Corp., having offices at 6 Ramsey Road, Edison, N.J. 08820.

RESOLUTION R.082-022010

WHEREAS, Edison I, LLC posted a Cash Performance Bond in the amount of \$293,520.00 principal being Edison I, LLC., to guarantee the installation of improvements for the project known as MCC Realty Investment Co. (Festival Plaza) at Route 27 South & Division Street located in Block: 96 and Lots: 45 & 46 and designated Application #P14-08/09; and

WHEREAS, a Performance Guarantee Estimate was posted on September 29, 2009 in the amount of \$1,291,130.00. Since this project is being constructed in phases, this is a Bond Reduction for Phase I only for this project; and

WHEREAS, a Cash Performance Bond was posted on September 29, 2009 in the amount of \$154,935.60 and on January 10, 2010 in the amount of \$138,584.40 with a total amount of \$293,520.00 posted on deposit in account #7760013393; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order for Phase I only; and

WHEREAS, it is the recommendation of the Township Engineer that the Cash Performance Bond be reduced by 70% from \$210,240.00 for Phase I, to \$63,072.0, or 30% of the original amount to be held for Phase I only, leaving a balance of \$83,280.00 for Phase II, therefore refunding the amount of \$147,168.00 to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Cash Performance Bond hereinabove mentioned be reduced until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$147,168.00, plus accrued interest, on deposit in Account #7760013393 to Edison I, LLC having offices at 9595 Wilshire Blvd., Suite 214, Beverly Hills, Ca. 90212, with the sum of \$63,072.00 remaining on deposit for Phase I until such time as Final Acceptance is granted.

RESOLUTION R.083-022010

EXPLANATION: This resolution provides for the award of a construction contract in the amount of \$186,649.40 to Berto Construction, Inc. for Pedestrian Safety Improvements on Grove Avenue, for the Inman Grove Senior Citizens Residence, in accordance with the Township Engineer's plans and specifications.

**TOWNSHIP OF EDISON
RESOLUTION**

WHEREAS, the Township of Edison publicly advertised for bids for contract number 09-25-04, Pedestrian Safety Improvements on Grove Avenue, for the Inman Grove Senior Citizens Residence, Township of Edison, Middlesex County, NJ; and

WHEREAS, sealed bids, six (6) in total, were received and opened for contract number 09-25-04, Pedestrian Safety Improvements on Grove Avenue, for the Inman Grove Senior Citizens Residence, Township of Edison, Middlesex County, NJ, on Wednesday, December 30, 2009 at 11:00 am; and

WHEREAS, Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ 07065 (phone # 732-396-0099) is the low bidder, with a total bid of \$186,649.40; and

WHEREAS, John A. Medina, P.E., Edison Township Engineer has reviewed the bids received and has recommended award of a contract to the low bidder, Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ 07065, at the total bid amount not to exceed \$186,649.40.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a construction contract (# 09-25-04) be awarded to Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ 07065 (phone # 732-396-0099) at the total bid amount not to exceed \$186,649.40 for contract number 09-25-04, Pedestrian Safety Improvements on Grove Avenue, for the Inman Grove Senior Citizens Residence, Township of Edison, Middlesex County, NJ.

RESOLUTION R.084-022010

WHEREAS, CPC Construction Pros Corp. posted a Tree Maintenance Bond check #8802 in the amount of \$900.00, principal being CPC Construction Pros Corp. to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-79 located at 347 Plainfield Ave., Block: 1012 and Lot: 4; and

WHEREAS, a Tree Maintenance Bond was posted on November 30,2006 in the amount of \$900.00, on deposit in account #7760237658; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have been planted and 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 of \$630.00 be refunded to the applicant, **leaving a balance of \$270.00 for the missing or dead trees to be transferred to the proper account; and**

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$630.00 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 \$630.00, on deposit in Account #7760237658 to CPC Construction Pros Corp. having offices at 6 Ramsey Road, Edison, N.J. 08820.

RESOLUTION R.085-022010

WHEREAS, Mohammad I. Warraich posted a Tree Maintenance Bond check #373 in the amount of \$1,260.00, principal being Mohammad I. Warraich to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-157 located at 13 Woodacres Drive, Block #548-B and Lot #108; and

WHEREAS, a Tree Maintenance Bond was posted on November 28, 2007 in the amount of \$1,260.00, on deposit in account #7760275037; 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 of \$1,260.00 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 \$1,260.00 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 \$1,260.00, on deposit in Account #7760275037 to Mohammad I. Warraich, having offices at 2070-20th Lane, Apt. 1G, Brooklyn, N.Y. 11214-6341.

RESOLUTION R.086-022010

WHEREAS, Construction Pros Corp. posted a Tree Maintenance Bond check #3653 in the amount of \$1,350.00, principal being Construction Pros Corp. to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-100 located at 10 Ramsey Road, Block #1003 and Lot #7; and

WHEREAS, a Tree Maintenance Bond was posted on January 25, 2007 in the amount of \$1,350.00, on deposit in account #7760237674; 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 of \$1,350.00 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 \$1,350.00 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 \$1,350.00, on deposit in Account #7760237674 to Construction Pros Corp., having offices at 6 Ramsey Road, Edison, N.J. 08820.

THIS RESOLUTION AUTHORIZES THE TOWNSHIP ATTORNEY TO ENTER INTO STIPULATIONS OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED SUMMIT ASSOCIATES v. EDISON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 007785-2008; 007935-2008; 007936-2008; 003648-2009; 004459-2009; 003653-2009 and NEW CARSUN HILLS, LLP v. EDISON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 007380-2007; 007958-2008; and 007485-2009.

**EDISON TOWNSHIP
RESOLUTION NO. R.087-022010**

WHEREAS, SUMMIT ASSOCIATES, the owner of 425 Raritan Center Parkway, Block 395.A, Lot 24 and 450 Raritan Center Parkway, Block 395, Lot 28, and 110 Fieldcrest Avenue, Block 390.D, Lot 15 on the Edison Township Tax Assessment Maps, filed appeals of its 2008 and 2009 tax assessments in the Tax Court of New Jersey, Docket Nos. 007785-2008; 007935-2008; 007936-2008; 003648-2009; 004459-2009; 003653-2009; and

WHEREAS, NEW CARSUN HILLS, LLP c/o SUMMIT ASSOCIATES, the owner of Sunfield Avenue, Block 395, Lot 31.03 on the Edison Township Tax Assessment Maps, filed appeals of its 2007, 2008 and 2009 tax assessments in the Tax Court of New Jersey, Docket Nos. 007380-2007; 007958-2008; 007485-2009; 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 aforementioned tax appeals have been negotiated which reduces the total tax assessment levied upon Taxpayer's property; 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%, for the 2009 tax year is 45.79%, and for the 2010 year is 45.49%; and

425 RARITAN CENTER PARKWAY:

WHEREAS, the Township obtained a preliminary analysis of settlement from the Township's expert, Sterling DiSanto & Associates (the "Township Appraiser") opining that the true value of the 425 Raritan Center Parkway, Block 395.A, Lot 24 property (Docket Nos. 007935-2008, 004459-2009) may be approximately \$6,565,000 for the 2008 tax year and \$6,355,000 for the 2009 tax year, which would reflect a 2008 assessment of \$3,129,500 (\$6,565,000 multiplied by the 2008 Average Ratio 47.67%), and a 2009 assessment of \$2,910,000 (\$6,355,000 multiplied by the 2009 Average Ratio of 45.79%), and

WHEREAS, the 2008 total tax assessment on 425 Raritan Center Parkway, Block 395.A, Lot 24, based upon said settlement, will be \$3,813,600 instead of \$4,405,800; and

WHEREAS, the reduced 2008 total tax assessment on 425 Raritan Center Parkway, Block 395.A, Lot 24 of \$3,813,600, when equalized by the 2008 ratio of 47.67% results in a value of \$8,000,000 or \$135.00 per rentable square foot; and

WHEREAS, the 2009 total tax assessment on 425 Raritan Center Parkway, Block 395.A, Lot 24, based upon said settlement, will be \$3,677,600 instead of \$4,405,800; and

WHEREAS, the reduced 2009 total tax assessment on 425 Raritan Center Parkway, Block 395.A, Lot 24 of \$3,677,600, when equalized by the 2009 ratio of 45.79% results in a value of \$8,031,400 or \$135.50 per rentable square foot; and

WHEREAS, the parties further agree that the assessment on 425 Raritan Center Parkway, Block 395.A, Lot 24 for the 2010 tax year will remain at \$3,677,600 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 any assignees, tenants, and successors in interest with regard to 425 Raritan Center Parkway, Block 395.A, Lot 24; and

450 RARITAN CENTER PARKWAY:

WHEREAS, the Township obtained a preliminary analysis of settlement from the Township Appraiser opining that the true value of the 450 Raritan Center Parkway, Block 395, Lot 28 property (Docket Nos.007936-2008 and 003653-2009) may be approximately \$6,881,000 for the 2008 tax year and \$6,670,000 for the 2009 tax year, which would reflect a 2008 assessment of \$3,280,200 (\$6,881,000 multiplied by the 2008 Average Ratio 47.67%), and a 2009 assessment of \$3,054,200 (\$6,670,000 multiplied by the 2009 Average Ratio of 45.79%), and

WHEREAS, the 2008 total tax assessment on 450 Raritan Center Parkway, Block 395, Lot 28, based upon said settlement, will be \$4,107,400 instead of \$4,654,500; and

WHEREAS, the reduced 2009 total tax assessment on 450 Raritan Center Parkway, Block 395, Lot 28 of \$4,107,400, when equalized by the 2008 ratio of 47.67% results in a value of \$8,616,300 or \$ 115.00 per rentable square foot; and

WHEREAS, the 2009 total tax assessment on 450 Raritan Center Parkway, Block 395, Lot 28, based upon said settlement, will be \$3,945,400 instead of \$4,654,500; and

WHEREAS, the reduced 2009 total tax assessment on 450 Raritan Center Parkway, Block 395, Lot 28 of \$3,945,400, when equalized by the 2009 ratio of 45.79% results in a value of \$8,616,300 or \$ 115.00 per rentable square foot; and

WHEREAS, the parties further agree that the assessment 450 Raritan Center Parkway, Block 395, Lot 28 for the 2010 tax year will remain at \$3,945,400 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 450 Raritan Center Parkway, Block 395, Lot 28; and

110 FIELDCREST AVENUE:

WHEREAS, the Township obtained a preliminary analysis of settlement from the Township Appraiser opining that the true value of the 110 Fieldcrest Avenue, Block 390.D, Lot 15 property (Docket Nos.007785-2008 and 003648-2009) may be approximately \$37,835,000 for the 2008 tax year and \$36,630,000 for the 2009 tax year, which would reflect a 2008 assessment of \$18,035,900 (\$37,835,000 multiplied by the 2008 Average Ratio 47.67%), and a 2009 assessment of \$16,772,900 (\$36,630,000 multiplied by the 2009 Average Ratio of 45.79%); and

WHEREAS, the 2008 total tax assessment on 110 Fieldcrest Avenue, Block 390.D, Lot 15, based upon said settlement, will be \$23,216,300 instead of \$26,932,500;

and

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WHEREAS, the reduced 2009 total tax assessment on 110 Fieldcrest Avenue, Block 390.D, Lot 15 of \$23,216,300, when equalized by the 2008 ratio of 47.67% results in a value of \$48,702,100 or \$185.00 per rentable square foot; and

WHEREAS, the 2009 total tax assessment on 110 Fieldcrest Avenue, Block 390.D, Lot 15, based upon said settlement, will be \$22,300,900 instead of \$26,932,500; and

WHEREAS, the reduced 2009 total tax assessment on 110 Fieldcrest Avenue, Block 390.D, Lot 15 of \$22,300,900, when equalized by the 2009 ratio of 45.79% results in a value of \$48,702,500 or \$185.00 per rentable square foot; and

WHEREAS, the parties further agree that the assessment on 110 Fieldcrest Avenue, Block 390.D, Lot 15 for the 2010 tax year will remain at \$22,300,900 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 110 Fieldcrest Avenue, Block 390.D, Lot 15; and

SUNFIELD AVENUE:

WHEREAS, the Township obtained a preliminary analysis of settlement from the Township Appraiser opining that the true value of the Sunfield Avenue, Block 395, Lot 31.03 property (Docket Nos.007380-2007, 007958-2008 and 007485-2009) may be approximately \$11,787,500 for the 2008 tax year and \$12,660,100 for the 2009 tax year, which would reflect a 2008 assessment of \$5,619,100 (\$11,787,500 multiplied by the 2008 Average Ratio 47.67%), and a 2009 assessment of \$5,797,000 (\$12,660,100 multiplied by the 2009 Average Ratio of 45.79%), and

WHEREAS, the parties agree that the 2007 tax appeal of the Sunfield Avenue, Block 395, Lot 31.03 property (Docket No. 007380-2007) will be withdrawn; and

WHEREAS, the 2008 total tax assessment on Sunfield Avenue, Block 395, Lot 31.03, based upon said settlement, will be \$10,487,400 instead of \$12,018,300; and

WHEREAS, the reduced 2008 total tax assessment on the Sunfield Avenue property, Block 395, Lot 31.03 of \$10,487,400, when equalized by the 2008 ratio of 47.67% results in a value of \$22,000,000 or \$118.00 per rentable square foot; and

WHEREAS, the 2009 total tax assessment on Sunfield Avenue, Block 395, Lot 31.03, based upon said settlement, will be \$9,158,000 instead of \$12,018,300; and

WHEREAS, the reduced 2009 total tax assessment on Sunfield Avenue, Block 395, Lot 31.03 of \$9,158,000, when equalized by the 2009 ratio of 45.79% results in a value of \$20,000,000 or \$107.50 per rentable square foot; and

WHEREAS, the parties further agree that the assessment Sunfield Avenue, Block 395, Lot 31.03 for the 2010 tax year will be reduced from \$12,018,300 to \$8,562,730 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 Sunfield Avenue, Block 395, Lot 31.03; and

WHEREAS, pursuant to these settlements, the taxpayer will waive prejudgment interest on any refunds and accept credits in lieu of any refunds; and

WHEREAS, the credits shall be issued in the Tax Collector's discretion to be exhausted commencing with the first quarterly payments due after each of the Judgments issued by the Tax Court; and

WHEREAS, the parties agree that these settlements are conditioned upon the withdrawal of the Complaints filed by Summit Associates in the following matters:

<u>Plaintiff/Defendant</u>	<u>Docket No</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>
Summit Assoc. V. Edison Township	007786-2008 004892-2009	390.F	2	111 Fieldcrest Ave
Summit Assoc. V. Edison Township	007934-2008 004887-2009	395.A	21	115 Newfield Ave
Summit Assoc. V. Edison Township	007957-2008 004890-2009	395	24 30	100 Newfield Ave 5 Sunfield Ave
Summit Assoc. V. Edison Township	007788-2008 003646-2009	390.D	3.C	135 Raritan Center Parkway
Summit Assoc. V. Edison Township	007932-2008 003640-2009	395.A	17	75 Newfield Avenue
Summit Assoc. V. Edison Township	007928-2008 003650-2009	395	7	70 Newfield Avenue
Summit Assoc. V. Edison Township	007789-2008 004458-2009	390.D	8.B	150 Fieldcrest Avenue
Summit Assoc. V. Edison Township	007930-2008 003643-2009; and	395	19	80 Newfield Avenue

WHEREAS, the Township Council of the Township of Edison leaves the allocations between the 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 these settlements with SUMMIT ASSOCIATES and NEW CARSUN HILLS, LLC, 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 Attorney for Edison is hereby authorized to execute Stipulations of Settlement relative to the tax appeals of SUMMIT ASSOCIATES V. EDISON TOWNSHIP, Docket Nos. 007935-2008, 007936-2008, 007785-2008, 004459-2009, 003653-2009 and 003648-2009, which provide that the 2008 total tax assessment on the 425 Raritan Center Parkway property Block 395.A, Lot 24, based upon said settlement, will be \$3,813,600 instead of \$4,405,800, and that the 2009 and 2010 total tax assessments will be further reduced to \$3,677,600; which further provides that the 2008 total tax assessment on the 450 Raritan Center Parkway property Block 395, Lot 28, based upon said settlement, will be \$4,107,400 instead of \$4,654,500, and that the 2009 and 2010 total tax assessments will be further reduced to \$3,945,400; which further provides that the 2008 total tax assessment on the 110 Fieldcrest Avenue property Block 390.D, Lot 15, based upon said settlement, will be \$23,216,300 instead of \$26,932,500, and that the 2009 and 2010 total tax assessments will be further reduced to \$22,300,900; which further provides that that either party shall gave the right to file tax appeals for the 2010 tax year solely for the purpose of obtaining Judgments to implement enforce and/or confirm the agreed upon 2010 assessments and this agreement shall be binding upon any assignees, tenants, and successors in interest; which further provides that the taxpayer will waive prejudgment interest on any refunds and accept credits in lieu of any refunds; which further provides that the credits shall be issued in the Tax Collector's discretion, which credits will be exhausted commencing with the first quarterly payment due after the Judgments issued by the Tax Court.

2. The Attorney for Edison is also hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of NEW CARSUN HILLS LP c/o SUMMIT ASSOCIATES V. EDISON TOWNSHIP, Docket Nos. 007380-2007, 007958-2008 and 007485-2009 which provides that the 2007 appeal of the property located at Block 395, Lot 31.03, based upon said settlement, will be withdrawn by the Plaintiff; which further provides that the 2008 total tax assessment will be \$10,487,400 instead of \$12,018,300, that the 2009 total tax assessment will be further reduced to \$9,158,000, and that the 2010 total tax assessment will be further reduced to \$8,562,730; which further provides that that either party shall gave the right to file tax appeals for the 2010 tax year solely for the purpose of obtaining Judgments to implement enforce and/or confirm the agreed upon 2010 assessments and this agreement shall be binding upon any

assignees, tenants, and successors in interest; which further provides that the taxpayer will waive prejudgment interest on any refunds and accept credits in lieu of any refunds; which further provides that the credits shall be issued in the Tax Collector's discretion, which credits will be exhausted commencing with the first quarterly payment due after the Judgments are issued by the Tax Court.

3. All of the Stipulations of Settlement shall provide that Summit Associates will withdraw the Complaints filed in the following matters:

<u>Plaintiff/Defendant</u>	<u>Docket No</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>
Summit Assoc. V. Edison Township	007786-2008 004892-2009	390.F	2	111 Fieldcrest Ave
Summit Assoc. V. Edison Township	007934-2008 004887-2009	395.A	21	115 Newfield Ave
Summit Assoc. V. Edison Township	007957-2008 004890-2009	395	24 30	100 Newfield Ave, and 5 Sunfield Ave
Summit Assoc. V. Edison Township	007788-2008 003646-2009	390.D	3.C	135 Raritan Center Parkway
Summit Assoc. V. Edison Township	007932-2008 003640-2009	395.A	17	75 Newfield Avenue
Summit Assoc. V. Edison Township	007928-2008 003650-2009	395	7	70 Newfield Avenue
Summit Assoc. V. Edison Township	007789-2008 004458-2009	390.D	8.B	150 Fieldcrest Avenue
Summit Assoc. V. Edison Township	007930-2008 003643-2009	395	19	80 Newfield Avenue

4. The forms of Stipulations of Settlement are annexed hereto, having been reviewed by Township Council of the Township of Edison.

5. The Township Committee of the Township of Edison leaves the allocation between land and improvements of the aforesaid total tax assessments for these properties to the Edison Township Tax Assessor's discretion, with the direction that she advise the Attorney for Edison and that these allocations be set as to be most beneficial to the Township;

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